



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

APPEAL OF KAHEA D. SEEGER (AKA KAHEA D. SEEYER)

CASE NO. 1120164

DESCRIPTION OF VEHICLE: Toyota Tacoma (OR 334FRR)

DATE OF HEARING: September 27, 2012

### APPEARANCES:

Ms. Kahea Seeger (AKA Kahea Seeyer), Appellant

HEARINGS OFFICER: Ms. Kimberly M. Graves

Ms. Seeger 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. Seeger and the documents admitted into evidence (Exhibits 1 through and including 12).

### Summary of Evidence:

Ms. Seeger submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of her vehicle on September 9, 2012 from N. Marine Dr. Ms. Seeger writes that there were no "no parking" signs in the area where she parked. Ms. Seeger also writes that the citation she received says that she was blocking the entrance to Kelley Point Park, but that she was not blocking the entrance to the park and that there were 5 cars between her car and the entrance. Ms. Seeger appeared at the hearing and indicated again that there were no "no parking" signs where she was parked. Ms. Seeger stated that she was not blocking the entrance to the park. Ms. Seeger stated that she parked her car on the north side of Marine Dr. facing west at approximately 2:00 a.m. Ms. Seeger stated that when she parked her vehicle there were semi trucks parked along the same side of the road. Ms. Seeger testified that semi trucks could pass her vehicle without having to cross over the center double yellow line. Ms. Seeger submitted a number of additional Exhibits at the hearing. Exhibit 8 is a copy of Ms. Seeger's Tow Hearing Request Form. Exhibit 9 contains Ms. Seeger's receipts for retrieving her vehicle. Exhibit 10 contains a copy of Ms. Seeger's insurance and registration cards for her vehicle. Exhibit 11 contains the parking citation Ms. Seeger received and another receipt from retrieving her vehicle. Exhibit 8 contains 7 photos showing where Ms. Seeger's vehicle was parked prior to towing. Ms. Seeger testified that the photos were taken the Monday after the vehicle was towed, and show where her vehicle was parked prior to towing. The photos show that in the area where Ms. Seeger parked Marine Dr. is a 2 lane road with one lane heading east and one heading west. The photos show a double yellow line in the center of the roadway.

The city submitted Exhibit 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Towed Vehicle Record showing that Ms. Seeger's vehicle was towed because it was a hazard. Exhibit 6 is an Investigation Report from the Portland Police Bureau which reads "Please see case #12-079163 for narrative." The narrative report in case number 12-079163 can be found in Exhibit 8. The narrative report in Exhibit 8 indicates that on September 9, 2012 at approximately 3:30 a.m. the officers cited and ordered towed three vehicles parked on the westbound lanes of N. Marine Dr. The report indicates that the vehicles were "impeding the flow of traffic on N. Marine Dr. east of Kelley Point Park entrance." The report further indicates that N. Marine Dr. is a popular route for semi trucks to travel and the vehicle were "causing the semi trucks to have to weave into the on coming lane of traffic to continue their route." Ms. Seeger's vehicle is identified in Exhibit 6 as one of the three vehicles towed.

**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 specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.20.120 Q, PCC 16.30.210 A.2 and PCC 16.30.220 A. PCC 16.20.120 Q states that it is unlawful to park or stop a vehicle in a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic. PCC 16.30.210 A.2 states that a vehicle may be towed and held at the expense of the owner or person entitled to possession thereof if the vehicle is in the public right-of-way and the vehicle is parked/stopped unlawfully in a manner that may be hazardous to traffic. PCC 16.30.220 A authorizes a police officer to order a vehicle towed, without prior notice, if the vehicle is impeding or likely to impede the normal flow of vehicular traffic.

**Findings of Fact and Conclusions of Law:**

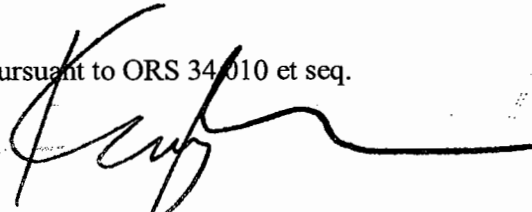
The Hearings Officer finds that Ms. Seeger's vehicle, on September 9, 2012, was parallel parked on N. Marine Dr. in a manner which blocked a portion of the lane of travel. The Hearings Officer finds, based on the report of the officer and the photos submitted by Ms. Seeger, that the manner in which Ms. Seeger's vehicle was parked created a hazard for vehicles on the roadway and impeded the normal flow of vehicular traffic. The Hearings Officer finds that the tow of Ms. Seeger's vehicle on September 9, 2012 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: September 28, 2012  
KMG:c1/ml



Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Police  
Tow Number: 13945

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Tow Hearing Request Form	Seeger, Kahea D.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Notice of Rights and Procedures	Hearings Office	Received
5	Towed Vehicle Record	Police Records	Received
6	PPB Investigation Report: 12-079158	Police Records	Received
7	PPB Investigation Report: 12-079163	Police Records	Received
8	Tow Hearing Request Form	Seeger, Kahea D.	Received
9	Receipts	Seeger, Kahea D.	Received
10	Insurance	Seeger, Kahea D.	Received
11	Receipts	Seeger, Kahea D.	Received
12	Photos	Seeger, Kahea D.	Received