



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF SARA E. PATTEN

CASE NO. 1080224

DESCRIPTION OF VEHICLE: Subaru Outback (No plates, VIN # 4S4BP61C487303328)

DATE OF HEARING: August 7, 2008

APPEARANCES:

Ms. Sara E. Patten, 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 7 into the record without objection, finds as follows:

The towing officer's report stated that the appellant's vehicle was towed on July 30, 2008 because it was parked in violation of a temporary No Parking sign (Exhibits 5-7). The sign was posted on July 28, 2008 and was present when the officer had the vehicle towed. The officer provided photographs showing the appellant's vehicle parked next to the sign.

The appellant stated that she did not see the sign when she parked, nor did she see it when she returned to the place she parked after her vehicle was towed. When the record contains conflicting evidence the Hearings Officer must weigh the evidence to determine what the more probable version of events is. In this case, the Hearings Officer finds that it is more probable that the appellant failed to see the sign when she parked, and that the sign was removed before the appellant returned, because it was no longer needed. It is less probable that the sign was posted on July 28, 2008 then removed before the appellant parked on July 30, 2008 and then reposted before the officer was called to the scene to have the vehicle towed.

Given these circumstances, this was a valid 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;

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: August 8, 2008
IS: rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 21182

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Patten, Sara E.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow hearing report	Parking Enforcement	Received
6	Parking Violation w/photos	Parking Enforcement	Received
7	Photos (page 2)	Parking Enforcement	Received