



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF MATT BRISCHETTO

CASE NO. 1080271

DESCRIPTION OF VEHICLE: BMW 325 (OR 854CAJ)

DATE OF HEARING: September 2, 2008

APPEARANCES:

Mr. Matt Brischetto, 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 (Exhibit 5) stated that the appellant's vehicle was parked in a clearly signed Area Permit Parking (APP) zone. The appellant displayed an expired APP permit in his vehicle. The officer provided photographs (Exhibits 6 and 7) showing the area and the appellant's expired permit in his vehicle.

The appellant stated (Exhibits 1 and 10) that when the vehicle was towed he had not yet received his new APP permit to place in the vehicle. He also stated that the officer could have contacted the city parking department to find out that the appellant had been issued a new permit. The city code authorizes an officer to tow a vehicle if the vehicle is parked in a clearly posted area permit parking zone and does not show a current permit. An officer is not required to further investigate to determine whether the vehicle's owner has a current permit.

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;

B. Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.

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:

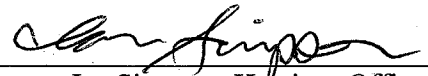
B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle 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: September 9, 2008

IS: rs



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 22677

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Brischetto, Matt	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 and photos	Parking Enforcement	Received
7	Large photos	Parking Enforcement	Received
8	Parking Violation	Parking Enforcement	Received
9	Parking Violation	Parking Enforcement	Received
10	Exh. 1 with highlighted portion	Parking Enforcement	Received