

Title 516 WAC

WESTERN WASHINGTON UNIVERSITY

Chapters 516-12 Parking and traffic regulations.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 516-14 APPEALS FROM PARKING VIOLATIONS

516-14-200	Policy and procedure. [Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-14-200, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120(11), 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-14-200, filed 6/28/83, effective 9/19/83.] Repealed by 10-15-021, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12) and 28B.10.560.
------------	--

Chapter 516-12 WAC PARKING AND TRAFFIC REGULATIONS

WAC	
516-12-400	Definitions.
516-12-410	Purpose and application.
516-12-420	Authority.
516-12-425	Administrative responsibility.
516-12-430	General regulations.
516-12-440	Parking areas.
516-12-450	Permits.
516-12-460	Fees.
516-12-470	Enforcement.
516-12-480	Appeals and appeals board.

WAC 516-12-400 Definitions. As used in this chapter, the following words and phrases mean:

(1) "All lot permit assignment." A parking lot assignment that allows the driver access to campus from a majority of all university parking lots with exceptions. Exceptions are identified on the guidelines issued and are subject to change annually, unless impact to the lot or the campus warrants an earlier change.

(2) "Appeals board." The board that hears citation and notice of infraction appeals for parking, impoundment, bicycle, and skateboard violations.

(3) "Area designator." A tag affixed to a permit indicating a parking lot assignment for a vehicle.

(4) "Automobile." Any motorized vehicle having four or more wheels.

(5) "Board." The board of trustees of Western Washington University.

(6) "Campus." All state lands devoted to the educational or research activities of the university.

(7) "Disability space." A parking space identified with a sign bearing the international disability symbol that is restricted at all hours to use by vehicles displaying both a valid WWU parking permit and WWU disability parking permit.

(8) "Electric personal assistive mobility device (EPAMD)." A self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred

fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. This term is intended to include other similar devices as defined in RCW 46.04.304 as now or hereafter amended.

(9) "Employee." Any individual appointed to the faculty, staff, or administration of the university.

(10) "Habitual offender." The driver of a vehicle license number or permit number accruing eight or more paid or unpaid parking citations within a twelve-month period.

(11) "Holiday" or "university holiday." A day designated by the university as a holiday or university holiday. Intersession or quarter breaks are not considered holidays. See definition of intersession.

(12) "Impoundment." The status of a vehicle that has been seized and kept in legal custody by either being immobilized with a wheel lock device or towed from campus.

(13) "Intersession." A period of time in which classes or final exams are not in session. University business offices are open during this time, except during holidays.

(14) "Loading zone." A space in which parking is allowed for a specific time period and which is identified by signage as a loading zone.

(15) "Meter feeding." Purchase of additional time beyond the time limit posted on the parking meters. This practice is prohibited since use of meters is intended to serve short-term parking needs.

(16) "Metered parking." A parking space where drivers pay to park for a specified time period. Drivers pay to park in the space for a length of time by purchasing time at a meter or pay box.

(17) "Motor vehicle" or "vehicle." Every vehicle that is self-propelled; for example cars, trucks, and motorcycles. Motor vehicle includes a neighborhood electric vehicle as defined in RCW 46.04.357. Motor vehicle also includes a medium-speed electric vehicle as defined in RCW 46.04.295. Electric personal assistive mobility devices and power wheelchairs are not considered motor vehicles.

(18) "Motorcycle." A motor vehicle designed to travel on not more than three wheels in contact with the ground on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor, a power wheelchair, an electric personal assistive mobility device, and a moped. Refer to chapter 516-13 WAC for further information.

(19) "Parking services." A unit of the public safety department responsible for the parking on campus property.

(20) "Pass." An event parking pass issued by the university, a university bus pass issued by Whatcom transportation authority and distributed by the university, or other valid parking pass issued by parking services.

(21) "Pay station." An automatic kiosk that issues parking permits from a free-standing, unattended machine.

(22) "Pedestrian." Any person who is afoot or who is using a wheelchair, a powered wheelchair, or a powered scooter for persons with disabilities.

