



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S ORDER

APPEAL OF BRIAN DERHAM

CASE NO. 1080338

DESCRIPTION OF VEHICLE: Nissan Truck (MT 6C70950)

DATE OF HEARING: December 2, 2008

APPEARANCES:

Ms. Britta Padgham, for the 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 was not present at the hearing, but provided a written statement (Exhibit 1) authorizing Ms. Padgham to represent him in the hearing. Ms. Padgham stated, and the appellant's letter requesting a hearing confirmed, that the appellant was visiting town and was unfamiliar with car share signs, and the sign did not indicate that violating vehicles would be towed. The Hearings Officer finds that the sign, based on the officer's photographs, was clearly posted and clearly stated that only Car Share vehicles were authorized to park in that zone. In addition, the City Code does not require that parking signs indicate that a violating vehicle 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: cb/rs



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 30580

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Derham, Brian	Received
2	Tow desk printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow hearing report	Parking Enforcement	Received
6	Parking Violation w/photos (dark)	Parking Enforcement	Received