



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 JUSTIN SANDERS

CASE NO. 1080384

DESCRIPTION OF VEHICLE: Honda Civic (OR ZHT293)

DATE OF HEARING: December 30, 2008

APPEARANCES:

Mr. Justin Sanders, Appellant

Ms. Deborah Barkley, for the City

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 8 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 12, 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 10 at about 3:39 p.m., and the required 24 hour notice period had passed. The towing officer also stated during the December 30, 2008 hearing that she saw several of the signs posted on the block the vehicle was parked, with one sign being about 20 feet from the vehicle.

The appellant stated that he did not see any such signs when he parked his vehicle, although he saw signs on other blocks in the area.

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 10, removed before the vehicle was parked on December 12, and then posted again before the officer ordered it 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.

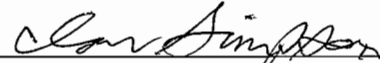
E. Temporary parking restrictions may be enforced by tow if the space reservation device and/or signs are in place by 12:30 p.m. the prior day in any meter district.

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 31, 2008

IS: rs



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 33265

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Tow Complaint Form - requests hearing	Sanders, Justin	Received
2	Tow receipt	Sanders, Justin	Received
3	Tow Desk printout	Hearings Office	Received
4	Hearing Notice	Hearings Office	Received
5	Tow Hearing Process Info. sheet	Hearings Office	Received
6	Tow hearing report (2 pgs)	Parking Enforcement	Received
7	Parking Violation	Parking Enforcement	Received
8	Photo	Sanders, Justin	Received