



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF JENEVIER M. BLAINE

CASE NO. 1080290

DESCRIPTION OF VEHICLE: Plymouth BRZ (OR VZX546)

DATE OF HEARING: September 30, 2008

APPEARANCES:

Ms. Jenevier M. Blaine, 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 8 into the record without objection, finds as follows:

The towing officer's report (Exhibit 5) stated that Parking Enforcement received a complaint from the Water Bureau on Tuesday, September 16, 2008 at about 9:00 a.m. The appellant's vehicle was parked where the Water/Maintenance Bureau had posted temporary parking restriction signs. The signs indicated No Parking from 7:00 a.m. to 6:00 p.m., Monday-Friday. The officer verified that the signs were posted on Saturday, September 13, 2008

The appellant's witness, Matthew Jones, stated that he saw the signs, which indicated No Parking from 7:00 a.m. to 6:00 p.m., Tuesday 26 to 29. Mr. Jones stated that the signs referred to August 26 through 29, and that he spoke with a meter attendant who agreed that the signs appeared to be in error. The appellant provided photographs (Exhibit 7) of what she stated was one of the signs. The sign in the photograph had grey duct tape covering what is probably "MON" for Monday. This duct tape had hand written on it "Tues 26". A second piece of duct tape was below the "FRI" for Friday, and it had 29 written on it. The sign did not indicate which City agency or private party was authorized to post the sign and reserve the parking area.

When the Hearings Officer is presented with contradictory evidence, he must weigh its reliability. The Hearings Officer spoke with Ramon Corona, a representative of the Portland Office of Transportation, and was informed that temporary parking restriction signs do not use duct tape on them to write the effective dates on the duct tape. Such signs also indicate on them which government agency or private party is reserving the parking space. Given this information, the Hearings Officer finds that the statements by the appellant and Mr. Jones, and the photograph the appellant provided of the sign, are less reliable than the statement provided by the officer.

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: October 1, 2008
IS: cb


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 25356

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Blaine, Jenevier M.	Received
2	Tow desk report printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow hearing report	Parking Enforcement	Received
6	Parking Violation w/photos (illegible photos)	Parking Enforcement	Received
7	Photos (3)	Blaine, Jenevier M.	Received
8	Tow receipt	Blaine, Jenevier M.	Received