TOWN OF SURRY
CARRYING PLACE BEACH SEASONAL USE ORDINANCE

Article 1 - Purpose

This ordinance will govern the use of town owned and used land located on Newbury Neck known as The Carrying Place Beach. This ordinance shall be in force seasonally from 1 May to 30 October each year. This ordinance is intended to provide for use of the land by both commercial and recreational users during the time period described above. By regulating the use of this land and to adjacent water, this ordinance is intended to promote safety and proper traffic flow in the Beach area. This ordinance does not excuse any person from the necessity of complying with all other applicable laws and regulations.

Article 2 - Authority

This ordinance is prepared and adopted by the Town of Surry in open Town Meeting under the Home Rule Provisions of the Constitution of the State of Maine, Article VIII-A, Authority granted under Title 30-A MRSA, Section 3009 as amended, and Title 38, Sec 1, et seq. Supervision of the implementation of this ordinance will be the responsibility of the Harbormaster and Code Enforcement Office under the direction of the Board of Selectmen.

Article 3 - Area of Jurisdiction and Boundary Markers

This ordinance covers seasonal use of town owned land located north of the Carrying Place Cove described as Map 9, Lot 1 in the Town of Surry tax maps. Vehicle parking will be limited to three permanent parking areas; one in the evergreen woods on the west end of the land, one adjacent to the small salt marsh located at the end of Lot 1-1, and the last one located in a town used lot located across the road from the northeast end of the town-owned lot. Two parking areas reserved primarily for commercial users of the beach area are located at the west and east ends of the road adjacent to the beach. These areas are for loading and unloading only. Parking in these loading and unloading areas is limited to periods of two hours or less. Parking in the other designated areas will be limited to the hours between 5AM and 11PM. All areas will be marked with appropriate signage. See article 10.

Article 4 - Sunbathing, Swimming Area

The entire beach on the south side of the Newbury Neck Road may be used for public sunbathing and/or swimming with the following exceptions: two areas, one on each end of the public beach 45 feet long, will be set aside for use by commercial users for permitted activities.

Article 5 - Permitted Commercial Activities

Commercial users' outhauls, three per side will be allocated each year on the 1st of May on a lottery basis as determined by the harbormaster. Temporary (less than 48 hours) storage of traps, nets, and accessory items is permitted. Temporary beaching of rowboats or other tenders (again, less than 48 hours) is also a permitted commercial activity. All storage activities will be at the owner's risk.
Article 6 - Parking or Storage Violations

Any vehicle found parked in violation of the parking section of this ordinance may be towed away by a private towing company chosen by the town. Equipment or boats stored in violation of this ordinance may be hauled away by a private hauler. It shall be the owner's or operator's responsibility and sole expense to pay these charges and arrange for release of the vehicle or equipment from impoundment in addition to the towing and/or hauling expenses.

The town shall not be responsible or liable for any damage incurred to any illegally parked vehicle or improperly stored equipment during towing, hauling, or impoundment by municipal authority.

The Board of Selectman shall designate to any police officer, or any other person they choose, the authority to write tickets (on a Town of Surry Parking Violation Notice). Said designees shall have the authority to assess the civil penalties based on this ordinance, to choose the towing or hauling company, to order vehicle(s) towed, equipment hauled, and enforce unpaid violations in the Maine Court System.

Article 7 - Civil Penalties

Each violation shall incur a civil penalty of no more than $50.00. A violation shall be considered: parking longer than the designated time in approved parking areas; any parking in unapproved areas; storage for longer than the allotted time in approved commercial use areas; use of public bathing areas for commercial activities for any time period. To preclude further action, civil penalties must be paid within 90 days at the Surry Town Officer during normal office hours.

Article 8 - Validity and Severability

Should any section of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Article 9 - Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute, the more restrictive provision shall control.

Article 10 - Area Map

The map attached as Exhibit A is considered a part of this ordinance and shall be the official designator of the boundaries of parking/no parking areas.

Certified to Jonathan L. Thomas, Clerk of Surry, this 14th day March, 1995.

Wilbur A. Saunders, Chrm.  Stephen D. Bemiss  Jane M. Lord
Selectmen of Surry