



CITY OF

**PORTLAND, OREGON**

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Hearings Office

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## **HEARINGS OFFICER'S ORDER**

APPEAL OF YANSHENG LI

CASE NO. 1090291

DESCRIPTION OF VEHICLE: Nissan Versa (OR 614CPQ)

DATE OF HEARING: January 5, 2010

### **APPEARANCES:**

Mr. Yansheng Li, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Li appeared at the hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Li and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Mr. Li stated that he parked his vehicle, on December 22, 2009, at a location where there was a white painted box area on the pavement and a sign indicating that parking was for permitted car share vehicles. Mr. Li stated that the sign was placed at an angle and the language of the sign was confusing. Mr. Li stated he thought the language on the sign ("Permitted Car Share Vehicles Only All Hours All days") was referring to permit parking for apartment residents in the immediate area. Mr. Li stated that the language on the sign may also have related to his "DMV driver's permit." Mr. Li stated that there were no words prohibiting parking within the white painted box.

The Parking Enforcement Officer who ordered Mr. Li's vehicle towed on December 22, 2009 submitted documents (Exhibits 6 and 7). Exhibit 6 is a "Tow Hearing Report" containing comments made by the Parking Enforcement Officer that relate to the towing of Mr. Li's vehicle. The Parking Enforcement Officer stated (Exhibit 6) that "At approx. 9:15 pm I received a service request from non emergency dispatch for ZipCar to tow a veh in a car share space. I arrived and veh in question was in reserved space so I cited and towed the veh. The signage is clear & space is clearly marked." The Parking Enforcement Officer, in Exhibit 6, also stated that "there is a solid white line around perimeter of space reserved." Exhibit 7 contains a copy of a Parking Violation issued to Mr. Li and also 4 color pictures. The two pictures (Exhibit 7) on the top of the page show Mr. Li's vehicle and rear license plate. The picture at the bottom left shows a sign post with two signs. The signs on the sign post are angled at approximately 45 degrees towards the parking space. The top sign states "Permitted Car Share Vehicles Only All Hours All Days." The photo on the bottom right shows Mr. Li's vehicle and the white perimeter painted line is visible.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.20.280, 16.30.210 A.1 and 16.30.220 B.

The Hearings Officer finds that there is no dispute that the location where Mr. Li parked his vehicle on December 22, 2009 was clearly marked with a white painted box/perimeter. The Hearings Officer finds that a signpost, immediately in front of the location where Mr. Li was parked, contained two signs. The Hearings Officer finds that the angle of the signs on the signpost in front of Mr. Li's vehicle provided clear visibility of the sign to vehicles approaching the sign; the sign is angled to take into consideration the direction of travel of vehicles. The Hearings Officer finds that the car share parking sign (top sign on bottom left photo – Exhibit 7) is clear and conspicuous (PCC 16.30.220 B). The Hearings Officer finds the sign clearly states that the space where Mr. Li parked, on December 22, 2009, was a restricted space. The Hearings Officer further finds that Mr. Li offered no plausible evidence that his vehicle was a 'permitted car share vehicle.' Mr. Li's suggestion that his DMV driver's permit entitled him to park in a car share space is not persuasive.

The Hearings Officer finds Mr. Li's vehicle was parked, on December 22, 2009, in a clearly posted restricted space and that Mr. Li's vehicle was not a car share vehicle. The Hearings Officer finds that the Parking Enforcement Officer who ordered Mr. Li's vehicle towed on December 22, 2009 followed the relevant laws rules. The Hearings Officer finds that the tow of Mr. Li's vehicle on December 22, 2009 is 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: January 6, 2010

GJF:cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 25409

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow hearing request form	Li, Yansheng	Received
2	Tow desk printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Proof of legal financial interest required letter	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation with photos	Parking Enforcement	Received