



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



HEARINGS OFFICER'S ORDER

APPEAL OF MATTHEW WOOD

CASE NO. 1120179

DESCRIPTION OF VEHICLE: Pontiac Grand Am (OR 762ENH)

DATE OF HEARING: October 9, 2012

APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Wood did not appear at the hearing. A Notice of Hearing was mailed to Mr. Wood on October 2, 2012 to the address he provided when he requested an appeal hearing. The Notice was not returned by the U.S. Postal Service and Mr. Wood did not contact the Hearings Office requesting that the hearing be rescheduled. 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 11).

Summary of Evidence:

Mr. Wood submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on September 13, 2012 from SE Madison/Water Ave. The form contains a written statement about why Mr. Wood believes the tow of his vehicle is invalid. Mr. Wood indicates that he believes the signage for the area where he parked is unclear. Mr. Wood indicates that he has parked in the same location in the past, and has not had his vehicle towed. Mr. Wood writes that the "sign posted in the middle of the parking space has one sign pointing to the left with green lettering, demarking that you may park here and then another sign, no parking, pointing to the right." Mr. Wood submitted photos along with his Tow Hearing Request Form. The photos are included in the record as Exhibit 5. The photos show 3 signs attached to a post. The uppermost sign indicates that parking is prohibited to the right of the sign. The middle sign indicates that parking is permitted to the left of the sign. The lowest sign reads "Angle Parking Only." There is a vehicle in the photo which appears to be parked such that the sign is in the middle of the front bumper. There are additional photos in Exhibit 5 which show similar signage in another area, and "clear signage" in another area.

The City submitted Exhibits 9 through, and including, 11 for the Hearings Officer's consideration. Exhibit 9 is a Tow Hearing Report which indicates that Mr. Wood's vehicle was towed on September 13, 2012 at approximately 2:30 p.m. The narrative portion of the report reads "Tow on Service Request 553. The No Parking Zone starts at the sign post and extends 8 ft into the street perpendicular to the curb. My photos show nearly all

the vehicle in the No Parking Zone." Exhibit 10 is a copy of the citation issued to Mr. Wood on September 13, 2012. Exhibit 11 contains 4 photos related to the tow of Mr. Wood's vehicle. The photos show the same sign post as depicted in Exhibit 5. Mr. Wood's vehicle can be seen in the photo parked such that the sign post is located in front of the driver's side 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. 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 16.20.210 provides that no vehicle may park in any no-parking zone at any time. PCC 16.30.210A1 provides that a vehicle may be towed and held at the expense of the owner from any public right-of-way when the vehicle is parked in violation of a permanent parking restriction. PCC 16.30.220B permits any authorized officer to tow a vehicle without prior notice when the vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane.

Findings of Fact and Conclusions of Law:

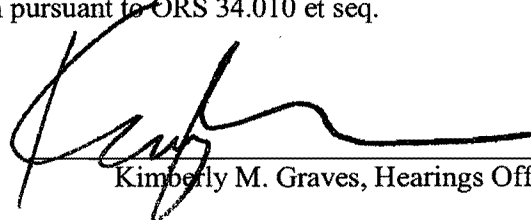
The Hearings Officer finds that on September 13, 2012 Mr. Wood's vehicle was parked on a public right-of-way in an area which is subject to a permanent parking restriction. The Hearings Officer finds that the manner in which Mr. Wood's vehicle was parked placed the vehicle in violation of the permanent parking restriction. The Hearings Officer finds that the area is conspicuously posted with signage indicating parameters of the parking restriction. The Hearings officer finds the tow of Mr. Wood'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: October 10, 2012
KMG:c1


Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 14191

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Wood, Matthew	Received
2	Denial letter on case #1120172	Wood, Matthew	Received
3	ORS 34.010 et seq	Wood, Matthew	Received
4	Tow Invoice	Wood, Matthew	Received
5	Photos	Wood, Matthew	Received
6	Tow Desk printout	Hearings Office	Received
7	Hearing Notice	Hearings Office	Received
8	Statement of Rights and Procedures	Hearings Office	Received
9	Tow Hearing Report	Parking Enforcement	Received
10	Parking Violation #HA11001985	Parking Enforcement	Received
11	Photos	Parking Enforcement	Received