

# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

### APPEAL OF DAVID WARRINGTON

CASE NO. 1120123

DESCRIPTION OF VEHICLE: Dodge Dakota (OR 369AMX)

DATE OF HEARING: July 10, 2012

### APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Warrington did not appear at the hearing. Mr. Warrington contacted the Hearings Office by phone on July 9, 2012 and indicated that he would not be attending the hearing because he needed to work. 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 documents admitted into evidence (Exhibits 1 through and including 7).

### Summary of Evidence:

Mr. Warrington submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on June 22, 2012. Mr. Warrington indicated in his request form that there are no "postings" on the street. Mr. Warrington writes that the City was cutting trees and "a 72 hour notice would have been nice." Mr. Warrington writes that he was out of town for two days and returned to find that his car had been towed.

The City submitted Exhibits 5 through, and including, 7 regarding the tow of Mr. Warrington's vehicle. Exhibit 5 is a Tow Hearing Report indicating that Mr. Warrington's vehicle was towed at approximately 9:00 a.m. on June 22, 2012 from NW Raleigh between 26<sup>th</sup> and 27<sup>th</sup> for being parked in a reserved zone. The narrative portion of the report reads, "Barricades were verified on 6/20/12@ 12:06 pm. They were still in place and enforceable at time of citation (see pictures). 24 hour notice is all that is required." Exhibit 6 is a copy of the citation issued to Mr. Warrington when his vehicle was towed. Exhibit 7 contains four photos taken of Mr. Warrington's vehicle prior to towing. The upper right photo shows the wording on the No Parking sign. The sign reads "No parking this space 7am-5pm Th-F 6/21/12-6/22/12." The lower photos show Mr. Warrington's vehicle with a No Parking barricade to the front and the rear of the vehicle.

**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:**

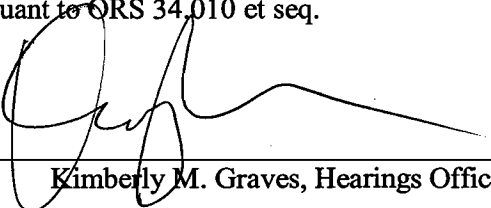
The Hearings Officer finds that prior to June 22, 2012, Mr. Warrington parked his vehicle on NW Raleigh. The Hearings Officer finds that on June 20, 2012 at 12:06 p.m., temporary No Parking signs were properly placed and verified on NW Raleigh. The Hearings Officer finds that the temporary No Parking signs were enforceable 24 hours after placement. The Hearings Officer finds that on June 22, 2012, when the signs were in effect, Mr. Warrington's vehicle remained parked on NW Raleigh in the area which was designated as a temporary no parking zone. The Hearings Officer finds that the temporary No Parking signs were conspicuously posted at the time the vehicle was towed. The Hearings Officer finds that tow of Mr. Warrington's vehicle is 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: July 12, 2012  
KMG:c2/cl

  
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Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement  
Tow Number: 9898

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Tow Hearing Request Form	Warrington, David	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 #HA10388536	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received