

FORM OF ORDER AND TRANSMITTAL BY INSTITUTION HAVING SINGLE HEAD

State of Washington

CENTRAL WASHINGTON UNIVERSITY

(name of institution)

Administrative Order No. 53

(1) I, Alfred J. Teeples, Chief of Campus Safety

(position)

of the Central Washington University

(institution)

do promulgate and adopt at the Kachess Room, Samuelson Union Building, CWU Campus

(place)

the annexed rules relating to:

WAC 106-116 PARKING AND TRAFFIC REGULATIONS

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 83-18-040 filed with the code reviser on 8-27-82. These rules shall take effect: [] thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2). [x] at a later date, such date being 7/24/83

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority fill in statement (a), (b), or (c) as appropriate:

- [] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(institution)

has authority to implement the provisions of

(name of act or RCW citation)

[x] (c) This rule is promulgated under the general rule-making authority of the Central Washington University

(institution)

as authorized in RCW 28B.35.120(11)

(4) The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order after being first recorded in the order register of this institution, is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

STATE OF WASHINGTON
FILED
APPROVED AND ADOPTED October 5, 1982
JUN 9 1983

By Alfred J. Teeples
Alfred J. Teeples
Chief of Campus Safety
Title

CODE REVISER'S OFFICE
WSR 83-13-034



OFFICE OF THE ATTORNEY GENERAL

Ken Eikenberry, Attorney General

208 Bouillon Hall

Central Washington University, Ellensburg, Washington 98926

STATEMENT DESCRIBING PURPOSE AND IMPLEMENTATION OF ADMINISTRATIVE RULES (RCW 34.04.045)

1) TITLE AND WAC NUMBER OF RULE SECTION(S) OR CHAPTER(S):

106-116-042* INFRACTIONS
106-116-103* ADDITIONAL VEHICLES
106-116-201 PERMITTED PARKING AREAS
106-116-203 SPECIFIC PARKING PROHIBITIONS
106-116-213* PARKING OF TRAILERS, CAMPERS, AND SIMILAR PURPOSE VEHICLES ON CAMPUS
106-116-310* CONTRACTOR PARKING PERMITS
106-116-403 VISITOR PARKING PERMITS
106-116-404 VISITOR PARKING AREAS
106-116-514 ELECTION TO FORFEIT OR CONTEST
106-116-601* TRAFFIC REGULATION SIGNS, MARKINGS, BARRICADES, ETC.
106-116-603 MONETARY PENALTY SCHEDULE

2) STATUTORY AUTHORITY FOR THE RULE(S):

RCW 28B.10.560 (as amended April 24, 1983), RCW 28B.35.110 (11), and RCW 46.63.040

3) SUMMARY OF THE RULE(S):

Chapter 106-116, Parking and Traffic Regulations, is for the purpose of regulating vehicular traffic on the Central Washington University Campus.

4) DESCRIPTION OF THE PURPOSE OF THE RULE(S):

In addition to making needed editorial changes in chapter 106-116 (note sections marked with an asterisk), Central Washington University has proposed several changes in existing parking and traffic rules which will enable the university to internally adjudicate matters involving parking infractions and collect and retain any penalties imposed therefor.

5) REASONS SUPPORTING THE PROPOSED RULE(S):

Several factors led to these proposed rule changes: (1) The consideration of parking infraction appeals in the Lower Kittitas County District Court has been burdensome to the court. (2) The collection of fines on the CWU campus would enable the university to defray some of the expenses of providing parking facilities on campus. (3) Students, faculty and staff have expressed a strong preference for internal adjudication of parking infraction appeals.