(23) "Permit." An unexpired parking permit issued by parking services and properly displayed on a vehicle.

(24) "President." The president of Western Washington University.

(25) "Prohibited areas." Areas other than those designated for parking or a roadway.

(26) "Public safety department." The office consisting of parking services, university police, lockshop, and sustainable transportation.

(27) "Public safety director." The person appointed public safety director of the university by the president or designee.

(28) "Registered volunteer." An individual who is registered with the university's human resources department to perform assigned or authorized volunteer duties as determined by a department of the university.

(29) "Student." Any person enrolled in the university as a student.

(30) "University." Western Washington University.

(31) "University business assignment." A parking assignment that allows the driver access to specific lots on campus. The specific lots are identified on the guidelines issued and are subject to change annually, unless impact to the lot warrants a change.

(32) "Visitors." People physically present on campus who are not employees, registered volunteers, or students.

(33) "Walk zone." Any area designated by signs or symbols as a place where bicycles, skateboards, and other regulated devices cannot be ridden during specified periods.

(34) "Wheelstop." A cement or metal barrier used to define a parking space.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-400, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-400, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 97-17-052, § 516-12-400, filed 8/15/97, effective 9/15/97; 96-14-006, § 516-12-400, filed 6/20/96, effective 7/21/96. Statutory Authority: RCW 28B.35.120(12). 95-09-047, § 516-12-400, filed 4/17/95, effective 5/18/95. Statutory Authority: RCW 28B.35.120(11). 92-06-068 (Order 92-01), § 516-12-400, filed 3/3/92, effective 3/31/92; 87-18-001 (Resolution No. 6-04-87), § 516-12-400, filed 8/20/87. Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-400, filed 7/2/85. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-400, filed 6/28/83, effective 9/19/83.]

WAC 516-12-410 Purpose and application. The purpose of these regulations is to facilitate safety and access to and around campus by users. These regulations apply to anyone seeking motor vehicle access to campus. Specifically these regulations are intended:

(1) To regulate parking by assigning limited parking space and hours of operation for the most efficient use;

(2) To regulate motor vehicles and minimize traffic disturbances on campus;

(3) To protect pedestrians;

(4) To assure access at all times for emergency traffic;

(5) To facilitate the work of the university by allowing access for its vehicles given limited parking resources;

(6) To encourage sustainable transportation, including travel to the university by means other than single occupancy vehicles (SOV) due to the limited ability to park on campus; and

(7) To generate resources to establish and manage suitable, self-sustaining parking space and facilities through a principled and fairly administered process.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-410, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW

28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-410, filed 7/2/85. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-410, filed 6/28/83, effective 9/19/83.]

WAC 516-12-420 Authority. The board of trustees of Western Washington University is granted statutory authority under RCW 28B.10.560 to establish regulations to govern pedestrian and vehicular traffic and parking on the campus of the university.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-420, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-420, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 97-17-052, § 516-12-420, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-420, filed 7/2/85. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-420, filed 6/28/83, effective 9/19/83.]

WAC 516-12-425 Administrative responsibility. The administration of parking regulations and moving violations is the responsibility of the public safety director.

(1) The public safety director is authorized to:

(a) Issue and sell parking permits to employees, students, guests, visitors, and others when necessary, and to provide special parking for individuals with disabilities.

(b) Impose or suspend traffic and parking regulations and restrictions when appropriate to the mission of the university, such as commencement.

(c) Erect signs, barricades, and other structures to designate the various parking or no parking areas on campus; and to paint markers and other directions for the regulation of traffic and parking.

(d) Establish procedures to govern the purchase and distribution of annual, academic year, quarterly permits and other permits, and to assign parking spaces.

(e) Change or close, either temporarily or permanently, any campus parking area. Notice of change will be provided whenever practical.

(2) The authority of the public safety director under this chapter may be delegated to other personnel within the public safety department.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-425, filed 7/9/10, effective 8/9/10.]

