



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF MIRABELA LAESI

CASE NO. 1080351

DESCRIPTION OF VEHICLE: Honda Civic LX (OR ZTU569)

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 9 into the record without objection, finds as follows:

The towing officer's report (Exhibits 8 and 9) stated that the appellant's vehicle was towed because it was parked in a bus zone. The officer's photographs show the vehicle parked ahead of a bus zone sign, with the sign's arrow pointing in the vehicle's direction. The officer stated that there are two more signs posted to indicate the zone.

The appellant stated in her request for a hearing (Exhibits 1 and 3) that the signage and street markings were not clear, and that the bus zone curb was not painted yellow. The Hearings Officer finds that the signs, as indicated by the officer's statement and photographs, were clearly posted and readable. The City Code does not require that bus zones be indicated with a yellow curb. The appellant arrived in the Hearing Room about 45 minutes after her hearing was scheduled. The Hearings Officer had by that time already made a decision in the case.

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 12, 2008

IS: rs


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 31180

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Laesi, Mirabela	Received
2	Receipt (illegible) and Parking Violation	Laesi, Mirabela	Received
3	Hearing request letter	Laesi, Mirabela	Received
4	Receipt (illegible) and Parking Violation	Laesi, Mirabela	Received
5	Tow Desk printout	Hearings Office	Received
6	Hearing Notice	Hearings Office	Received
7	Tow Hearings Process Info. sheet	Hearings Office	Received
8	Tow hearing report	Parking Enforcement	Received
9	Parking violation	Parking Enforcement	Received