



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF JOSH CABOT

CASE NO. 1080222

DESCRIPTION OF VEHICLE: Ford F35 (IN 1099098)

DATE OF HEARING: August 7, 2008

APPEARANCES:

Mr. Joshua Cabot, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 10 into the record without objection, finds as follows:

The towing officer's report stated that on July 19 at about 6:30 a.m. he received a call to the location the appellant's vehicle was parked at. All parking spaces on the block were reserved: no parking this block reserved, all hours all day, 7/17/08 – 7/19/08. The appellant's moving van was parked in two spaces with such signs. A placard in the vehicle window stated: Reserved area identification card to be displayed on any vehicle legally using zone. For: Cabbot. Expires: 7/18/08.

The appellant stated that as of 5 p.m. on July 18, there were no signs on either of the parking posts for the two spaces the van was parked notifying him of the impending street activity for July 19. When he returned the next morning and saw the van was gone, he saw that one of the sign posts that had his signs also had a sign stating no parking due to street activity on July 19 from 5 a.m. – 7 p.m. The signage for the street activity was sporadic along the entire block.

The Hearings Officer spoke with representatives of the Portland Transportation Bureau. The Hearings Officer was informed that records showed that seven signs were placed on the block at 11 a.m. on July 18 for the 'Pets in the Pearl' event. All of these signs read no parking 5:00 a.m. to 7:00 p.m. on July 19. However, the only signs the officer referred to were the appellant's signs. The officer did not state whether any signs indicating no parking from 5:00 a.m. to 7:00 p.m. on July 19 for the 'Pets in the Pearl' event were posted on the block when the tow was ordered.

There is evidence that the 'Pets in the Pearl' signs were posted at 11:00 a.m. on July 18. The appellant stated that these signs were sporadically posted on the block in the morning on July 19 after the van was towed, including one on the sign the appellant had posted. However, since the officer did not report seeing any of the 'Pets in the Pearl' signs when he ordered the tow earlier in the morning on July 19, the Hearings Officer finds

that there is not enough evidence in the record to support finding that the 'Pets in the Pearl' signs were posted when the appellant parked the van.

Given these circumstances, this was an invalid tow. Please note the relevant City Code sections below concerning this matter.

**16.30.210 When a Vehicle May be Towed.**

(Amended by Ordinance Nos. 172788 and 179141, effective March 23, 2005.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

A. Any public right-of-way, public park or other public place or property, when:

1. The vehicle is parked in violation of a temporary or permanent parking restriction;

D. Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.

E. Temporary parking restrictions may be enforced by tow if the space reservation device and/or signs are in place by 12:30 p.m. the prior day in any meter district.

**16.30.220 Towing Without Prior Notice.**

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;


The owner or other persons who have an interest in the vehicle are not liable for the towing and/or storage charges. Therefore, it is ordered that the vehicle shall be immediately released, if still held, and any money heretofore paid for towing and/or storage charges shall be returned to the vehicle owner.

**The appellant provided a copy of the towing and storage bill (Exhibit 2). This copy is not readable. In order for the appellant to receive reimbursement, a readable copy of the towing and storage bill must be furnished to the Hearings Officer by September 12, 2008.**

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: August 12, 2008

IS: cb/rs

  
Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 20267

Enclosure

If a refund has been authorized, it will be sent from the City's Accounts Payable Office. Please allow at least 2 weeks.

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Hearing request letter	Cabot, Josh	Received
2	Tow receipt (barely legible)	Cabot, Josh	Received
3	Penske truck rental invoice	Cabot, Josh	Received
4	Parking permit	Cabot, Josh	Received
5	Copies of digital 3 photos (2 appear altered)	Cabot, Josh	Received
6	Tow desk report	Hearings Office	Received
7	Hearing notice	Hearings Office	Received
8	Tow hearing info. sheet	Hearings Office	Received
9	Towed Vehicle Record	Police Records	Received
10	Investigation Report	Police Records	Received

