



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF CHRISTINE BRAUER

CASE NO. 1080360

DESCRIPTION OF VEHICLE: Mitsubishi Galant (IL WASC088)

DATE OF HEARING: December 18, 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 6) stated that the appellant's vehicle was towed on December 3, 2008 at about 8:00 a.m. because it was parked where no parking barricade signs for street sweeping were posted on the curb. The signs had been verified as being in place on December 1 at about 2:30 p.m., and the required 24 hour notice period had passed.

The appellant stated in her request for a hearing (Exhibit 1) that her son, Craig Brauer, had parked her vehicle before it was towed. Mr. Brauer stated (Exhibit 9) that he parked the appellant's vehicle on November 30. When he returned to the vehicle on December 3, it had been towed. He did not check on the vehicle between these dates. The City Code requires that if work is going to be done on the street for street sweeping, road repair or some other activity, signs must be posted for at least 24 hours to give people notice. If a vehicle is left on the public street for more than 24 hours without being checked on, there is a risk that signs will be posted to restrict parking, and the vehicle may be towed after the 24 hour notice period passes.

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;

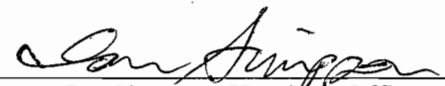
D. Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.

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 19, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 32207

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Letter	Brauer, Christine	Received
2	Tow desk report	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Letter requiring written representation at hearing	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation	Parking Enforcement	Received
8	12/17/08 letter	Brauer, Christine	Received
9	12/9/08 e-mail from Craig Brauer	Brauer, Christine	Received
10	Letter	Brauer, Christine	Received
11	Notice of Towed Vehicle	Brauer, Christine	Received