



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF BRITTA L. PADGHAM

CASE NO. 1080337

DESCRIPTION OF VEHICLE: Subaru Outback Legacy (MT 6C2863A)

DATE OF HEARING: December 2, 2008

APPEARANCES:

Ms. Britta Padgham, 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 6 into the record without objection, finds as follows:

The towing officer's report (Exhibit 5) stated that the appellant's vehicle was parked in a clearly posted Permitted Car Share Vehicles Only zone. The officer's photograph shows a clearly posted sign (Exhibit 6).

The appellant stated she was new to town and had just moved into the apartment building next to the parking spot, and did not know what the Car Share program was. She also stated that the sign did not indicate that violating cars would be towed.

The Hearings Officer finds that although the appellant did not know what the Car Share program was, the sign clearly indicated that only Car Share vehicles were permitted to park in that zone. In addition, the City Code does not require that a parking sign indicate that a violating car may be towed.

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: December 5, 2008

IS: rs

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 30626

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Padgham, Britta L.	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