WAC 516-12-430 General regulations. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington apply on the campus.

(2) The traffic code of the city of Bellingham applies on city streets which cross the campus.

(3) All vehicles, attended or unattended, must display a valid Western Washington University parking permit or pass when parked on the campus, unless the vehicle is:

(a) Parked in a metered parking space with meter payment;

(b) Parked in a loading zone in compliance with posted limits; or

(c) Parked in a lot that does not require a permit during specified times as posted.

(4) The person who obtains a permit and the registered owner of the vehicle are responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

(5) If a parking permit holder cannot locate a parking space in the assigned lot, the holder may park in the next nearest parking lot and then must call parking services.

(6) Motorcycle permit holders must park in areas designated for motorcycles.

(7) The university reserves the right to refuse parking privileges to anyone who has:

- (a) Had a permit revoked.
- (b) Falsified a parking application or registration.
- (c) Counterfeited or altered an area designator or permit.
- (d) Failed to pay outstanding citations.
- (e) Been identified as a habitual offender.
- (f) Been found to be in possession of or using a lost or stolen permit.

(g) Removed a wheel lock without authorization of parking services.

- (h) Been trespassed from campus.
- (i) Failed to comply with parking services directions.
- (j) Damaged university property while driving or parking on campus.

(k) Verbally abused or assaulted staff.

(8) The speed limit on campus is ten miles per hour or as posted. Drivers must operate vehicles in a careful and prudent manner at all times and must comply with established speed limits.

(9) Drivers of vehicles must obey all regulatory signs and comply with directions given by parking services and public safety staff and their designees.

(10) Drivers of vehicles must yield the right of way to pedestrians within the campus. This includes, but is not limited to, pedestrians crossing streets, roadways, and parking areas within the campus. Operators must also yield to pedestrians at intersections, clearly marked crosswalks, or city streets which cross the campus.

(11) Government-owned vehicles bearing government license plates may be parked in nonreserved spaces for a maximum of four hours while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. Such vehicles may be parked in metered spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other government-owned vehicles will abide by all traffic and parking regulations.

(12) No person may utilize any vehicle parked on campus as a living unit without specific approval from the public safety director. Violators will be cited or towed.

(13) Vehicles are to be maintained in operating condition at all times on university property, except those in a garage, research facility, or automotive shop designated for parking such vehicles by the public safety director. Vehicle repairs or maintenance will not be made on campus unless authorization has been received in advance from the public safety director or designee.

(14) A vehicle which appears to be abandoned, with or without a current parking permit, pass, or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(15) The university rents space to individuals who wish to park on campus and who are issued a parking permit or pass. The university assumes no responsibility or liability

under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the issuance of a permit or pass.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-430, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-430, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 97-17-052, § 516-12-430, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 28B.35.120(11). 92-06-068 (Order 92-01), § 516-12-430, filed 3/3/92, effective 3/31/92. Statutory Authority: RCW 28B.35.120(12). 90-17-032, § 516-12-430, filed 8/9/90, effective 9/9/90. Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-430, filed 7/2/85. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-430, filed 6/28/83, effective 9/19/83.]

WAC 516-12-440 Parking areas. (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, whitepainted lines, and/or white traffic buttons.

(2) Vehicles may not be parked in any parking area without a parking permit or pass for that area except as provided in WAC 516-12-430 (3) or (11). Each parking area is posted to indicate the type of permit required and the times they are required.

(3) Parking in loading zones is limited to the time posted.

(4) Visitors may park only where assigned by permit, pass, or in metered areas with meter payment.

(5) Vehicles displaying valid permits or passes may park in metered spaces with meter payment.

(6) Meters are available to serve short-term parking needs. "Feeding" meters is prohibited. That is, additional time cannot be purchased beyond the time limit posted on the meter.

(7) Motorcycles must only be parked in designated "M" lots or at metered spaces with payment. Motorcycles may not use space assigned to automobiles or bicycles, unless parked at a meter with payment.

(8) Automobiles must not be parked in areas assigned to motorcycles.

