



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF TODD A. BOYER

CASE NO. 1090226

DESCRIPTION OF VEHICLE: Toyota Camry (WA 497WTH)

DATE OF HEARING: October 22, 2009

APPEARANCES:

Mr. Todd A. Boyer, appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer makes this decision based upon Mr. Boyer's testimony and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

The officer's report (Exhibit 6) stated that the appellant's vehicle was towed on October 13, 2009 because it was parked where signs were posted indicating no parking anytime. The officer provided photographs (Exhibit 7) showing the appellant's vehicle parked with one sign about one to two car lengths ahead of his vehicle and a second sign about one car length behind his vehicle.

The appellant testified that it was early morning and dark when he parked. He did not see the sign posted ahead of his vehicle because it was dark and partially obscured by foliage.

The Hearings Officer examined the photographs provided by the officer and found that the sign ahead of the appellant's vehicle did appear to be partially obscured. However, the Hearings Officer found that with the clearly visible sign posted only one car length behind the vehicle, the two signs together provided sufficient notice of the restricted zone. Given these circumstances, the Hearings Officer finds that this was a valid tow.

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: October 23, 2009
IS:rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 20249

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Boyer, Todd A.	Received
2	Tow Invoice (Unreadable)	Boyer, Todd A.	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Citation and photos	Parking Enforcement	Received