



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF MICHAEL JONES

CASE NO. 1080385

DESCRIPTION OF VEHICLE: Acura TL (OR CU16970)

DATE OF HEARING: December 30, 2008

APPEARANCES:

Mr. Michael Jones, 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 appellant confirmed during the December 30, 2008 hearing that he owned the subject vehicle. He stated that his friend, Jason C. Reed, had parked the vehicle before it was towed. Mr. Reed appeared during the hearing as a witness.

The towing officer's report (Exhibit 6) stated that the appellant's vehicle was towed on December 12, 2008 at about 8:30 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 in place on December 10 at about 3:30 p.m., and the required 24 hour notice period had passed.

Mr. Reed stated that he saw parking restriction signs for street sweeping in the area before the vehicle was towed, but not on the block that he parked. He stated that when he parked, the whole block had vehicles parked along the curb with just one spot left, which he parked in.

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 Mr. Reed failed to see the signs when he parked, rather than that the signs were posted on December 10, removed before he parked the vehicle, 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.

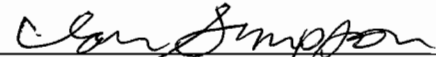
E. Temporary parking restrictions may be enforced by tow if the space reservation device and/or signs are in place by 12:30 p.m. the prior day in any meter district.

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 31, 2008

IS: rs



Ian Simpson, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 33311

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Jones, Michael	Received
2	Tow receipt	Jones, Michael	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