



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF LAUREN MORANN

CASE NO. 1080346

DESCRIPTION OF VEHICLE: Honda Accord (WA 863UGE)

DATE OF HEARING: December 11, 2008

APPEARANCES:

None

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 on November 19, 2008, the appellant's vehicle was towed per a service request. The vehicle was blocking about half of a driveway. The officer provided photographs (Exhibit 6) clearly showing this situation.

In her request for a hearing (Exhibit 1) the appellant did not deny that her vehicle was blocking a driveway.

Given these circumstances, this was a valid tow. Please note the relevant city code sections below concerning this matter.

16.20.130 Prohibited in Specified Places.

(Amended by Ord. No. 165594, July 8, 1992.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle in any of the following places:

V. In front of any portion of a driveway ingress/egress to the public right-of-way.

16.90.105 Driveway.

A. A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For purposes of enforcement, a driveway:

1. Extends from one curb return to the other;
2. If winged, includes the wings; or

3. If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.

B. Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.

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 12, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 30972

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Morann, Lauren	Received
2	Tow desk report printout	Morann, Lauren	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	Parking Enforcement	Received