



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

www.portlandonline.com/auditor/hearings

HEARINGS OFFICER'S ORDER

APPEAL OF FRITZ J. ABENDROTH

CASE NO. 1080365

DESCRIPTION OF VEHICLE: Acura CL (OR VRZ957)

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 6 into the record without objection, finds as follows:

The towing officer's report (Exhibit 5) 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 his request for a hearing (Exhibit 1) that he is new to Portland. He stated that he parked in the late evening the night before the tow and did not see any signs. The Hearings Officer makes a decision based on the evidence and what is the more probable scenario. The Hearings Officer finds that it is more probable that the appellant failed to see the signs, rather than that the signs were posted and verified on December 1, removed before the vehicle was parked, and then posted again before the vehicle was ordered 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.

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: rs


Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 32237

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Abendroth, Fritz J.	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received