



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

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HEARINGS OFFICER'S ORDER

APPEAL OF JULIAN J. EMANUEL

CASE NO. 1090240

DESCRIPTION OF VEHICLE: Subaru GL (OR 651DLP)

DATE OF HEARING: November 3, 2009

APPEARANCES:

Mr. Julian John Emanuel, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Emanuel appeared and testified at the hearing. Mr. Emanuel submitted five photos (attached together and identified as Exhibit 7). The Hearings Officer makes this decision based upon the testimony of Mr. Emanuel and the exhibits admitted into the evidentiary record (Exhibits 1 through and including 7).

Mr. Emanuel testified that he often parks in the location from which his vehicle was towed on October 19, 2009. Mr. Emanuel stated that the location where he parked (or partially so) is a small driveway. Mr. Emanuel stated that the location where he parked is not posted, with any signs or markings on the ground, to indicate "no parking" or that a vehicle was subject to being towed.

The pictures submitted by Mr. Emanuel show the location where his vehicle was parked prior to its being towed (Exhibit 7). Mr. Emanuel noted that his vehicle was parked in almost the identical location as the orange convertible VW bug.

Mr. Emanuel's vehicle was towed on October 19, 2009 for "blocking a driveway" (Exhibits 2, 5 and 6). Portland City Code 16.90.105 defines driveway as access from a public right-of-way to private or public land and a driveway extends from one curb return to the other. The Hearings Officer finds, consistent with Mr. Emanuel's testimony and photos in the record (Exhibits 6 and 7) that prior to his vehicle being towed on October 19, 2009, Mr. Emanuel's vehicle was parked blocking a driveway.

Portland City Code 16.30.220 B permits a vehicle to be towed, without prior notice being required, if the vehicle is parked in a location that interferes with the intended use of the space. The Hearings Officer finds that Mr. Emanuel's vehicle was parked blocking a driveway, a space intended to remain clear of parked vehicles, and therefore Mr. Emanuel's vehicle was subject to being towed without prior notice.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person who ordered the vehicle towed followed all relevant laws/rules. In this case, the Hearings Officer finds that the parking patrol officer who ordered Mr. Emanuel's vehicle towed followed the relevant laws/rules. The Hearings Officer finds the tow to be valid.

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: November 4, 2009
GJF:rs


Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 20705

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request form	Emanuel, Julian J.	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 citation and photos	Parking Enforcement	Received
7	Photos	Emanuel, Julian J.	Received