

CONCORD UNIVERSITY BOARD OF GOVERNORS

Policy No. 15

Policy on Parking and Traffic Policy

Effective Date: 12/22/2005

Section 1. GENERAL

1.1 Scope: This rule establishes policy for the acquisition, operation and regulation of parking areas and facilities at Concord University; regulation of parking, speed and flow of traffic on campus roads and driveways; civil and criminal penalties; disposition of revenue.

1.2 Authority: West Virginia Code § 18B-4-6

1.3 Effective Date: December 22, 2005

Section 2. POLICY

2.1 Concord University is authorized to construct, maintain, and operate automobile parking facilities or areas upon any premises owned or leased under their jurisdiction for use by students, faculty, staff, and visitors. Concord University may charge fees for use of the parking facilities or areas under their control. All moneys collected for the use of the parking facilities or areas shall be paid to the credit of the state institution of higher education at which the fees were charged into a special fund which is hereby created in the state treasury. The moneys in the fund shall be used first to pay the cost of maintaining and operating the parking facilities or areas, but any excess not needed for this purpose may be used for the acquisition of property by lease or purchase and the construction thereon of additional parking facilities or areas. Any money in the fund not needed immediately for the acquisition, construction, maintenance, or operation of the parking facilities or areas may be temporarily invested by the governing board with the state board of investments to the credit of Concord University.

2.2 Notwithstanding any other motor vehicle or traffic law or regulation to the contrary, Concord University is authorized to regulate and control, under their jurisdiction, the speed, flow, and parking of vehicles on campus roads, driveways, and parking facilities or areas. Rules for this purpose shall be promulgated by the governing board in the manner prescribed in state code and when so promulgated shall have the force and effect of law. In each parking facility or area a summary of the rules governing the use of the facility or area including, but not limited to, the availability of temporary parking permits and where same may be obtained, and of the penalties which may be imposed for violation of the rules shall be conspicuously posted. Along each campus road and driveway, notice signs pertaining to the speed of the vehicles, spaces available for parking, and directional flow of traffic shall be conspicuously posted. Penalties which may

be imposed for violations of the rules are listed in the Concord University vehicle registration and parking regulation handbook.

2.3 Any person parking any vehicle or operating any vehicle in violation of the rules shall be issued a citation describing the offense charged and ordering an appearance within ten days, excluding Saturdays, Sundays, and holidays observed by the university, before a designated official of the university and if the person cited fails to appear within said ten days, ordering an appearance before a magistrate located in the county in which the university is located or before the judge of the municipal court. The designated official of Concord University shall have exclusive jurisdiction of the offense during the ten-day period. Any person so cited may plead no contest to the offense and, by so pleading, shall be subject to a civil penalty to be determined uniformly by the designated official and commensurate with the severity of the offense in an amount not more than ten dollars for each offense as partial reimbursement to Concord University or the cost of regulating traffic and parking. Moneys derived from civil penalties imposed herein shall be deposited in the special fund in the state treasury created by this section and credited to Concord University at which the penalty was paid. Upon the expiration of the ten days, or upon a pleading of not guilty before the designated official of Concord University within ten days, the magistrate or judge of the municipal court shall have jurisdiction of the offense. Concord University may pursue, thereafter, prosecution for the offense through the magistrate or municipal court system. Any person cited under the provisions of this section, upon a finding of guilty by the magistrate or municipal judge, shall be subject to a fine of not less than ten dollars not more than twenty dollars for each offense, the amount to be commensurate with the severity of the offense, plus magistrate court cost. The designated official of Concord University presiding over a case under such provisions of this section shall keep or cause to be kept a record of every citation which alleges a violation of such provisions, or the rules promulgated in accordance therewith, and shall keep a record of every official action in reference thereto including, but not limited to, a record of every plea of no contest, conviction or acquittal of the offense charged and the amount of the fine or of the civil penalty resulting from each citation.

2.4 Whenever a vehicle is parked on any Concord University campus road, driveway or parking facility or area in a manner which violates posted rules and substantially impedes the flow of traffic or endangers the health and safety, the institution may, in addition to the issuing of a citation and subsequent procedures set forth herein, remove the vehicle, by towing or otherwise, to an area designated for this purpose. The vehicle, having been towed to the designated area or areas, may be rendered immovable by use of locking wheel blocks or other device not damaging to the vehicle. Concord University will not be liable for any damage to a vehicle towed to, or kept in, a designated area pursuant to the provisions of this section. Concord University shall pay for the cost of removing the vehicle and shall have a right to reimbursement from the owner for this cost and for the reasonable cost of keeping the vehicle in the designated area. Until

payment of these costs, Concord University may retain possession of the vehicle, and the institution shall have a lien on the vehicle for the amount due. Concord University may enforce this lien in a manner provided in section fourteen, article eleven, chapter thirty-eight of this code for the enforcement of other liens.