



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF RUTH PALMER

CASE NO. 1080317

DESCRIPTION OF VEHICLE: Dodge Caravan (WA 062SKF)

DATE OF HEARING: October 28, 2008

APPEARANCES:

Les Palmer, appeared for Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Les Palmer and Ms. Rebecca Palmer appeared and testified on behalf of the Appellant. The Hearings Officer makes this decision based upon the testimony of Les Palmer and Rebecca Palmer, and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 11).

Les Palmer provided written documentation that he is one of the owners of the towed vehicle and authorized Rebecca Palmer to testify as a witness.

Rebecca Palmer testified that the location where she parked (eastside of SE 9th) was between Ankeny and Burnside. She stated that she saw signs indicating 2-hour parking and another car parked along the curb adjacent to where she parked. Rebecca Palmer said that she pulled into a driveway and parked where she believed she could park for 2 hours. Rebecca Palmer stated when she parked she did not notice the additional parking signs in front of the vehicle, because they were partially obscured by tree limbs/leaves. Rebecca Palmer noted that the picture of the Bus Zone sign located behind the vehicle (see picture provided by Parking Patrol – Exhibit 8) showed the time of the parking restriction as unclear and confusing. The Hearings Officer noted that the Bus Zone sign does not contain legible start/end times.

The Hearings Officer finds that the sign in front of the location where Rebecca Palmer parked is partially obscured by tree limbs/leaves, and the sign located behind the vehicle was vandalized such that the Bus Zone time restrictions are not clear. The Hearings Officer finds that Portland City Code 16.30.220 B permits a vehicle to be towed, without prior notice, if the vehicle is parked in a “conspicuously posted restricted space, zone, or traffic lane...”

The Hearings Officer finds that the location where Rebecca Palmer parked is not “conspicuously posted” with signs that are readily visible and understandable to the general motoring public. The Hearings Officer finds that the sign in front of the vehicle driven by Rebecca Palmer was difficult to see due to tree limbs/leaves and that the sign behind the vehicle has been vandalized, and the time of parking restrictions can not readily be ascertained.

The Hearings Officer finds the tow of Appellant's vehicle is not valid.

The owner or other persons who have an interest in the vehicle are not liable for the towing and/or storage charges. Therefore, it is ordered that the vehicle shall be immediately released, if still held, and any money heretofore paid for towing and/or storage charges shall be returned to the vehicle owner.

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

Dated: October 31, 2008

GJF: rs/cb



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 27821

Enclosure

If a refund has been authorized, it will be sent from the City's Accounts Payable Office. Please allow at least 5 weeks.

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Palmer, Ruth	Received
2	Tow receipt (faded and cut-off)	Palmer, Ruth	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Ownership letter	Hearings Office	Received
7	Tow hearing report	Parking Enforcement	Received
8	Parking violation & photos	Parking Enforcement	Received
9	Copy of Washington State Vehicle Registration showing Les & Ruth	Palmer, Les	Received
10	Photos	Palmer, Rebecca	Received
11	Tow receipts	Les Palmer	Received