6) AGENCY PERSONNEL RESPONSIBLE FOR DRAFTING, IMPLEMENTATION AND ENFORCEMENT OF THE RULE(S):

Drafting: Judy Couture, Administrative Secretary
Assistant Attorney General
Central Washington University
Ellensburg, WA 98926
(509) 963-2111 or SCAN 453-2111

Rule Statement

Page Two

IMPLEMENTATION: Alfred J. Teeples
Chief of Campus Safety
Central Washington University
Ellensburg, WA 98926
(509) 963-2958 or SCAN 453-2958

ENFORCEMENT: Alfred J. Teeples

7) **NAME OF ORGANIZATION PROPOSING THE RULE:**

Central Washington University

8) **AGENCY COMMENTS OR RECOMMENDATIONS, IF ANY, REGARDING STATUTORY LANGUAGE, IMPLEMENTATION, ENFORCEMENT AND FISCAL MATTERS PERTAINING TO THE RULE:**

None

9) **This rule is not mandated by statute.**

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-042 INFRINGEMENTS. (([44])) (1) The entire campus, including parking and traffic areas, is patrolled by the Campus Safety Department with authority to issue infractions for on-campus violations. This authority is further shown in WAC (([106-116-040]-[106-116-040])) 106-116-040 of this policy.

(2) The Campus Safety Department and its duly sworn officers have authority to issue infractions for violations of Washington Administrative Codes and ordinances and laws of the city of Ellensburg, county of Kittitas, and state of Washington, which violations occur on university owned property.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-103 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to obtain a new permit for that vehicle. When such a change of vehicles has been accomplished, the old permit will be surrendered to the Campus Safety Department(([7])) and a new permit with the same expiration date assigned will be issued at no charge by the cashier's office.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday, except:

(2) No parking permitted daily in C-1 lot from 4:00 a.m. to 5:00 a.m.

(3) No parking permitted daily in B lot from 4:00 a.m. to 5:00 a.m.

(4) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

(a) Residence hall staff parking areas((7));

(b) Buttons Apartments((7));

(c) Limited time zones((7));

(d) J Lot((7));

(e) Handicapped areas.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: parking in a space marked "Handicapped Permits Only," in spaces reserved for residence hall personnel ((or)) Health Center permit only and library parking lot.

(4) Parking and/or driving on sidewalks adjacent to streets is prohibited.

(5) Parking or driving on lawns or flower beds is prohibited.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-213 PARKING OF TRAILERS, CAMPERS, AND SIMILAR PURPOSE VEHICLES ON CAMPUS. It shall be unlawful for any individual, firm (~~([redacted])~~), or corporation to park any type of vehicle on the grounds of Central Washington University (~~([redacted])~~) for the purpose of using such vehicle as a living unit.

Any exception must be approved by the Chief of Campus Safety, in writing.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-310 CONTRACTOR PARKING PERMITS. (~~([redacted])~~) All contractors responsible for construction projects on the campus or for repair and maintenance contracts and those who make continuous deliveries of supplies must contact the Campus Safety Department prior to starting work to obtain permits for the parking of those vehicles necessary to carry on the work.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-403 VISITOR PARKING PERMITS. Visitors may obtain parking permits from the automatic permit dispensers.

Visitors on official business may obtain a courtesy permit from the Campus Safety Office, located (~~(at 44th and D Street near the entrance to "B" lot)~~) 1/2 block west of D Street on 11th Avenue.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-404 VISITOR PARKING AREAS. Visitors, after obtaining a proper permit, may park in any university owned and designated parking area except staff and faculty reserved areas and "J" lot. (~~(They may park at any metered parking area, if meter fee is paid.)~~)

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-514 ELECTION TO FORFEIT OR CONTEST. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s) (~~(in the manner described by the court of the Judge of the Lower Kittitas County District Court)~~).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to ~~((Judge--of--the Lower--Kittitas-County-District-Court))~~ the cashier's office. Payment will be in cash, by certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the ~~((office-of-the-Judge-of-the-Lower-Kittitas-County District-Court-in-accordance-with-directions-given-on--the--infraction notice))~~ Cashier's Office, Mitchell Hall, CWU, where Parking Infraction Appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the cashier's office within seven days of the date of the infraction notice. The appeal must be reviewed by the University Parking Appeal Board, consisting of three student members, one faculty member, one staff member, the Chief of Campus Safety (ex-officio) and the Director of Student Activities (ex-officio). The Parking Appeal Board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the University Parking Appeal Board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the Campus Safety Office. Documents relating to the appeal shall immediately be forwarded to the Lower Kittitas County District Court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-601 TRAFFIC REGULATION SIGNS, MARKINGS, BARRICADES, ETC. (1) The Campus Safety ~~((Department))~~ Office and the Physical Plant Department are authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings ~~((7))~~, and directions shall be so made and placed as to, in the opinion of the Chief of Campus Safety and the Director of Physical Plant, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of ~~((regulation]-[regulating]))~~ regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the Chief of Campus Safety.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-603 MONETARY PENALTY SCHEDULE ~~((FOR-COURT))~~.