(9) Bicycles must only be parked as provided in chapter 516-13 WAC, Bicycles, mopeds, and other powered devices.

(10) Personal notes or business cards left on vehicles describing reasons for parking without a valid permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted for that designated purpose or to assigned vehicles.

(12) Resident student "R" lots are restricted to permit holders as assigned 24 hours per day.

(13) Vehicles must not use more than one space when parking.

(14) The violation of any parking regulation by other vehicles does not constitute a valid excuse for violating these regulations.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-440, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-440, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 96-14-006, § 516-12-440, filed 6/20/96, effective 7/21/96. Statutory Authority: RCW 28B.35.120(12). 90-17-032, § 516-12-440, filed 8/9/90, effective 9/9/90. Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-440, filed 7/2/85. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-440, filed 6/28/83, effective 9/19/83.]

WAC 516-12-450 Permits. (1) Except as otherwise provided in this chapter, permits may be issued only to students, employees, and other members of the university community. Persons wishing to obtain parking permits are required to complete a registration form provided by parking services and pay the fee. Ownership of the parking permit remains with the university. Individuals are not allowed to transfer ownership.

(2) The loss or theft of a parking permit should be reported to parking services immediately. Upon recovery, all permits reported lost or stolen should be returned immediately to parking services. Possession or use of a lost, stolen, or forged permit will result in a fine, the vehicle being wheel locked or towed, and loss of parking privileges.

(3) A stolen permit will be replaced the first time at no cost, provided a theft report has been filed with parking services. A fee will be charged for the replacement of subsequent stolen or lost permits.

(4) A valid permit means an unexpired parking permit issued by parking services and properly displayed on a vehicle. Parking permits are to be displayed according to instructions provided by parking services.

(5) Motorcycle permits must be affixed and easily visible from the rear fender.

(6) To enhance the business and operation of the university, all lots or university business permits may be issued and renewed by the public safety director. Initial requests for all lots and university business permits require a completed application and the signature of the dean, director, or chairperson of the department with whom the person is associated. The approved arrangement may be renewed until the employee's job position or duties change. Issuance requires purchase of a WWU parking permit. All lots and university business permits are valid for brief periods of time only when on university business and are not valid in metered lots, reserved spaces, or small capacity lots.

(7) Persons with a temporary or permanent physical disability who require special parking consideration must obtain a state disability parking permit as well as a valid WWU disability parking permit.

(8) All permits are the property of the university and may be recalled by the public safety director under the following circumstances:

(a) When the purpose for which they were issued changes or ceases to exist.

(b) Falsification of an application or registration for parking.

(c) Violations of the regulations in this chapter.

(d) Counterfeiting or altering a permit.

(e) Failure to comply with a judgment of the appeals board.

(f) Failure to pay outstanding citations.

(g) Removed a wheel lock without authorization of parking services.

(h) For an unauthorized permit transfer.

(9) The public safety director determines parking lot and space assignments.

(a) Annual permits are valid for twelve months.

(b) Academic permits are valid for nine months.

(c) Quarterly permits are valid from the first day of the quarter for which issued. Permits must be renewed on or before the first day of the quarter.

(d) Those persons seeking to consecutively renew a quarterly permit for winter, spring, and summer quarters to the same parking lot as assigned for fall quarter may do so during the two weeks prior to finals week. Permits may not be renewed for fall quarter.

(10) Special permits may include, but are not limited to, guests, services, vendors, temporary assignments, visitors, and loading permits authorized by the public safety director.

(11) University departments that sponsor functions such as athletic events, conferences, seminars, and dinners may arrange parking for their guests on a space available basis. Departments have the option of paying for guest parking; otherwise, their guests will be responsible for the parking fee. Departments may also collect parking fees to facilitate pre-paid parking with the prior approval of parking services.

(12) Faculty, staff, or students who have purchased a parking permit but forget to place it on the vehicle they are driving to campus must obtain a temporary permit from parking services. Those who have not purchased a permit must obtain a temporary permit from parking services. Temporary permits are issued for the lot assigned or, if no permit has been purchased, for available spaces.

