



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

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**HEARINGS OFFICER'S ORDER**

**APPEAL OF LYUBOV TATARENKO**

**CASE NO. 1100008**

**DESCRIPTION OF VEHICLE: Chevrolet Astro Van (OR ZGG375)**

**DATE OF HEARING: January 21, 2010**

**APPEARANCES:**

**Ms. Lyubov Tatarenko, Appellant**

**HEARINGS OFFICER: Mr. Gregory J. Frank**

Ms. Lyubov Tatarenko ("Appellant") appeared at the hearing and testified on her own behalf. Ms. Vera Tatarenko ("Vera") appeared at the hearing and assisted the Appellant as a language interpreter. The Hearings Officer makes this decision based upon Appellant's testimony and the documents admitted into the evidentiary record (Exhibits 1 through and including 6).

Appellant stated that on December 29, 2009, she was driving on SW Capitol Highway in the vicinity of SW Terwilliger Boulevard. Appellant stated that it was snowing and the road conditions were dangerous. Appellant stated that shortly after passing SW Terwilliger Boulevard, heading eastbound down a hill, she observed a bus stopped in the roadway blocking traffic. Appellant stated that a TriMet employee told her to leave her vehicle and walk to the bus stop and take a bus home. Appellant stated that she parked her vehicle next to a "white car" in a location she believed to be out of the traffic lanes. Appellant stated that if the TriMet employee had not told her to leave her vehicle, she would have stayed with the car overnight and driven it away as soon as it was safe. Appellant stated that she did not retrieve her vehicle in the morning because where she lives the road conditions still appeared to be treacherous. Appellant did not come back to the location where she parked her vehicle until after work on December 30, 2009.

A Portland police officer submitted a written report (Exhibit 6) describing what he/she observed on December 30, 2009. The police officer stated, in Exhibit 6, that when he/she arrived at the location of the Appellant's vehicle (SW Capitol east of SW Terwilliger) that "the snow is melting this morning and traffic is flowing normally now. The vehicle is parked at a 45 degree angle, completely blocking the east bound lane of Capitol Hwy, so vehicles being driven east bound on Capitol Hwy have to enter the west bound lane completely to go around it. I could not see past the vehicle when I came upon it to determine if the west bound lane was clear so I could drive around it. There has been sufficient time for the owners to retrieve it, so it was impounded as a traffic hazard."


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 16.20.120 Q, PCC 16.30.210 A.2 and 16.30.220 A and D. PCC 16.20.120 prohibits parking in a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic. PCC 16.30.210 A.2 authorizes the City to tow a vehicle and hold it at the owner's expense if the vehicle is parked in a public right-of-way in a manner that may be hazardous to traffic. PCC 16.30.220 permits a police officer to order a vehicle towed, without prior notice, if the vehicle is impeding or likely to impede the normal flow of vehicular traffic (PCC 16.30.220 A) or the vehicle poses an immediate danger to the public safety (PCC 16.30.220 D).

The Hearings Officer finds that there is no factual dispute that the Appellant parked her vehicle on SW Capitol Highway east of SW Terwilliger Boulevard during the evening hours of December 29, 2009 during a snowstorm. The Hearings Officer finds, based upon the police report (Exhibit 6), that Appellant's vehicle was in the travel lane of SW Capitol Highway and the location of the vehicle created a hazardous condition for traffic using SW Capitol Highway. The Hearings Officer finds that, at the time of the tow (approximately 10:30 a.m. on December 30, 2009), SW Capitol Highway traffic road conditions allowed the normal use by vehicles; the roadway was no longer significantly impacted by snow.

The Hearings Officer finds the police officer who ordered the Appellant's vehicle towed on December 30, 2009 followed the relevant laws/rules. The Hearings Officer finds the tow of Appellant's vehicle on December 30, 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 22, 2010  
GJF:rs

Gregory J. Frank, Hearings Officer

Bureau: Police  
Tow Number: 25780

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Tatarenko, Lyubov	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Towed Vehicle Record	Police Bureau	Received
6	Investigation report	Police Bureau	Received