



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF BETH M. RADICH

CASE NO. 1080263

DESCRIPTION OF VEHICLE: Toyota Landcruiser (OR SPG914)

DATE OF HEARING: September 2, 2008

APPEARANCES:

Ms. Beth M. Radich, appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole and receiving Exhibits 1 through 8 into the record without objection, finds as follows:

The towing officer's report (Exhibit 6) stated that the appellant's vehicle was towed for being parked in a Restricted zone. The officer provided photographs (Exhibits 7 and 8) showing the sign, which stated "Permitted Car Share Vehicles Only, All Hours All Days."

The appellant stated (Exhibit 1) that she did not see the sign. She also stated that the sign did not indicate that violating vehicles would be towed. The Hearings Officer finds that the officer's photographs show the sign was clearly posted. The Code does not require that a parking restriction sign indicate that violators may be towed.

Given these circumstances, this was a valid tow. Please note the relevant City Code sections below concerning this matter.

16.30.210 When a Vehicle May be Towed.

(Amended by Ordinance Nos. 172788 and 179141, effective March 23, 2005.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

A. Any public right-of-way, public park or other public place or property, when:

1. The vehicle is parked in violation of a temporary or permanent parking restriction;

B. Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.

16.30.220 Towing Without Prior Notice.

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: September 5, 2008
IS: rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 710496

Enclosure

| Exhibit # | Description | Submitted by | Disposition |
|-----------|----------------------------------|---------------------|-------------|
| 1 | Hearing request letter | Radich, Beth M. | Received |
| 2 | Order to Tow Vehicle | Radich, Beth M. | Received |
| 3 | Tow Desk printout | Hearings Office | Received |
| 4 | Hearing Notice | Hearings Office | Received |
| 5 | Tow Hearings Process Info. sheet | Hearings Office | Received |
| 6 | Tow Hearing Report | Parking Enforcement | Received |
| 7 | Parking Violation | Parking Enforcement | Received |
| 8 | Large photos | Parking Enforcement | Received |