



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF JEREMIAH UNGER

CASE NO. 1080358

DESCRIPTION OF VEHICLE: Ford F150 Truck (OR 196NVY)

DATE OF HEARING: December 12, 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 6 into the record without objection, finds as follows:

There is a discrepancy in the record concerning the subject vehicle's license plate number. The appellant's request for a hearing (Exhibit 1) and the officer's report and citation (Exhibits 5 and 6) list the license plate number as "196NVY". The Tow Desk Report lists the number as "196BYY". The Hearings Officer finds that the preponderance of the evidence supports finding that "196NVY" is more likely to be the accurate number.

The towing officer's report (Exhibit 5) stated that the appellant's vehicle was towed on December 10, 2008 because it was parked in violation of no parking barricade signs for street sweeping. The signs were verified as being posted on December 8, and the required 24 hour notice period had passed.

In his request for a hearing (Exhibit 1) the appellant did not deny that his vehicle was parked in violation of the street sweeping signs.

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;

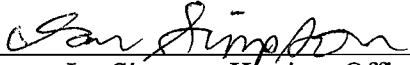
D. Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.

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: December 12, 2008
IS: cb/rs



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 33014

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Unger, Jeremiah	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	Parking Enforcement	Received