



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF MARC A. HINZ

CASE NO. 1080226

DESCRIPTION OF VEHICLE: Toyota RAV4 (OR 471BGY)

DATE OF HEARING: August 12, 2008

APPEARANCES:

Mr. Marc A. Hinz, 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 9 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 at about 8:30 a.m., because it was parked where No Parking barricade signs for street sweeping were posted. The signs were verified as being in place on July 28, 2008 at about 4:30 p.m., and the required 24 hour notice period had passed. The signs were posted when the officer ordered the tow.

The appellant stated that he saw no signs posted on the section of the block that he parked. He stated that he did see such signs on many of the surrounding streets from where he parked. The Hearings Officer makes a decision based on the preponderance of the evidence and what is the more probable or plausible scenario. The Hearings Officer finds that it is more probable than not that the appellant failed to see the signs, rather than the signs were posted and verified on July 28, 2008, removed before the vehicle was parked, and then posted again when the vehicle was ordered 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.

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 15, 2008  
IS: rs/cb

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 21166

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Hinz, Marc A.	Received
2	Diagram	Hinz, Marc A.	Received
3	Receipt	Hinz, Marc A.	Received
4	Tow Receipt	Hinz, Marc A.	Received
5	Tow Desk printout	Hearings Office	Received
6	Hearing Notice	Hearings Office	Received
7	Tow Hearings Process Info. sheet	Hearings Office	Received
8	Tow hearing report	Parking Enforcement	Received
9	Parking Violation (no photos)	Parking Enforcement	Received