



CITY OF
PORTLAND, OREGON
OFFICE OF THE CITY AUDITOR
Hearings Office

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HEARINGS OFFICER'S ORDER

APPEAL OF ERIC MANFRE

CASE NO. 1100012

DESCRIPTION OF VEHICLE: Ford Focus (OR 915XVU)

DATE OF HEARING: January 21, 2010

APPEARANCES:

Mr. Eric Manfre, Appellant

HEARINGS OFFICER: Mr. Gregory J. Frank

Mr. Manfre appeared at the hearing and testified on his own behalf. The Hearings Officer makes this decision based upon the testimony of Mr. Manfre and the documents admitted into the evidentiary record (Exhibits 1 through and including 7).

Mr. Manfre testified that during a number of weeks prior to his vehicle being towed, temporary no parking signs (folding "A-frame" type signs) were placed on the blockface of his neighborhood street. Mr. Manfre stated that on two occasions, during that time frame, he observed a person take the signs down, put them in a pile and/or lean them together against a tree/post only to later come back and replace the signs along the blockface. Mr. Manfre stated that there was a general uncertainty as to when the signs would be "up" and when they would be "down." Mr. Manfre indicated that when the signs were "down" the temporary no parking restrictions would not apply.

Mr. Manfre testified that the night before his vehicle was towed, he did observe signs along the entire blockface (the temporary no parking restriction was only between 7 a.m. and 6 p.m. Monday through Friday). Mr. Manfre stated that he parked his vehicle after 6 p.m. Mr. Manfre testified that early the next morning he looked out his window and the temporary no parking signs, within his view, were "down." Mr. Manfre did, some time later that day, come out and observe only three temporary no parking signs "up" and those were in the general location where his vehicle was parked. Mr. Manfre stated that he was, for child security reasons, unable to move the vehicle prior to it being towed; Mr. Manfre's wife had taken the child seat with her on a trip to Eugene.

The Parking Enforcement Officer who ordered Mr. Manfre's vehicle towed on January 11, 2010 submitted documents (Exhibits 5, 6 and 7). Exhibit 5, a Tow Hearing Report, states in relevant part, that "signs visible up and down the street" and that the "signs verified up on 1/5/10 at 10:12 am." Exhibit 7, supplied by the Parking Enforcement Officer, shows Mr. Manfre's vehicle and an "A-frame" type

temporary no parking sign directly in front of the vehicle and another close to the rear end of his vehicle. One of the photos shows the temporary no parking sign (Exhibit 7) which states "No Parking 7 AM to 6 PM MON thru FRI." Exhibit 5 indicates that Mr. Manfre's vehicle was ordered towed at "8:39 AM" on January 11, 2010.

The Hearings Officer must find a tow valid if the Hearings Officer finds that the person ordering the tow followed the relevant laws/rules. In this case, the relevant laws/rules are found in the Portland City Code ("PCC") Title 16. The specific sections of PCC Title 16 that are relevant to this case are found in PCC 16.30.210 A.1, PCC 16.30.210 D, and PCC 16.30.220 B. PCC 16.30.210 A.1 authorizes a Parking Enforcement Officer to order a vehicle towed and stored, at the owner's expense, if the vehicle is parked in any public right-of-way and the vehicle is parked in violation of any temporary or permanent parking restriction. PCC 16.30.210 D states that temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area. PCC 16.30.220 B permits a Parking Enforcement Officer to order a vehicle towed, without prior notice, if the vehicle is illegally parked in a posted restricted space/zone.

The Hearings Officer finds that Mr. Manfre stated that temporary no parking signs were "up" the night when he parked his vehicle (night before the tow) and also there were three signs "up" in close proximity to his vehicle on the date of the tow. The Hearings Officer finds that the Parking Enforcement Officer noted that the temporary no parking signs were "up" and verified on January 5, 2010 and included photos showing the temporary sign locations immediately prior to Mr. Manfre's vehicle being towed. The Hearings Officer finds that the temporary no parking signs were "up" more than 24 hours prior to the tow of Mr. Manfre's vehicle on January 11, 2010. The Hearings Officer finds that Mr. Manfre's vehicle was ordered towed at 8:39 AM on Monday, January 11, 2010; a time when the temporary no parking restriction was in effect.

The Hearings Officer finds that the Parking Enforcement Officer who ordered Mr. Manfre's vehicle towed on January 11, 2010 followed the relevant laws/rules. The Hearings Officer finds that Mr. Manfre's inability to move his vehicle on the morning of January 11, 2010 is not relevant to the Hearings Officer's decision of validity of the tow.

The Hearings Officer finds the tow of Mr. Manfre's vehicle on January 11, 2010 is valid.

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: January 22, 2010
GJF:cb/rs



Gregory J. Frank, Hearings Officer

Bureau: Parking Enforcement
Tow Number: 612

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Letter	Manfre, Eric	Received
2	Tow desk printout	Manfre, Eric	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Tow Hearing Report	Parking Enforcement	Received
6	Parking Violation	Parking Enforcement	Received
7	Photos	Parking Enforcement	Received