



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

**APPEAL OF KIMBERLY BARNES**

CASE NO. 1080372

DESCRIPTION OF VEHICLE: Honda Civic (OR XME888)

DATE OF HEARING: December 30, 2008

**APPEARANCES:**

Ms. Chelsea Barnes, representing the 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 10 into the record without objection, finds as follows:

The appellant authorized her daughter, Chelsea E. Barnes, to represent her in the hearing. The appellant's daughter had parked the vehicle before it was towed.

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 were verified as being posted on December 1 at about 2:30 p.m., and the required 24 hour notice period had passed.

Ms. Barnes stated that she parked the vehicle on the evening of December 1. Ms. Barnes stated that she did not check on her vehicle after parking it and before it was towed, because her walk to school did not take her by the vehicle. 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 31, 2008

IS:cb/rs



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement

Tow Number: 32226

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Barnes, Kimberly	Received
2	Hearing request form	Barnes, Kimberly	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
8	Letter designating representative Chelsea Barnes	Barnes, Kimberly	Received
9	Letter requesting reschedule	Barnes, Kimberly	Received
10	Rescheduled hearing notice	Hearings Office	Received