



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF Colin Farstad

CASE NO. 1120086

DESCRIPTION OF VEHICLE: Honda Shadow (OR M576814)

DATE OF HEARING: May 22, 2012

APPEARANCES:

Mr. Colin Farstad, Appellant

Officer Joanne Hampton, on behalf of the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Farstad appeared at the hearing and testified on his own behalf. Parking Enforcement Officer Joanne Hampton appeared at the hearing and testified on behalf of the City. The Hearings Officer makes this decision based upon the testimony of Mr. Farstad and Officer Hampton and the documents admitted into the evidentiary record (Exhibits 1 through and including 8).

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 16.30.220. PCC 16.30.220 grants authority to any Parking Enforcement Officer of the City of Portland to order a vehicle towed when the vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designates classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane.

Officer Hampton testified that on May 3, 2012, while on routine patrol, she observed a motorcycle and a scooter both parked in front of a fire hydrant close to the southeast corner of SE 37th and SE Belmont. Mr. Farstad did not dispute the location of his motorcycle prior to its being towed on May 3, 2012. Mr. Farstad did suggest, however, that he did not park the motorcycle in front of the fire hydrant. Mr. Farstad stated that he believed his motorcycle had been moved by a third party to the location in front of the fire hydrant.

The Hearings Officer finds that it is more probable than not that on May 3, 2012, Mr. Farstad's vehicle was parked in the location shown in Exhibit 7. The Hearings Officer finds that it is more probable than not that on May 3, 2012, Mr. Farstad's motorcycle was parked in front of a fire hydrant; a restricted zone. The Hearings Officer finds that the location where Mr. Farstad's motorcycle was parked on May 3, 2012, permits the motorcycle to be towed without notice to the owner. The Hearings Officer finds the Parking Enforcement Officer (Officer Hampton) who ordered Mr. Farstad's motorcycle towed on May 3, 2012, did follow all relevant laws and rules. The Hearings Officer finds the City of Portland ordered tow of Mr. Farstad's motorcycle on May 3, 2012, is valid.

ORDER:

1. The City of Portland ordered tow of Mr. Farstad's motorcycle on May 3, 2012, is valid.
2. All towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: May 23, 2012

GJF: c2


 Gregory J. Frank, Hearings Officer

Enclosure

Bureau: Parking Enforcement
 Tow Number: 7274

<u>Exhibit #</u>	<u>Description</u>	<u>Submitted by</u>	<u>Disposition</u>
1	To Hearing Request Form	Farstad, Colin	Received
2	Tow Desk printout	Hearings Office	Received
3	Notice of Hearing	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received
8	16.20.170 Storing Property on Street Prohibited	Parking Enforcement	Received