Offense	((Fine)) Penalty
(1) Improper display of permit.....	\$((-4.00)) 2.00
(2) Parking faculty-staff area.....	\$((-4.00)) 2.00
(3) Parking yellow stripe or curb.....	\$((-2.00)) 3.00
(4) Parking outside designated parking area.....	\$ 2.00
(5) ((five-parking-area.....)) Obstructing traffic.....	-\$-2.00 \$((-2.00))

Offense (Fine) Penalty

		<u>5.00</u>
((77))	(6) Double parking.....	\$((-2.00))
		<u>5.00</u>
((88))	(7) Parking at improper angle or using more than one stall, or backing into parking stall.....	\$ 2.00
((99))	(8) Violation of the bicycle parking rules in WAC 106-116-901.....	\$((-4.00))
		<u>2.00</u>
((100))	(9) Reserved parking area.....	\$((-2.00))
		<u>3.00</u>
((111))	(10) No parking area.....	\$((-2.00))
		<u>5.00</u>
((122)-Failure-to-remove-keys-from-ignition.....)		\$(-2.00)
((133))	(11) Overtime parking.....	\$((-4.00))
		<u>2.00</u>
((144)-Vehicle-not-registered.....)		\$(-2.00)
((155)-Falsification-of-vehicle-registration.....)		\$(-5.00)
((166))	(12) Using counterfeit, falsely made or altered permit.....	\$((40.00))
		<u>50.00</u>
((177))	(13) Illegal use of permit.....	\$((40.00))
		<u>20.00</u>
((188))	(14) No current permit.....	\$((-2.00))
		<u>3.00</u>
((199))	(15) Parking service drive.....	\$((-2.00))
		<u>5.00</u>
((200))	(16) Parking/driving sidewalks, malls.....	\$((-5.00))
		<u>10.00</u>
((211))	(17) Parking/driving lawns.....	\$((40.00))
		<u>15.00</u>
((222))	(18) Parking fire lane.....	\$((40.00))
		<u>15.00</u>
((233))	(19) Parking fire hydrant.....	\$((40.00))
		<u>15.00</u>
((244))	(20) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401).....	\$10.00
((255))	(21) Other violations of the objectives of the CWU Parking and Traffic Regulations..	((4.00 to 40.00))
		<u>\$2.00 to \$10.00</u>
((266))	(22) Parking in a space marked "Handicapped Permits Only".....	((40.00))
		<u>\$15.00</u>

((27)--(a)--When-an-infraction-notice-for-offenses-(1)-(2)-(9) and-(13)-is-issued,-any-violator-may,-within-one-full-business-day--of-the-issuance-thereof,-present-such-notice-to-the-District-Court-office in--the-Kittitas-County-Courthouse-and-there-with-pay-\$-75-and-no-additional-fine-or-penalty-shall-be-imposed-for-such-violation;

(b)-The-Court-Commissioner-of-the-[Lower]-Kittitas--County--District--Court--and--authorized-deputies,-or-during-nonbusiness-hours-of-said-court-the-office-of-the-Sheriff-of-Kittitas--County--will--accept payments-made-under-this-rule;

(c)--This-schedule-of-monetary-penalties-and-provisions-for-their payment-corresponds-with-rules-laid-down-by-the-Lower-Kittitas--County District-Court-;)