



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF CARL FULLER

CASE NO. 1080209

DESCRIPTION OF VEHICLE: GMC C15 (OR VKY169)

DATE OF HEARING: July 29, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 7 into the record without objection, finds as follows:

The towing officer's report stated that a warning was placed on the subject vehicle on June 9, 2008 because it was considered to be abandoned. The vehicle had expired tags dated 03/08, and had no trip permit. When the officer returned to the site on June 14 it had tags dated 03/09. The officer checked DMV records, which indicated that the vehicle registration expired 03/08. This suggested that the 03/09 tags were invalid. The officer placed a second warning on the vehicle on July 1 as a courtesy. The warning was still on the vehicle when it was towed on July 2. As of July 24, the DMV still reported 03/08 expiration for the vehicle tags (Exhibits 5 and 7).

The appellant stated in his hearing request that his vehicle was not abandoned (Exhibit 1). However, it was considered abandoned based on having expired tags.

Given these circumstances, this was a valid tow. Please note the relevant city code sections below concerning this matter.

Portland City Code 16.20.120 Prohibited Parking or Stopping of a Vehicle.

(Amended by Ordinance Nos. 165594, 166575, 170923, 173369, 176394 and 176955 effective October 9, 2002.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle:

P. In the public right-of-way, public park, or city-owned or operated property if the vehicle is abandoned.

Portland City Code 16.90.005 Abandoned Vehicle.

A vehicle that remains in the same location for more than 24 hours and one or more of the following conditions exist:

- A. The vehicle does not have a lawfully affixed, unexpired registration plate.
- B. The vehicle appears to be inoperative or disabled.
- C. The vehicle appears to be wrecked, partially dismantled or junked.

16.30.225 Towing with 24 Hour or 72 Hour Notice.

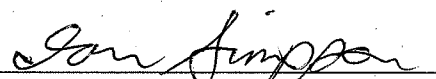
(Added by Ordinance No. 166947; amended by 170923, 172788 and 179141, effective March 23, 2005.)

- B. A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle; or

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 30, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Abandoned Autos
Tow Number: 18922

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Fuller, Carl	Received
2	Tow desk report	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow hearing report	Abandoned Autos	Received
6	Data printout	Abandoned Autos	Received
7	Case detail report	Abandoned Autos	Received