



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF DAN LIVINGSTON

CASE NO. 1080301

DESCRIPTION OF VEHICLE: Volvo V70 XC (OR 557CPB)

DATE OF HEARING: October 14, 2008

APPEARANCES:

Mr. Dan Livingston, Appellant

Ms. Deborah Barkley, for the City

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 7 into the record without objection, finds as follows:

The towing officer indicated in her report (Exhibits 5 and 6) and statement in the hearing that the Appellant's vehicle was towed because it was parked between two signs that indicated no parking at any time. The officer's photographs (Exhibits 6 and 7) showed the Appellant's vehicle and the no parking signs.

On seeing the officer's evidence during the hearing, the Appellant admitted that he must have parked in violation of the signs.

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: October 14, 2008  
IS: rs

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 26070

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Livingston, Dan	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation and photos	Parking Enforcement	Received
7	Photos (3)	Parking Enforcement	Received