(13) Emergency temporary permits may be issued for staff to park temporarily in locations where emergency call out requires attendance. Parking services may suspend enforcement during emergencies as declared by the president, vice-president of business and financial affairs, or designee.

(14) Faculty, staff, or students who purchase an annual, academic, or quarterly parking permit may use the permit on any vehicle they drive but may not transfer ownership of the permit. The individual to whom a permit is issued is jointly responsible with the registered owner for parking violations by any vehicle bearing the permit.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-450, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-450, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 97-17-052, § 516-12-450, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-450, filed 7/2/85. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-450, filed 6/28/83, effective 9/19/83.]

WAC 516-12-460 Fees. (1) Fee and citation schedules will be approved by the president or his/her designee and will be posted in a public area of parking services and available on its web site.

(2) Cost of permits will be prorated throughout the year according to type and date purchased.

(3) Refunds will be made based on the valid time remaining according to the parking services refund schedule. Refunds may be made if unpaid fines and fees have been paid.

(a) The permit holder must return the permit to parking services before a refund will be authorized or a payroll deduction be terminated.

(b) No refund will be made for a permit after the first thirty calendar days of any quarter. Unused quarters may be refunded in whole at respective rates.

(c) Refunds will not be made upon permit revocation by the public safety director.

(4) A service charge will be assessed for:

(a) Change of permit when a lot transfer is requested by the permit holder and approved by the public safety director.

(b) Any permit returned for a refund.

(c) Change in hours issued on a part-time permit.

(5) Salaried employees have the option of paying for parking through payroll deduction.

(6) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

(7) For fees regarding lost or stolen permits, see WAC 516-12-450(3).

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-460, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-460, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 97-17-052, § 516-12-460, filed 8/15/97, effective 9/15/97; 96-14-006, § 516-12-460, filed 6/20/96, effective 7/21/96. Statutory Authority: RCW 28B.10.560. 85-14-098 (Resolution No. 85-05), § 516-12-460, filed 7/2/85. Statutory Authority: RCW 28B.35.120 (11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-460, filed 6/28/83, effective 9/19/83.]

WAC 516-12-470 Enforcement. (1) General.

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving two unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not receive his or her class registration and/or transcript until citations are paid.

(d) Parking permits will not be issued until all outstanding citations and fees are paid.

(e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has one or more unpaid citations, parking services will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.

(f) The permit holder and registered owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation.

(g) Enforcement measures are cumulative; using one or more enforcement measures will not prohibit the use of additional measures.

(2) When regulations are in effect.

(a) Except as stated in (b) and (c) of this subsection, parking regulations are subject to enforcement throughout the calendar year but will not be enforced on official university holidays unless otherwise posted. For purposes of this section, intersession is not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the public safety director as required.

(d) All lots have restrictions, which are posted on regulatory signs at lot entrances.

(e) Should there be a conflict between these regulations, parking maps, and on-site posted signs regarding parking information and instructions, the on-site sign takes precedence.

(3) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation.

(4) Continued violations. A vehicle which remains in violation of any regulation may receive additional citations for every four hours of the violation.

(5) Impoundment by towing or wheel lock:

(a) All violators are subject to having their vehicles impounded through the use of towing or the wheel lock device at their own risk and expense.

(b) Any vehicle may be towed away if the vehicle:

(i) Has been immobilized by wheel lock for more than twenty-four hours; or

(ii) Is parked in such a manner as to endanger the university community; or

(iii) Is parked in a fire lane blocking traffic or other posted tow-away zone; or

(iv) Is parked so as to deprive a permit holder of space in his/her assigned lot, reserved space, or disability space without a proper permit; or

(v) Is left under circumstances which indicate it has been abandoned; or

(vi) Is found displaying a forged, reported lost or stolen permit; or

(vii) Cannot be impounded with the wheel lock device; or

(viii) When a university police officer has probable cause to believe the vehicle is stolen; or

(ix) When a university police officer has probable cause to believe that the vehicle contains or constitutes evidence of a crime, and in the police officer's judgment impoundment is necessary to obtain or preserve such evidence; or

(x) When a driver is arrested and/or deprived of the right to leave with the driver's vehicle, and the university police are responsible for the "safekeeping" of the vehicle; or

(xi) Is parked at any time on campus when parking privileges have been revoked.

