



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

1900 SW 4<sup>th</sup> Avenue, Room 3100

Portland, OR 97201

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

web: [www.portlandoregon.gov/auditor/hearings](http://www.portlandoregon.gov/auditor/hearings)



## HEARINGS OFFICER'S ORDER

### APPEAL OF DYLAN ERICKSON

CASE NO. 1120251

DESCRIPTION OF VEHICLE: Ford Ranger (SL05098)

DATE OF HEARING: December 27, 2012

### APPEARANCES:

None

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Erickson did not appear at the hearing on his 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 documents admitted into evidence (Exhibits 1 through and including 7).

### Summary of Evidence:

Mr. Erickson submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on December 3, 2012 from SW 14<sup>th</sup> and SW Clay. Mr. Erickson writes in Exhibit 1 that he had just moved to SE Portland, and that he was unable to move his truck because it was not working. Mr. Erickson writes that he planned to have the truck towed to his new residence on December 6, 2012, but he received the Notice of Tow letter in the mail on December 5, 2012. Mr. Erickson writes that he had not "visited" the truck because of the move.

The City submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Tow Hearing Report which lists the citation date for the tow of the vehicle as December 4, 2012. The Hearings Officer notes that this date is inconsistent with the date listed by Mr. Erickson and the date listed on the citation. The Hearings Officer finds that the vehicle was towed on December 3, 2012 and the date listed in Exhibit 5 is an error. Exhibit 5 indicates that Mr. Erickson's vehicle was towed from SW 14<sup>th</sup> Ave because it was parked in violation of a temporary no parking restriction. The narrative portion of the report reads, "Barricades were verified on Nov 30, meeting the 24 hour notice. Title 16 Article 16.20.170 covers storing vehicle on street. Tow was valid. The report indicates that the temporary no parking signs were verified on November 30, 2012 at 2:18 p.m. Exhibit 6 is a copy of the citation issued to Mr. Erickson when his vehicle was towed. The citation indicates that the vehicle was towed at approximately 8:15 a.m. and that the temporary no parking signs prohibited parking between 7:30 a.m. and 10:00 a.m. Monday. Exhibit 7 contains 3 photos related to the tow of Mr. Erickson's vehicle. The left side photos show the license plate of the vehicle and the language on the temporary no parking

sign. The photo on the right shows that a temporary no parking sign was posted directly adjacent to the rear of the vehicle at the time of the tow.

**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:**

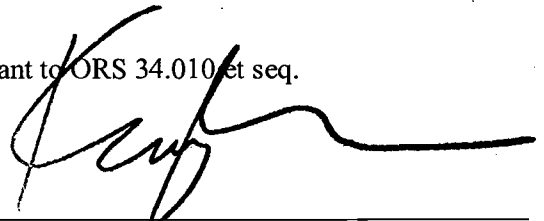
The Hearings Officer finds that on November 30, 2012 at 2:18 p.m. temporary no parking signs were placed on SW 14<sup>th</sup> Ave indicating a temporary parking restriction for December 3, 2012. The Hearings Officer finds that the signs were placed greater than 24 hours prior to the enforcement time listed on the signs. The Hearings Officer finds that on December 3, 2012, during the enforcement time listed on the signs, Mr. Erickson's vehicle was parked in the area which was subject to the temporary parking restriction. The Hearings Officer finds that on December 3, 2012 a temporary no parking sign was conspicuously posted next to Mr. Erickson's vehicle. The Hearing Officer finds that the parking enforcement officer who ordered the tow of Mr. Erickson's vehicle followed the relevant rules/laws in the Portland City Code when making that order. The Hearings Officer finds the tow of Mr. Erickson'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: December 28, 2012  
KMG:c2/ml

  
\_\_\_\_\_  
Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement  
Tow Number: 19156

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request	Erickson, Dylan	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