



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF ANGEL LOPEZ

CASE NO. 1080289

DESCRIPTION OF VEHICLE: Honda Accord (OR EURO)

DATE OF HEARING: September 30, 2008

APPEARANCES:

Appellant failed to appear

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 6 into the record without objection, finds as follows:

The appellant did not appear for his hearing, he did not submit a written request to reschedule his hearing, and a Notice of Hearing indicating the date and time for the hearing was mailed to the address he provided (Exhibit 3).

The towing officer's report (Exhibit 6) stated that while on patrol he saw the appellant's vehicle parked completely blocking the north sidewalk of SE Schiller. The right side wheels of the vehicle were 6" – 12" from a retaining wall, and the driver's side wheels were on the street against the curb.

The appellant stated in his letter requesting a hearing (Exhibit 1) that he had to leave his vehicle where it was because it was not running and he could not push it up the hill. The City Code allows an officer to tow a vehicle if it is parked in a manner that poses a hazard. In this case the Hearings Officer finds that a vehicle parked on a sidewalk, with a portion of it in the street, creates a hazard for pedestrians and other vehicles.

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 No. 172788, effective November 13, 1998.) 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, when:
2. The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;

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:


A. The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

D. The vehicle poses an immediate danger to the public safety;

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: October 1, 2008
IS: rs/cb


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 24688

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Lopez, Angel	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Towed vehicle record	Police Bureau	Received
6	Investigation Report	Police Bureau	Received