



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF ETHEL SLY

CASE NO. 1080334

DESCRIPTION OF VEHICLE: Dodge Caravan (OR MI-TAXI)

DATE OF HEARING: December 2, 2008

APPEARANCES:

Ms. Ethel Sly, 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 6 into the record without objection, finds as follows:

The towing officer's report (Exhibit 5) stated that on November 13, 2008 at 11:20 a.m., the appellant's vehicle was towed. The officer was called to the vehicle on a service request by Moore Excavation. Signs were posted indicating that the parking space the appellant's vehicle was in was prohibited parking on November 13 and November 14. The signage was installed on November 12 at 10:33 a.m.

The appellant stated that she did not see any parking restriction signs applying to where she parked. She stated that she parked at about 6:00 to 6:30 a.m., while it was dark outside. The Hearings Officer finds that it is more likely that the appellant failed to see the signs, especially given that it was dark outside, than that the signs were posted on November 12, removed before the appellant parked her vehicle, and then posted again before the officer had the vehicle 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.

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: December 5, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 30395

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Sly, Ethel	Received
2	Tow desk report	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	Parking Enforcement	Received