

## ROBINHOOD ROAD PARKING ORDINANCE

**I. AUTHORITY.** This parking ordinance is adopted pursuant to 30-A M.R.S.A. § 3009(C).

**II. PURPOSE.** This Ordinance is intended to protect public health, safety and welfare by regulating the parking of motor vehicles on Robinhood Road. Unrestricted parking of motor vehicles on the Town road creates traffic congestion, prevents the passage of emergency equipment, impedes winter maintenance and is dangerous to pedestrians and motorists. The purpose of this Ordinance is to reduce these dangers and to regulate parking as necessary to protect public health, safety and welfare.

**III. DEFINITIONS.** As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section.

*Motor vehicle* shall be defined as set forth in 29-A M.R.S.A. § 101(42), as may be amended from time to time.

*Night, weekend or holiday release hours* means weekdays between the hours of 5:00 pm and 7:00 am, Saturdays, Sundays or holidays.

*Storage and release facility* means the real property and any structures thereon to which Tow Operators tow or transport motor vehicles for storage until the vehicle owner claims the vehicle.

*Towing List* means a list maintained by the Town Administrator containing the names of those tow operators approved by the Town Administrator to respond to requests for the towing of motor vehicles made by those persons authorized to enforce this Ordinance.

*Tow Operator* means a person engaged in the business of, or offering the services of, a wrecker vehicle or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

*Wrecker vehicle* means a motor vehicle intended to be used to tow or otherwise transport other motor vehicles.

**IV. REGULATED AREA.** When signs are erected giving notice that parking is prohibited and violators will be towed, no person shall park any motor vehicle in regulated areas on Robinhood Road at any time. From Harpswell Islands Road (Route 24), the regulated areas of Robinhood Road are the north (left) side of Robinhood Road for its entire distance and the south (right) side of Robinhood Road for the first 445 feet

more or less from its intersection with Route 24, and also 625 feet more or less from same intersection continuing for 229 feet more or less and also 1014 feet more or less from same intersection to the end of the Town-maintained way. No vehicle shall be parked in a regulated area such that it prevents or obstructs passage of emergency services vehicles.

**V. AUTHORITY TO TOW AND IMPOUND.** Any illegally parked motor vehicle on Robinhood Road may be towed. Those persons authorized to enforce this Ordinance are authorized to order the removal and impounding of any motor vehicle parked on Robinhood Road in violation of this Ordinance by a Tow Operator on the Towing List.

**VI. TOWING LIST.** The Town Administrator is authorized to approve Tow Operators who meet the objective standards set forth in Sections VII, VIII and IX herein to be listed on the Towing List. The Town Administrator shall remove Tow Operators who fail, on a single incident basis and/or a continuing basis, to meet the objective standards set forth in Sections VII, VIII and IX herein from the Towing List. Notice of any changes to the Towing List shall be provided to the affected Tow Operator(s) and those persons authorized to enforce this Ordinance.

**VII. APPROVED STORAGE AND RELEASE FACILITIES.** Every Tow Operator on the Towing List shall provide and maintain a single storage and release facility for the storage of at least five (5) full sized automobiles and a building capable of housing and securing at least one (1) other motor vehicle. Such facilities shall be within the limits of the Town of Harpswell. All motor vehicles towed under the provisions of this Agreement shall be stored within Town limits, upon or within the storage and release facility maintained by each Tow Operator.

**VIII. TOW OPERATOR INSURANCE AND INDEMNIFICATION REQUIREMENTS.**

(a) Every Tow Operator on the Towing List shall maintain, at its own expense, and provide a copy to the Town, such policies of insurance as follows:

(1) Garagekeeper's legal liability policy covering the storage and release facility, including fire, theft, windstorm, vandalism and explosion, in the amount of at least Twenty Five Thousand Dollars (\$25,000.00), with each motor vehicle suffering damage or loss being deemed a separate claim.

(2) Towing/wrecker service commercial liability policy covering the operation of the Tow Operator's business, equipment or other motor vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of Four Hundred Thousand Dollars (\$400,000.00) combined single limit for personal injury and property damage, or such other amount as may be required by the

Maine Tort Claims Act (14 M.R.S.A. § 8001 et seq.), as amended from time to time, whichever amount shall be greater. Each wrecker vehicle insured shall be identified by make, model and vehicle identification number (VIN).

