



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF KARA LANDEN

CASE NO. 1120157

DESCRIPTION OF VEHICLE: Ford Focus (OR 073FHK)

DATE OF HEARING: September 20, 2012

APPEARANCES:

Kara Landen, Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Landen appeared at the hearing and testified on her 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 Ms. Landen and the documents admitted into evidence (Exhibits 1 through and including 9).

Summary of Evidence:

Ms. Landen submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on September 6, 2012. The form indicates that Ms. Landen believes the tow of her vehicle is invalid because the "sign has been turned the wrong way. The sign was facing the sidewalk, so it was unclear when I parked my vehicle that it was a restricted area." Ms. Landen submitted two photos, Exhibit 2, showing a sign turned away from the roadway which restricts parking between 7-9 am Monday through Friday. Ms. Landen testified at the hearing that the parking area was not properly marked because the no parking signs were facing the "wrong direction." Ms. Landen referred to the photos in Exhibit 2 for the orientation of the signage.

The City submitted Exhibits 7 through, and including, 9 regarding the tow of Ms. Landen's vehicle. Exhibit 7 is a Tow Hearing Report which indicates that the vehicle was towed at approximately 8:00 a.m. on September 6, 2012 from the north side of NE Glisan St between 70th and 71st. The report indicates that signs are posted from 82nd Ave to 60th Ave which prohibit parking Monday through Friday between 7 and 9 a.m. The report indicates that the signs are "very visible (sic) except for the sign in front of the vehicle." The report further indicates that "there is a sign behind the vehicle pointing both directions." The individual who completed the report in Exhibit 7 has drawn a diagram to show that there were 2 no parking signs on the block that Ms. Landen would have driven past prior to parking her vehicle. Exhibit 8 is a citation issued for violation of PCC 16.20.205C. Exhibit 9 contains 4 photos related to the tow of Ms. Landen's vehicle. The photos show Ms. Landen's vehicle parked approximately 1-2 parking spaces past a visible no parking sign oriented toward the roadway.

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 16.20.205C provides that “a sign which prohibits parking during certain hours or days . . . is in effect during the days and times shown on the sign.” 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:

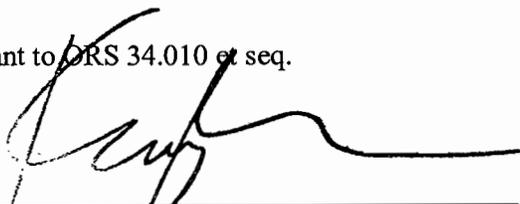
The Hearings Officer finds that the north side of NE Glisan between 70th and 71st is subject to a permanent parking restriction Monday through Friday between 7-9 a.m. The Hearings Officer finds that on September 6, 2012 Ms. Landen’s vehicle was parked on NE Glisan during the restricted time period. The Hearings Officer finds that Ms. Landen’s vehicle was parked in violation of the permanent parking restriction. The Hearings Officer finds that the signage indicating the parking restriction was clear and conspicuous. The Hearings Officer finds the tow of Ms. Landen’s vehicle on September 6, 2012 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: September 21, 2012
KMG:c1/ml



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement
Tow Number: 13761

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Landen, Kara	Received
2	Photos	Landen, Kara	Received
3	Tow Invoice	Landen, Kara	Received
4	Tow Desk printout	Hearings Office	Received
5	Hearing Notice	Hearings Office	Received
6	Notice of Rights and Procedures	Hearings Office	Received
7	Tow Hearing Report	Parking Enforcement	Received
8	Parking Violation	Parking Enforcement	Received
9	Photos	Parking Enforcement	Received