



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF ALLISON GRAVES

CASE NO. 1080319

DESCRIPTION OF VEHICLE: Volkswagen Jetta (OR 731DTA)

DATE OF HEARING: November 4, 2008

APPEARANCES:

Allison Graves, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Ms. Graves appeared and testified at the hearing. The Hearings Officer makes this decision based upon the testimony of Ms. Graves and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 8).

Ms. Graves testified that she has parked at this location a number of times and on the date her vehicle was towed, she parked and went to work for approximately 8 hours. When she returned she learned, from the tow truck operator who had her vehicle hooked-up, that her vehicle was being towed for "overtime parking" in a 30-minute zone.

Ms. Graves submitted pictures taken showing her parking space on NE Irving just short of the corner at NE 12<sup>th</sup> (Exhibit 8). Ms. Graves suggested that the "Parking 30 minutes" sign with arrow restricts parking on NE 12<sup>th</sup> (around the corner to the right from where she parked) and not where she did park on NE Irving. The sign which Ms. Graves refers is clearly visible in the pictures she submitted (Exhibit 8). The Hearings Officer acknowledges it is possible to interpret that the sign in the pictures submitted by Ms. Graves relates to parking on NE 12<sup>th</sup>.

The officer ordering Ms. Graves' vehicle towed submitted a written report (Exhibit 6) and a copy of the parking citation (with two pictures) issued to Ms. Graves (Exhibit 7). The officer's report (Exhibit 6), indicates that the officer received a "Service Request" that a vehicle was parked on NE Irving just prior to the corner of NE 12<sup>th</sup>. The officer stated that he/she "timed" Ms. Graves' vehicle, which the officer indicated was parked in a 30-minute restricted zone. The officer stated that he/she returned over 1 hour later and Ms. Graves vehicle remained in the same location; the officer issued a parking citation at that time. The officer stated, in Exhibit 6, that he/she returned approximately 2 hours later and found Ms. Graves vehicle still parked in the same location; the officer issued a second parking citation at that time and ordered the vehicle towed.

The parking patrol officer described the sign in front of Ms. Graves' vehicle as being "turned so that the driver can see it when they park." (Exhibit 6). A diagram provided by the officer who ordered the tow indicates a second "Parking 30 minutes" sign located behind the location where Ms. Graves parked. This sign is visible when

driving eastbound on NE Irving when approaching the location where Ms. Graves parked. The second sign has an arrow pointing (to the left) towards the corner of NE Irving and NE 12<sup>th</sup>. The sign in the pictures provided by Ms. Graves, at the corner of NE Irving and NE 12<sup>th</sup> (in front of the location where Ms. Graves parked) has an arrow pointing to the right.

The Hearings Officer finds that Ms. Graves' suggestion that the sign at the corner of NE Irving and NE 12<sup>th</sup> is confusing is without merit. The Hearings Officer finds there are two signs located on NE Irving that are important in this case; one located in front and one located behind the location where Ms. Graves parked her vehicle. The Hearings Officer finds that these two signs "bracket" the location where Ms. Graves parked. The Hearings Officer finds both signs limit parking to 30 minutes, and on each sign is an arrow pointing generally in the direction of the location where Ms. Graves parked her vehicle. The Hearings Officer finds that the two angled signs, working together, adequately provide notice that the space where Ms. Graves parked is restricted to 30 minutes. The Hearings Officer finds that the signage is clear and conspicuous.

The Hearings Officer shall find a tow valid if the officer ordering the tow followed the relevant laws/rules. In this case, the relevant law/rule is Portland City Code 16.30.220 B. This section of the Portland Code permits a parking patrol officer to order, without prior notice, a vehicle towed if the vehicle is illegally parked in a conspicuously posted restricted space. The Hearings Officer, having found above, that the space where Ms. Graves parked her vehicle was conspicuously posted with signage, finds that the officer followed the relevant law/rule. The Hearings Officer finds the tow is valid.

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: November 5, 2008

GJF: rs/cb

  
Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 720421

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Graves, Allison	Received
2	Photos	Graves, Allison	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 w/photos	Parking Enforcement	Received
8	Photos (2 pgs)	Graves, Allison	Received