- (3) Road service liability coverage for the lifting, hoisting and towing of motor vehicles must be included in the Tow Operator's garagekeeper's legal liability policy.
- (b) Each policy required above shall name the Town as an additional insured and the certificate evidencing the same shall be in a form satisfactory to the Town Administrator. The Tow Operator shall maintain such insurance at all times it is on the Towing List, and the Tow Operator shall provide the Town Administrator with not less than thirty (30) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.
- (c) The lapsing or cancellation of any policy as required hereinabove shall result in the immediate removal of the Tow Operator from the Towing List without any action on the part of the Town.
- (d) Tow Operators shall defend, indemnify and hold the Town harmless from all claims for damages to property and injuries to persons resulting from the Tow Operator's negligence or intentional misconduct in the towing or storage of vehicles pursuant hereto.

**IX. TOW OPERATOR SERVICE CHARGES.** The maximum rates for services performed by Tow Operators on the Towing List pursuant to this Ordinance shall be as follows:

- (a) Tows: \$85.00 per tow.
- (b) Storage fee: \$30.00 per day, which begin to accrue 24 hrs. after the vehicle is towed.
- (c) Vehicle release fee: When an owner requests release of the vehicle during night, weekend or holiday release hours as defined herein, an additional charge of \$25.00 may be assessed. If a vehicle is released outside of night, weekend or holiday release hours as defined herein, no charge shall be assessed for the release.
- (d) Minimal call out fee: In the event that a Tow Operator has been requested to perform service and, upon arrival at the scene, the situation has changed and towing services are no longer required, \$15.00 fee if call out is outside of night, weekend or holiday release hours as defined herein and \$20.00 fee if call

out is during night, weekend or holiday release hours as defined herein.

**X. NOTIFICATION TO OWNERS.** Within 24 hours from the time of the removal of any motor vehicle under authority granted by this Ordinance, notice of the fact that the motor vehicle has been impounded shall be sent by a person authorized to enforce this Ordinance to the owner of record of that motor vehicle. Such notice shall be sent by regular first-class mail and shall contain the following information:

- (a) registration number and a brief description of the motor vehicle;
- (b) name and address of person or company who performed the tow;
- (c) location from which the motor vehicle was removed;
- (d) location where the motor vehicle is stored and may be claimed;
- (e) the provisions of the Ordinance that were violated and led to the tow; and
- (f) the maximum towing, storage and release fees pursuant to this Ordinance.

Any person seeking release of a motor vehicle towed pursuant to this Ordinance must first (a) pay all towing, storage and release fees; and (b) present satisfactory evidence of his or her right to possession and sign a receipt for the motor vehicle.

If any motor vehicle has not been claimed, the Tow Operator shall comply with the procedures set forth in 29-A M.R.S.A. §§ 1851-1861, Abandoned Vehicles, as may be amended from time to time. In the event of an unclaimed or abandoned vehicle, the Town Operator's sole remedy shall be as outlined in said State statute.

**XI. RECORDS OF MOTOR VEHICLES TOWED.** The Town's duly authorized law enforcement provider shall keep a record of all motor vehicles towed and impounded and shall be able at all reasonable times to furnish the owners or agents of the owners thereof with information as to the place of storage of such motor vehicles.

**XII. LIABILITY FOR FINE OR PENALTY.** The payment of towing, storage and release fees to the Tow Operator shall not operate to relieve the owner or operator of any motor vehicle from liability for any fine or penalty for the violation of any law or ordinance on account of which the motor vehicle was towed and impounded.

**XIII. UNLAWFUL REDEMPTION.** No person shall move a motor vehicle after it has been towed to an approved storage and release facility without payment of all applicable towing, storage and release fees.

**XIV. FINES AND PENALTIES.** A violation of this Ordinance is a civil violation punishable by a fine of Fifty Dollars (\$50.00). Any person charged with a violation of this Ordinance may waive court action by paying a waiver fee of Twenty Five Dollars (\$25.00) to the Town Clerk within 14 days of the violation. All fines and waiver fees shall accrue to the benefit of the Town. Whoever moves a motor vehicle after it has been

towed to an approved storage and release facility without payment of the towing, storage and release fees shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for each subsequent offense.

**XV. ENFORCEMENT.** This Ordinance may be enforced by the Town's duly authorized law enforcement provider (currently Cumberland County Sheriff's Department), a constable of the Town of Harpswell, and any person specifically authorized by formal vote of the Board of Selectmen to enforce this Ordinance.

**XVI. SEVERABILITY.** In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

**XVII. REPEAL OF PRIOR ORDINANCE.** Upon adoption of this Ordinance, any prior Robinhood Road parking ordinance is repealed.

**XVIII. EFFECTIVE DATE.** This Ordinance shall become effective when adopted by a majority of the Board of Selectmen.

Adopted July 17, 2003

Revised May 29, 2014

Revised June 19, 2014