



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

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HEARINGS OFFICER'S ORDER

APPEAL OF MYRA LAROCQUE

CASE NO. 1090234

DESCRIPTION OF VEHICLE: Infiniti J30 (VA KCX2117)

DATE OF HEARING: October 29, 2009

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

Ms. Larocque did not appear at her hearing. The hearing notice mailed on October 23, 2009 to the address she provided was not returned as undeliverable. The Hearings Office received no other contact from Ms. Larocque prior to the hearing. The Hearings Officer makes this decision based upon the exhibits admitted into the evidentiary record (Exhibits 1 through and including 8).

The officer's report (Exhibit 5) indicated that the appellant's vehicle was towed for parking in a no parking anytime zone. The officer stated that two signs were clearly posted, one next to the vehicle and one about 40 feet in front of the vehicle. The officer provided photographs (Exhibits 6 and 7) showing the subject vehicle and the two signs.

The appellant stated in her letter requesting a hearing (Exhibit 1) that the no parking sign was obscured by plants and she did not see it until after the tow. The appellant stated that the pavement was not marked in yellow, there were no fire hydrants and she was not blocking a driveway. She stated that there was nothing else to indicate that this was a no parking zone.

The Hearings Officer finds that the city code authorizes an officer to tow a vehicle without prior notice if the vehicle is parked in violation of a conspicuously posted restricted zone. In this case, the Hearings Officer finds that the officer's photographs show two signs which were clearly posted, with one right next to the appellant's vehicle. The Hearings Officer finds that the two signs were sufficient to indicate the restricted zone and no other measures, such as yellow curbing, were required. Under the circumstances, the Hearings Officer finds that this was a valid tow. Please note the relevant code sections below.

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 30, 2009
IS:rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 20251

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	LaRocque, Myra	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 w/color photos	Parking Enforcement	Received
7	Parking citation w/color photos	Parking Enforcement	Received
8	Google Maps Photos (black & white) (2 pgs)	Parking Enforcement	Received