



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF ROGER HALL

CASE NO. 1080369

DESCRIPTION OF VEHICLE: Ford Escape (OR YMN687)

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 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 officer reported seeing signs on the block when he ordered the tow.

The appellant stated in his request for a hearing (Exhibit 1) that he did not see any signs near his truck when he parked.

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 when 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: 32231

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Hall, Roger	Received
2	Parking Violation and Tow Receipt	Hall, Roger	Received
3	Tow Hearings Process Info. sheet	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