



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF CHRISTOPHER D. LAYTON

CASE NO. 1110083

DESCRIPTION OF VEHICLE: Volkswagen Jetta Wagon (OR 316CTR)

DATE OF HEARING: June 16, 2011

APPEARANCES:

Mr. Christopher Layton, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Layton appeared at the hearing and testified on his own behalf. No one appeared on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the testimony of Mr. Layton and the documents admitted into evidence (Exhibits 1 through and including 7).

Summary of Evidence:

Mr. Layton submitted a typewritten Tow Hearing Request Form, Exhibit 1, in which he writes that he believes the tow of his vehicle is unjustified. Mr. Layton writes that he does "everything within my power to comply with parking laws in my neighborhood." Mr. Layton writes that he parks in his neighborhood in compliance with his Zone A permit. Mr. Layton writes that he has also gone so far as to download the Portland Timbers' game schedule so he is aware of when the streets in his neighborhood may be converted to No Parking zones. Mr. Layton writes that on the day his car was towed there was not a Timbers game listed on the printed schedule and he was out of town for four days. Mr. Layton writes that before leaving town he moved his car to a street where he had never seen No Parking signs. Mr. Layton appeared at the hearing and reiterated the facts stated in his Tow Hearing Request Form. Mr. Layton expressed his frustration with the parking regulations which he believes make being in compliance very difficult.

The City submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Tow Hearing Report from the Office of Transportation Parking Enforcement Division. The report indicates that "No Parking All Hours Fri 6/3" signs were verified on June 1, 2011 at 4:41 p.m. in the area of SW 20th Avenue between Salmon and Yamhill. The narrative portion of the report indicates that the signs were clearly visible and a call was received from Jeld-Wen Park to tow Mr. Layton's vehicle and two others which were parked in the same area. The report indicates that Mr. Layton's vehicle was towed on June 3, 2011 from the east side of SW 20th Place between Morrison and Yamhill. Exhibit 7 contains three photos which show Mr. Layton's vehicle parked next to a clearly posted No Parking sign.

Applicable Law:

The Hearings Officer must find a tow is valid if the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. PCC 16.20.170 provides that "no person may store . . . a vehicle . . . on public right-of-way or other public property in excess of 24 hours without permission . . ." PCC 16.30.210D provides that temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area. PCC 16.30.210A1 provides that a vehicle may be towed from any public right-of-way when the vehicle is parked in violation of a temporary or permanent parking restriction. PCC 16.30.220B provides that an authorized officer may tow a vehicle, without notice, when the vehicle is illegally parked in a conspicuously posted restricted space.

Findings of Fact and Conclusions of Law:

The Hearings Officer finds that on June 1, 2011 at 4:41 p.m., No Parking signs restricting parking on June 3, 2011 were placed and verified at SW 20th Avenue between Salmon and Yamhill. The Hearings Officer finds that the No Parking signs were enforceable beginning at 4:42 p.m. on June 2, 2011. The Hearings Officer finds that prior to June 3, 2011, Mr. Layton parked his vehicle on SW 20th between Morrison and Yamhill; a public right-of-way. The Hearings Officer finds that Mr. Layton's vehicle remained on SW 20th on June 3, 2011 in an area subject to temporary parking restrictions. The Hearings Officer finds that Mr. Layton's vehicle was subject to tow for being parked in violation of a temporary no parking zone and that no notice of the intent to tow was necessary prior to towing the vehicle. The Hearings Officer finds the tow of Mr. Layton's vehicle to be valid.

Order:

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: June 17, 2011
KMG:jeg/rs


Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 9914

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Layton, Christopher D.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation #HA08805009	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received