



# CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

## Hearings Office

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## HEARINGS OFFICER'S ORDER

### APPEAL OF STEVEN RAY SLADE

CASE NO. 1120132

DESCRIPTION OF VEHICLE: Mazda B3000 (OR UPW026)

DATE OF HEARING: July 24, 2012

### APPEARANCES:

Mr. Steven Ray Slade, Appellant

Deputy Debbie Barkley, on behalf of City

HEARINGS OFFICER: Ms. Kimberly M. Graves

Mr. Slade appeared at the hearing and testified on his own behalf. No one appeared on behalf of the City. The Hearings Officer makes this decision based on substantial evidence upon the record as a whole, which includes the testimony of Mr. Slade, Deputy Barkley and the documents admitted into evidence (Exhibits 1 through and including 7).

### Summary of Evidence:

Mr. Slade submitted a Tow Hearing Request Form, Exhibit 1, regarding the tow of his vehicle on July 9, 2012. Mr. Slade writes, "Signs is so confusing, thought only referred to the rear entrance door car lot." Mr. Slade appeared at the hearing and testified that he is new to the city, and that he has had a very hard time finding parking near where he lives. Mr. Slade testified that he is disabled and can't walk long distances. He testified that there is only one disabled parking space near his apartment, and it is often full. Mr. Slade testified that he parked his car overnight, and that he saw two of the Loading Zone signs prior to parking. Mr. Slade testified that he did not see the third Loading Zone sign which pointed toward the area where he was parked.

Ms. Barkley appeared and testified on behalf of the City. Ms. Barkley testified that on July 9, 2012, she cited and towed Mr. Slade's vehicle because it was parked in a Truck Loading Zone. Ms. Barkley testified that the Truck Loading Zone is in effect Monday through Friday between 7:00 a.m. and 11:00 a.m. Ms. Barkley testified that the area is marked with three Truck Loading Zone signs. The City also submitted Exhibits 5 through, and including, 7 for the Hearings Officer's consideration. Exhibit 5 is a Tow Hearing Report indicating that Mr. Slade's vehicle was towed on July 9, 2012 at 7:10 a.m. from the west side of NW 20th between Burnside and

Everett. Exhibit 6 is a copy of the citation issued to Mr. Slade when his vehicle was towed. Exhibit 7 contains three photos of Mr. Slade's vehicle prior to towing. The photos show that Mr. Slade's vehicle was parked between two Truck Loading Zone signs. The signs are not readable in the photos, but the symbol for No Parking and Truck Loading is visible.

**Applicable Law:**

The Hearings Officer must find a tow is valid if the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules can be found in the Portland City Code ("PCC") Title 16. PCC 16.20.220B provides that only the following vehicles, while being actively loaded or unloaded, may park in a Truck Loading Zone for no more than 30 minutes: 1. A truck; 2. A vehicle defined by its DMV registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle; 3. A passenger or other vehicle with an official commercial loading permit; 4. Any vehicle with Farm Vehicle registration plates; 5. Taxicabs. PCC 16.30.210A1 permits a vehicle to be towed if it is parked in violation of a temporary or permanent parking restriction. PCC 16.30.220 A permits a vehicle to be towed without prior notice and stored, at the owner's expense, when the vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic.

**Findings of Fact and Conclusions of Law:**

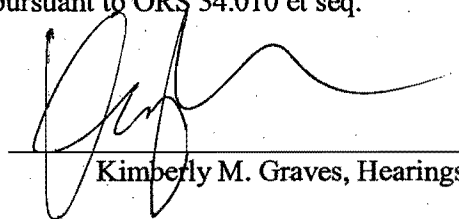
The Hearings Officer finds that on July 9, 2012, Mr. Slade's vehicle was parked on a public right-of-way in an area which was designated as a Loading Zone. The Hearings Officer finds that Mr. Slade's vehicle is not permitted under the PCC to park in a Loading Zone. The Hearings Officer finds that Mr. Slade's vehicle impeded the normal flow of vehicular traffic into and out of the Loading Zone. The Hearings Officer finds the tow of Mr. Slade's vehicle is valid.

**Order:**

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: August 2, 2012  
KMG:c2/cl

  
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Kimberly M. Graves, Hearings Officer

Enclosure

Bureau: Parking Enforcement  
Tow Number: 10763

Exhibit #	Description	Submitted by	Disposition
1	Tow Hearing Request Form	Slade, Steven Ray	Received
2	Tow Desk printout	Hearings Office	Received
3	Notice of Hearing	Hearings Office	Received
4	Statement of Rights and Procedures	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation #HA09128567	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received