(c) Any vehicle may be immobilized by use of a wheel lock device if the vehicle:

(i) Has an accumulation of two or more unpaid parking tickets (the second of which has been outstanding for more than seventy-two hours); or

(ii) Is parked at any time on campus when parking privileges have been revoked.

(d) The operator/owner of the impounded vehicle must pay all outstanding citations at parking services (or university public safety department when parking services is closed) and complete the required paperwork before a vehicle release is authorized.

(e) A fee will be assessed on vehicles immobilized by the wheel lock device.

(f) Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing

is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.

(g) An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.

(h) An impounded vehicle shall be released to the operator/owner of the vehicle when:

(i) Positive identification and proof of ownership of the vehicle is provided;

(ii) All unpaid fines against the impounded vehicle or any other vehicle registered to the violator are paid at parking services (or university public safety department when parking services is closed);

(iii) A wheel lock fee is paid; and/or

(iv) All towing and storage fees are paid.

(i) The operator/owner of the towed vehicle must present an authorized release form to the towing company and pay all towing charges including any storage fees incurred.

(j) The university assumes no responsibility for damages which may result from use of the wheel lock device, towing, storage, or attempts to move a vehicle with a wheel lock device installed.

(k) A person wishing to challenge the validity of the impound or any fines or fees imposed under these rules may appeal through the process provided in this chapter. However, in order to secure release of the vehicle, the driver or owner must pay the amount of fines and/or fees as a bond which will be refunded to the extent the appeal is approved.

(6) It is prohibited to park and citations may be issued to vehicles:

(a) Without a valid permit;

(b) Double parked;

(c) In reserved spaces without a proper permit;

(d) In no parking areas;

(e) In a disability space without a proper permit;

(f) In fire lanes, service roads, fire exits or within fifteen feet of a fire hydrant;

(g) In loading zones exceeding the time limit;

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, disability access areas, dumpster access;

(i) On lawns, sidewalks, walk zones, crosswalks, parking lot driveways, straddling painted lines or buttons, or angle parking where prohibited;

(j) Exceeding time in loading zones or metered spaces;

(k) In areas where a permit is not valid;

(l) Over or adjacent to yellow lines or curbs;

(m) Against the flow of traffic;

(n) In areas or spaces closed by barricades or other control devices.

(7) Payment of fine is due upon receipt of citation.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560, 10-15-021, § 516-12-470, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12), 02-07-045, § 516-12-470, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120, 97-17-052, § 516-12-470, filed 8/15/97, effective 9/15/97; 96-14-006, § 516-12-470, filed 6/20/96, effective 7/21/96. Statutory Authority: RCW 28B.35.120(12), 95-09-047, § 516-12-470, filed 4/17/95, effective 5/18/95; 90-17-032, § 516-12-470, filed 8/9/90, effective 9/9/90. Statutory Authority: RCW 28B.35.120(11), 87-18-001 (Resolution No. 6-04-87), § 516-12-470, filed 8/20/87. Statutory Authority: RCW 28B.10.560, 85-14-098 (Resolution No. 85-05), § 516-12-470, filed

7/2/85. Statutory Authority: RCW 28B.35.120(11), 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-470, filed 6/28/83, effective 9/19/83.]

WAC 516-12-480 Appeals and appeals board. Any person who wishes to appeal a citation must, within seven days from the date of the citation, complete an appeal form at the parking services office or appeal on-line at www.ps.wwu.edu. The person who appeals will be referred to as the appellant.

(1) The right to a hearing is forfeited seven days from the date of the citation.

