



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF GABRIELLE OLIVE DUNN

CASE NO. 1080366

DESCRIPTION OF VEHICLE: Honda Civic (OR 533DUR)

DATE OF HEARING: December 18, 2008

APPEARANCES:

Ms. Gabrielle Olive Dunn, 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 7 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 that she did not see any signs around her vehicle before the tow. She also said she did not receive a flyer to inform her of the street sweeps.

The City sends a flyer concerning the street sweeps to residents as a courtesy. The City Code does not require that the City do so. 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, 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: 32223

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Dunn, Gabrielle Olive	Received
2	Receipt	Dunn, Gabrielle Olive	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearings Process Info. sheet	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation	Parking Enforcement	Received