



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF BRIAN KOLLING

CASE NO. 1080280

DESCRIPTION OF VEHICLE: Disposal Drop Box (Tow #24802)

DATE OF HEARING: September 12, 2008

APPEARANCES:

Mr. Brian Kolling, 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 5 into the record without objection, finds as follows:

The towing officer's reports (Exhibits 2 and 5) stated that on August 26, 2008, a warning sticker was placed on the appellant's drop box. A drop box is one of the vehicles listed under PCC 16.20.120 as a vehicle that has restricted parking rules. The drop box was still on the public street on September 9, and so it was towed.

The appellant stated in the hearing that he did not understand that drop boxes may not be stored on the public street, and may only be on the public street when they are actively being used, and then for a limited number of hours.

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

16.20.120 Prohibited Parking or Stopping of a Vehicle.

(Amended by Ordinance Nos. 165594, 166575, 170923, 173369, 176394, 176955 and 179141 effective March 23, 2005.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle:

H. When the vehicle is: a truck, a truck trailer, a motor bus, a recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from residential, public park, church, or school property, except:

1. When loading/unloading property belonging to the occupants of or performing a service on the adjacent residence, for a period not to exceed 8 hours; or
2. A recreation vehicle when servicing or loading/unloading the vehicle for a period not to exceed 8 hours.

3. That a vehicle may park adjacent to or directly across from public park property if authorized by a written permit from the Bureau of Parks and Recreation.

I. When the vehicle is: a truck, truck trailer, a motor bus, recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from commercial or industrial property, except:

1. Between the hours of 6 a.m. and 4 p.m. for a period not to exceed 4 hours; or
2. Between the hours of 4 p.m. and 6 a.m. when adjacent to a business or industry normally operating a regular work shift during these hours while loading/unloading a vehicle in conjunction with the operation of this business for a period not to exceed 2 hours.

16.30.225 Towing with 24 Hour or 72 Hour Notice.

(Added by Ordinance No. 166947; amended by 170923, 172788 and 179141, effective March 23, 2005.)

C. A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is in violation of 16.20.120 H or I or 16.20.170.


16.90.110 Drop Box.

A container in which trash or any other refuse material is temporarily stored or collected. For the purposes of Title 16, a drop box will be considered a vehicle in terms of parking provisions and restrictions.

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 15, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Abandoned Autos
Tow Number: 24802

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Kolling, Brian	Received
2	Detail case report tow #24802	Parking Enforcement/Julie Roe	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow hearing report	Abandoned Autos	Received