



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

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**HEARINGS OFFICER'S ORDER**

APPEAL OF MARK LATTING

CASE NO. 1100011

DESCRIPTION OF VEHICLE: Honda Accord (OR 738CFE)

DATE OF HEARING: January 21, 2010

APPEARANCES:

Mr. William Mark Latting, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Latting appeared at the hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Latting and the documents admitted into the evidentiary record (Exhibits 1 through and including 9).

Mr. Latting testified that he parked his vehicle on SW Stark Street between SW 3<sup>rd</sup> and SW 4<sup>th</sup>, on Saturday evening, January 2, 2010. Mr. Latting stated that when he approached the location where he parked, a vehicle was pulling out of the space. Mr. Latting stated that he parked his vehicle behind two parked vehicles (east). Mr. Latting noted that because the time he parked was after 9:00 p.m., he did not walk back to the parking ticket dispenser located in the middle of the block. Mr. Latting's primary concern with the tow of his vehicle related to signage. Mr. Latting expressed his concern that the signage at the location where he parked is "poorly marked" (Exhibit 1). Mr. Latting suggested additional line painting on the street to alert persons interested in parking at the location to the parking restriction.

The Parking Patrol Officer who ordered Mr. Latting's vehicle towed, on January 2, 2010, submitted a "Tow Hearing Report" (Exhibit 6), a copy of the Parking Violation issued to Mr. Latting, (Exhibit 7), and photographs (Exhibit 8). The narrative section of the Tow Hearing Report (Exhibit 6) states:

"at approx. 11 pm on routine enforcement I observed two veh 'one of them was the veh in question.' parked in a turn lane with good (new) on street markings, 2 NPA signs. At this time I issued citations to the veh's and towed them from traffic lane. There are two NPA signs, on street markings, one sign indicating how to merge. Across bike lane to turn lane and a sign that reads. 'right lane must turn right.'"

The photos submitted by the Parking Patrol Officer (Exhibit 8) contain a picture of the license plate for Mr. Latting's vehicle, a picture taken from behind Mr. Latting's vehicle looking towards SW 3<sup>rd</sup>, and a picture taken from the sidewalk showing the back end of Mr. Latting's vehicle and signs adjacent to the

ticket dispensing machine located mid-block. Mr. Latting submitted a number of photos (Exhibit 9). Most of the photos show an east looking view of the location where his vehicle was parked during daylight hours. Two of the photos, an east looking view, were taken during evening hours.

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 E, 16.30.210 A.2 and 16.30.220 A and B. PCC 16.20.120 E prohibits parking in a location that prevents the free passage of vehicles on a City of Portland roadway. PCC 16.30.210 A.2 authorizes the City to order a vehicle towed, and held at the expense of the owner, if the vehicle is in the public right-of-way and the vehicle is parked in violation of a parking restriction. PCC 16.30.220 A permits the City to order a vehicle towed, without prior notice to the owner, if the vehicle is impeding or likely to impede the normal flow of vehicular traffic. PCC 16.30.220 B allows a tow of a vehicle, without prior notice, if the vehicle is parked in a conspicuously posted restricted traffic lane.

The Hearings Officer finds that the location where Mr. Latting parked his vehicle on January 2, 2010 is a location that is restricted as a travel lane (right turn only lane). The Hearings Officer finds two signs are posted indicating no parking at the location where Mr. Latting's vehicle was parked; one mid-block adjacent to the ticket dispensing machine and the other at the corner of SW Stark/SW 3<sup>rd</sup> (both signs are visible in Exhibit 9). The Hearings Officer also finds that there are two "right hand pointing arrows" painted on the pavement; one of which is in the approximate location where Mr. Latting's vehicle was parked on January 2, 2010. The Hearings Officer also finds that a sign stating "right lane must turn right" is located at the corner of SW Stark/SW 3<sup>rd</sup>. The Hearings Officer finds that the signage restricting the use of the right turn lane at the location where Mr. Latting was parked on January 2, 2010 is conspicuously posted giving adequate notice of the right turn only lane parking restriction.

The Hearings Officer finds that Mr. Latting's vehicle was parked, on January 2, 2010, in a location that prevented the free passage of vehicles (use of right turn only lane). The Hearings Officer finds that the location of Mr. Latting's vehicle, on January 2, 2010, did impede the normal flow of vehicular traffic. The Hearings Officer finds that the Parking Patrol Officer who ordered Mr. Latting's vehicle towed on January 2, 2010 followed the relevant laws/rules.

The Hearings Officer finds that the tow of Mr. Latting's vehicle, on January 2, 2010, 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



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Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 1112

## Enclosure

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Hearing request letter	Latting, Mark	Received
2	Tow Invoice	Latting, Mark	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 Violation	Parking Enforcement	Received
8	Photos	Parking Enforcement	Received
9	Photos (8 pgs)	Latting, Mark	Received