(2) The appeal form must include a full explanation of the basis for the appeal. The only proper basis for an appeal is a contention that the cited regulations were not violated.

(3) The public safety director or designee will review the appeal and issue a decision to the appellant within fourteen days of review. The public safety director may deny the appeal or grant the appeal in whole or in part by dismissing or reducing the citation.

(4) If dismissal or reduction is not granted, appellant may request the appeal be sent to the appeals board for review upon payment of the fine and the completion of an appeals board review request form. The public safety director has the authority to waive completion of the appeals board review request form and authorize delay of payment of the fine, pending review.

(5) Requests for an appeals board review must be made in writing within fourteen calendar days of the decision made by the public safety director or designee.

(6) The citation(s) must be paid in full before an appeals board review request form may be filled out as a form of appeals bond and can only be delayed by written authority of the public safety director.

(7) Payment of a parking fine will not constitute a waiver of the right to a hearing with regard to the underlying violation.

(8) An appeals board has been established composed of one administrator; one faculty member; one staff member; and four students. Representation must be by the administrators, faculty union, staff unions, and associated students. Each member may be reappointed for a term. The appeals board will choose its own chairperson from its members.

(9) The appeals board will meet throughout the academic year dependent upon the volume of appeals. If an appeals board member has been notified of a meeting at least three days in advance and does not appear to participate, the other appeals board members may proceed with their duties in reviewing appeals. At least three appeals board members are required to conduct a review.

(10) The appeals board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's regulations, chapters 516-12, 516-13, 516-15 WAC.

(11) Moving violations, violations of the motor vehicle and other traffic laws of the state of Washington, and traffic code of the city of Bellingham are referred to the appropriate court.

(12) The appeals board will consider appeals as follows:

(a) Should a personal appearance before the appeals board be desired it should be indicated on the appeals board

review request form, otherwise the citation will be adjudicated on the basis of the written submission only.

(b) If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant must notify parking services in writing at least twenty-four hours before the scheduled time and request a new date. Only one such rescheduling is permitted. If the appellant does not appear at a scheduled hearing without notification, the appeal will be reviewed on the basis of the written appeal only.

(c) The appeals board operates according to the rights of due process of law. If desired, the appellant has the right to be represented by another person, the right to cross-examine witnesses, and the right to an open and impartial hearing.

(d) Parking services has the right to be represented at hearings and to cross-examine witnesses.

(e) The appeals board may examine witnesses for either side.

(f) At the conclusion of a hearing, and in an open session, the appeals board will specify the charge(s) against the appellant, declare judgment for each charge, and include a reason for each judgment. The appeals board has the authority to deny the appeal, waive, void or refund charge(s) in part or in full, according to the judgment.

(g) The decision of the appeals board will be in writing, sent immediately to the appellant and parking services, and will be final.

(h) Failure to comply with a decision of the appeals board constitutes a ground for revocation of campus parking privileges. Any unpaid fine will be deducted from any refund due as a result of revocation of parking privileges or a judgment of the appeals board.

(i) A written record of the judgment, reason, and fine imposed, if any, shall be furnished to parking services by the appeals board chairperson. These records will then be maintained by parking services.

(j) The appellant may appeal the appeals board decision to parking services within ten days after the final decision has been issued. Parking services shall immediately forward documents to the district court which has jurisdiction to hear the appeal de novo. No appeal may be taken unless the citation has been contested as provided in these rules.

(13) The appeals board chairperson may submit written recommendations about the parking system to the vice-president for business and financial affairs by May 31st of each year.

[Statutory Authority: RCW 28B.35.120(12) and 28B.10.560. 10-15-021, § 516-12-480, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 28B.35.120(12). 02-07-045, § 516-12-480, filed 3/14/02, effective 4/14/02. Statutory Authority: RCW 28B.35.120. 97-17-052, § 516-12-480, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 28B.35.120(11). 83-14-014 (Order 6-02-83, Motion No. 6-02-83), § 516-12-480, filed 6/28/83, effective 9/19/83.]