



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF CHARLOTTE CARLSEN

CASE NO. 1080284

DESCRIPTION OF VEHICLE: Honda CRV (OR WJZ942)

DATE OF HEARING: October 7, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 11 into the record without objection, finds as follows:

The towing officer's report (Exhibit 10) stated that on September 7, 2008 the appellant's vehicle was parked where temporary parking restriction signs were posted, and so was towed. The signs read 'No Parking Anytime, 11:00 a.m. – 6:00 p.m., 09/07/08, 40 ft. Tow Away Zone.'

The appellant stated in her request for a hearing (Exhibit 1) that her vehicle was parked on September 5 at 5:00 p.m. She stated that she believed the tow was invalid because 24 hour notice was not given before the tow. The appellant did not explain what she meant by 24 hour notice not being given before the tow. The Hearings Officer finds that there is no evidence in the record to suggest that the signs were not posted for the required 24 hour notice period before the tow. The tow occurred at about 3:00 p.m. on Sept. 7, which is more than 24 hours from the time the appellant stated she parked her vehicle.

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.

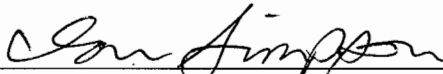
(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

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 9, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 24644

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Letter	Carlsen, Charlotte	Received
2	Notification of tow from PPB	Carlsen, Charlotte	Received
3	Tow desk report	Hearings Office	Received
4	Denial letter with markups	Carlsen, Charlotte	Received
5	Notice of Towed Vehicle with highlights	Carlsen, Charlotte	Received
6	Copy of original tow hearing request letter	Carlsen, Charlotte	Received
7	Hearing notice	Hearings Office	Received
8	Tow hearing info. sheet	Hearings Office	Received
9	Towed Vehicle Record	Police	Received
10	Investigation Report	Police	Received
11	Letter (duplicate of Exh. 1) w/copy of Exh. 7 attached	Carlsen, Charlotte	Received