



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF LAURA HELEN PAXSON

CASE NO. 1080235

DESCRIPTION OF VEHICLE: Honda Civic EX (OR CL38849)

DATE OF HEARING: August 7, 2008

APPEARANCES:

Ms. Marilyn Stacey, representing the 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 1 through 8 into the record without objection, finds as follows:

The towing officer's report stated that the appellant's vehicle was towed on August 4, 2008 because it was parked where No Parking barricade signs for street sweeping were posted on the curb (Exhibit 6). The signs were posted on August 1, 2008.

The appellant stated in her letter requesting a hearing, and confirmed by testimony from Ms. Stacey, that she left her vehicle parked on the street and has been out of town for three weeks because of a life-threatening family medical emergency (Exhibit 1). The appellant requested that the Hearings Officer consider her extraordinary circumstances. The City Code requires that if work is going to be done on the street for street sweeping, road repair or some other activity, signs must be posted for at least 24 hours to give people notice. If a vehicle is left on the public street for more than 24 hours without being checked upon, there is a risk that signs will be posted to restrict parking and the vehicle may be towed after the 24 notice period passes. The City Code does not authorize the Hearings Officer to consider the medical circumstances the appellant cited when considering the tow's validity.

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;

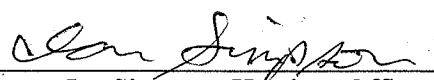
D. Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.

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 8, 2008
IS: rs/cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 21688

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Paxson, Laura Helen	Received
1a	William Paxson Future Appointments	Paxson, Laura Helen	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Letter stating Marilyn Stacey will appear	Paxson, Laura Helen	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation and photos	Parking Enforcement	Received
8	Parking Violation and color photos	Parking Enforcement	Received