

## **Sec. 17-419 Vehicle Tow away Procedure**

1. Applicability. The procedures herein set forth shall be utilized in all cases where a vehicle is towed from any public street, municipal parking lot, public way, or public property, or from any private property at the request or direction, of the City.

2. Notice to Owner Required. Notice shall be sent to the registered owner of a vehicle towed by regular mail, postage prepaid, during the next business day following the tow.

The notice shall state the following:

- A. The registration number and a brief description of the vehicle;
- B. The name and address of the person or company performing the tow;
- C. The location of the vehicle;
- D. The ordinance, statute or regulations violation which led to the tow;
- E. The towing fee and any accruing storage charges;
- F. That a hearing as provided herein is available if the owner feels that the tow was unauthorized or otherwise improper.

3. Should a vehicle be towed at the request or direction of the City, and that vehicle turns out to have been stolen from the registered owner, the owner shall be notified by mail as set forth in paragraph 2 of this section. The registered owner of the stolen vehicle shall be responsible for all towing and storage charges which accrue until the owner is able to recover the vehicle from impoundment. Eff: 9/12/90

4. Hearing Provided. A person whose vehicle has been towed at the request or direction of the City may request that a hearing be held to determine the validity of the tow. The hearing will be held by the City Manager or his representative within seventy-two (72) hours of a request for a hearing.

The petitioner shall be given notice of the time and location of the hearing and shall be allowed to present any evidence, testimony or documentation in support of his or her position and shall have the right to question any witnesses appearing in opposition to his or her position. The hearing shall be conducted as informally as possible consistent with due process.

The City Manager or his designated representative shall consider any relevant evidence or testimony and may uphold the validity of the tow away. If the tow is not upheld, the City shall pay the full cost of the tow and any accrued storage charges assessed by the tow operator up to and including the day upon which the hearing is held.

5. Appeal. Any person aggrieved by a decision of the City Manager or his designated representative may appeal to the City Council in writing within ten (10) days of receipt of that decision in writing. The Council may uphold or reverse the City Manager's, or his representative's decision. If the decision is reversed, the City shall pay the full towing fee and any accrued storage charges up to and including the day upon which the hearing before the City Manager, or his representative, was held.

**State Law Reference:** 29 MRSA § 1111.

Ch. 17, Sec. 17-416
---------------------