



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF LYRIC HARTLEY

CASE NO. 1080354

DESCRIPTION OF VEHICLE: Honda Accord (OR WEU723)

DATE OF HEARING: December 18, 2008

APPEARANCES:

Mr. Lyric Hartley, 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 9 into the record without objection, finds as follows:

The towing officer's report (Exhibit 6) stated that the appellant's vehicle was parked in a truck loading zone. The officer received a service request and had the vehicle towed at about 10:07 a.m. The officer said there was no permit on the vehicle or loading/unloading activity. The truck loading zone signs were clearly posted. The officer provided photographs (Exhibit 7) showing the vehicle parked in the loading zone.

The appellant stated that he placed his permit on the front dash of his vehicle. The appellant also stated that he had parked between 9:00 and 9:30 a.m. the morning of the tow.

The City Code requires that a vehicle parked in a loading zone have signage on both sides of the vehicle with lettering visible from 20 feet away. There must also be active loading or unloading with the vehicle and it must not be parked for more than 30 minutes. In this case, the vehicle did not have the appropriate signage visible on the outside of the vehicle and there was not active loading/unloading while it was parked. The vehicle was also parked between 9:00 and 9:30 a.m. and towed at about 10:07 a.m., and so longer than the 30 minute limit.

Given these circumstances, this was a valid tow. Please note the relevant City Code sections below concerning this matter.

**16.20.220 Truck Loading Zones.**

(Amended by Ordinance Nos. 165594, 166575, 176394 and 179141, effective March 23, 2005.)

**B.** Only the following vehicles, while being actively loaded or unloaded, may park in a truck loading zone for no more than 30 minutes:

3. A passenger or other vehicle with an official commercial loading permit as defined in Section 16.20.620 or delivery permit as defined in Section 16.20.630 that exhibits the commercial nature of the vehicle according to paragraph 6;

6. Commercial signage required by this section must be:

- a. On both sides of the vehicle;
- b. Magnetic, static cling vinyl (which may not be used on tinted windows), decals or permanently painted;
- c. No smaller than 8 1/2" by 11";
- d. In 2-inch or larger lettering;
- e. In a color that clearly contrasts with the color on which the lettering is displayed; and
- f. In lettering that is clearly visible at a distance of 20 feet.

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: cb/rs

  
Ian Simpson, Hearings Officer

Bureau: Parking Enforcement  
Tow Number: 31426

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Hartley, Lyric	Received
2	Tow desk report printout	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Fax confirmation to Roe at PE	Hearings Office	Received
6	Tow Hearing Report	Parking Enforcement	Received
7	Parking Violation	Parking Enforcement	Received
8	Photos	Hartley, Lyric	Received
9	Photo	Hartley, Lyric	Received