

**TOWN OF HARPSWELL
BETHEL POINT TOWN LANDING
PARKING ORDINANCE**

Adopted December 11, 1997
Amended November 16, 2000
Amended July 20, 2017
Amended March 28, 2019

- Section 1. **TITLE:** This Ordinance shall be known as the Town of Harpswell Bethel Point Town Landing Parking Ordinance.
- Section 2. **PURPOSE AND AUTHORITY:** The purpose of this Ordinance is to regulate the use of available parking for residents and visitors to the Bethel Point Town Landing, This Ordinance is enacted by the municipal officers under the authority of MRS Title 30-A §3009.
- Section 3. **PERMIT PROCEDURE:** Any resident or visitor requesting to park at the Bethel Point Town Landing may be issued a designated space parking permit, subject to annual availability. Limited parking spaces are available on a first come, first issued basis. Permits may be issued by the municipal officers according to the following priority:
- A. **Property Owner Permits for the season:** For persons who own property on the islands of Big Yarmouth, Little Yarmouth, Pine and George, up to 7 property owner permits may be issued on an annual basis.
 - 1. Permit cost will be \$25.00 per vehicle
 - 2. Permit expires December 31st of the given issuance year.
 - 3. Property ownership must be confirmed in the Town records.
 - 4. One permit per property may be issued.
 - 5. Property owners will have until June 1st, of the given year, to obtain these priority permits.
 - B. **Temporary Permit:** For all remaining parking permits, including those not issued under Section 3.A, Temporary Permits may be issued as follows:
 - 1. Temporary Permits: Each permit will be issued for up to 14 days on a first come, first issued basis.
 - 2. Cost: The cost of a Temporary Permit will be \$5.00 per vehicle.
 - 3. Date Eligibility: A Temporary Permit may be obtained after June 1st of the given year of issuance.
 - 4. Expiration: A Temporary Permit is valid for a period not to exceed 14 days from issue date. Expiration day will be entered on each permit.
 - 5. Parking Availability: Parking will be based only on availability of spaces.
 - C. **Handicapped Parking Permit:** There shall be at least one designated handicapped parking space.
 - 1. The handicapped parking permit shall meet the requirements for the temporary permit.
 - 2. Applicant must have proof of handicap parking status at time of permit request.
 - 3. The Town may issue a handicapped parking permit at any time.
- Section 4. **PERMIT FREE PARKING:** The remaining spaces shall be available for parking on a first come, first serve basis at the discretion of the municipal officers.
- Section 5. **PARKING SPACES:** The municipal officers may amend the number, location and type of available parking spaces on an as needed basis. Signage at the site will indicate the areas requiring permits and the areas not requiring permits.
- Section 6. **UNAUTHORIZED PARKING:** No person may park a trailer under this ordinance during the period of May 15th through September 15th, annually. No person may park a motor vehicle at the designated permit parking area at Bethel Point Town Landing without a permit issued by the municipal officers or

employees. Parking is restricted to the east side of Bethel Point Road at or near the Town Landing in the Designated Permit Parking areas or Permit Free Parking Areas only.

Section 7. AUTHORITY TO TOW AND IMPOUND. Any illegally parked motor vehicle at Bethel Point Town Landing may be towed. Those persons authorized to enforce this Ordinance are authorized to order the removal and impounding of any motor vehicle parked at Bethel Point Town Landing in violation of this Ordinance by a Tow Operator on the Towing List.

A. TOWING LIST. The Town Administrator is authorized to approve Tow Operators who meet the objective standards set forth in Sections B, C and D 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 B, C and D 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.

B. APPROVED FACILITIES. Every Tow Operator on the Towing List shall provide and maintain a facility for the storage of vehicles. Such facilities shall be within 15 miles of the limits of the Town of Harpswell. All motor vehicles towed under the provisions of this Agreement shall be stored within the facility maintained by each Tow Operator.

C. TOW OPERATOR INSURANCE AND INDEMNIFICATION REQUIREMENTS. 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) 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. § 8001 et seq.), as amended from time to time, whichever amount shall be greater.

(2) The lapsing or cancellation of any policy as required herein shall result in the automatic removal of the Tow Operator from the Towing List without any action on the part of the Town.

(3) 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.

D. 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 24 hour day, which begins to accrue 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, towing services are no longer required, a \$15.00 fee may be assessed if call out is outside of night, weekend or holiday release hours as defined herein and a \$20.00 fee may be assessed if call out is during night, weekend or holiday release hours as defined herein.

(e) The municipal officers may amend the fees cited in this Section on an annual basis, provided that any altered fees shall be posted on Town's website.

E. NOTIFICATION TO OWNERS. Within 24 hours from the time of the authorized removal of any motor vehicle 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. §§ 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.

F. 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.

G. 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.

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

I. FINES AND PENALTIES. A violation of this Ordinance is a civil violation punishable by a fine of Fifty Dollars (\$50.00). Whoever moves a motor vehicle after it has been towed to an approved 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.

Section 8. ENFORCEMENT. This Ordinance may be enforced by any law enforcement provider duly authorized by the Town or any person specifically authorized by formal vote of the Board of Selectmen to enforce this Ordinance.

Section 9. EFFECTIVE DATE: This Ordinance shall become effective when enacted by the municipal officers after seven (7) days' notice of the meeting at which the Ordinance is to be considered; and shall replace the Town of Harpswell Bethel Point Town Landing Parking Ordinance in its entirety.

Section 10. SEVERABILITY: Should any section of the Ordinance be found invalid, it will not affect the validity of any other section.