



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF CAROLINE ORSINI

CASE NO. 1080371

DESCRIPTION OF VEHICLE: Honda Civic (OR CK31439)

DATE OF HEARING: December 30, 2008

APPEARANCES:

Ms. Caroline Orsini, 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 officer was called on a service request. The appellant's vehicle was parked about three feet into a driveway, both in the driveway apron and driveway itself.

The appellant stated that her vehicle was parked near a driveway, but she did not think it was in the driveway. She stated that her friend told her it was permissible to park in the driveway because no one lived in the adjacent house. The City Code authorizes an officer to tow a vehicle if it is parked in front of any portion of a driveway. The code does not make an exception for when no one lives in a house adjacent to the 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 31, 2008  
IS: rs

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 33370

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Orsini, Caroline	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