



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Community College District VIII

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: December 10, 2003

(2) Purpose: To make changes to the Bellevue Community College parking and traffic rules that will bring them into compliance with current practice. The amendments correct titles, delete outmoded references and better identify the individual's right to appeal.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 132H-300 through 132H-116-791

Suspended:

(4) Statutory authority for adoption: 28B.50.140 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-19-089 on 9/15/03 (date).

Describe any changes other than editing from proposed to adopted version: Section WAC 132H-116-315 (3). There was a proposal to remove the words "faculty, staff, or" but they are being kept in the final version.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____ *

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Elise J. Erickson

Signature

Title

Rules Coordinator

Date

12/10/03

CODE REVISER USE ONLY

OFFICE OF THE CLERK
STATE OF WASHINGTON

DEC 11 2003

9:32

TIME _____

04-01-046

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	_____	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>1</u>	Amended	<u>24</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>0</u>	Amended	<u>24</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>24</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-300 Preamble. Under ~~((Pursuant to the authority granted by))~~ RCW 28B.50.140(10) ~~((and 28B.19.020(2)))~~ the board of trustees of Community College District VIII ~~((Bellevue Community College is granted))~~ has the authority to establish rules and regulations for pedestrian and vehicular traffic over property owned, operated, or maintained by the college district.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-310 Objectives of parking and traffic rules and regulations. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic ~~((on property))~~ on property owned, operated, or maintained by the college district.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the college by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

AMENDATORY SECTION (Amending WSR 93-12-007, filed 5/19/93)

WAC 132H-116-315 Definitions. For the purpose of this chapter, the following terms and definitions shall apply:

- (1) Board: The board of trustees of Community College District VIII, state of Washington.
- (2) Campus: Any or all real property owned, operated, controlled, or maintained by Community College District VIII, state of Washington.
- (3) Car pool: Any group of three or more ~~((to five))~~ faculty, staff, or students who commute to the college in the same vehicle.
- (4) College: Bellevue Community College, or any additional community college hereafter established within Community College District VIII, state of Washington, and collectively, those responsible for its control and operations.
- (5) Faculty members: Any employee of Community College District VIII who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, including administrative appointment.
- (6) Foot propelled device: Wheeled devices including but not limited to skateboards, roller skates, roller blades, etc. designed or used for recreation and/or transportation purposes.
- (7) ~~((Security officers))~~ Public safety officers: Employees of the college accountable to the vice president ~~((dean))~~ of ~~((administrative services))~~ administrative services and responsible for campus security, public safety, and parking and traffic control.
- (8) Staff: The administrative and classified members employed by the college.
- (9) Student: Any person enrolled in the college.
- (10) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and non~~((-))~~engine-powered.
- (11) Visitor(s): Person(s) who come on to campus as guest(s), or ~~((and person(s)))~~ who

lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the state of Washington and are neither employees nor registered students of the institution.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-320 Applicable parking and traffic rules and regulations. The applicable parking and traffic rules and regulations upon the campus are:

(1) The motor vehicle and other traffic laws of ~~((the))~~ the state of Washington. Title 46 RCW.

(2) The traffic code of the city of Bellevue.

(3) The Bellevue Community College parking and traffic regulations ~~((described in this chapter))~~. In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Bellevue and Bellevue Community College parking and regulations, the provisions of the state of Washington motor vehicle laws shall govern.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-330 Enforcement of parking and traffic rules and regulations. The ~~((dean of administration))~~ vice president of administrative services is responsible for parking and traffic management on campus. Duly appointed ~~((security))~~ public safety officers of Bellevue Community College are delegated the authority to enforce all college parking and traffic rules and regulations. ~~((Employees of the Bellevue Community College parking division may be delegated the authority to enforce college parking and traffic regulations.))~~

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-350 Permits required for vehicles on campus. No person shall park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College between 6:00 a.m. and 3:00 p.m. without properly displaying a valid permit issued by the ~~((security division,))~~ public safety or cashiering ~~((cashier or registration))~~ offices. ~~((Permission to park on campus will be shown by display of a valid permit.))~~

(1) A valid permit is:

(a) A current ~~((vehicle))~~ student or faculty/staff permit displayed in accordance with WAC 132H-116-356. ~~((Vehicle permits are valid until revoked.))~~

(b) A temporary permit authorized by public safety ~~((the security division))~~ and displayed in accordance with instructions. ~~((Temporary permits are valid through the date on the permit.))~~

~~((c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions.))~~

~~((d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions.))~~

~~((2) Parking permits are not transferable, except as provided in WAC 132H-116-354.))~~

~~((3))~~(2) The college reserves the right to refuse to issue a parking permit.

(3) Vehicles displaying government agency license plates do not need BCC parking permits.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-351 Authorization for issuance of permits. (1) The ~~((dean of))~~ vice president of administrative services or his or her designee is authorized to issue all parking permits.

Special permits are valid only in the areas specified, on the date(s) specified on the permits, and when displayed on the dashboard of the vehicle. Vehicles operated by students, faculty and staff members must display a regular student or faculty/staff permit in addition to the special permit.

~~(((2)))~~ (1) Car pool permits may be issued to faculty, staff and students. All members of the carpool must appear in person when applying for the permit. One transferable permit will be issued by the ~~((security))~~ public safety office for each car pool. This permit is transferable only among the registered members of the car pool. This permit must be displayed in accordance with the instructions provided with the permit. Each carpool vehicle must also display a regular student or faculty/staff permit.

~~(((3))~~ Special parking permits may be issued to physically handicapped faculty members, college personnel and students or if issuance enhances the business or operation of the college. Special parking permits are valid for six months from the date of issuance. Those requiring handicapped parking for more than six months must display a state of Washington handicapped permit.)

(2) Handicapped Parking Permits. As of Fall 1995, BCC no longer issues special parking permits for disabled students, faculty, or staff. Only vehicles displaying a valid state of Washington placard may park in spaces designated for the disabled.

(3) Visitor permits. One-day parking permits may be requested from public safety and given to visitors attending conferences, interviews, etc. These permits are valid in faculty/staff lots except E-1.

(4) Other special permits. Public safety may issue special permits to faculty members, staff, students, parents of child care or headstart participants, volunteers working in BCC programs, or vendors if issuing such permits enhances the operation of the college.

(5) Temporary permits. Drivers needing to leave vehicles on campus overnight or for extended periods of time (e.g., because the vehicle is inoperable, or because the driver will participate in a field trip) may request temporary parking permits from public safety. Drivers may also request temporary permits if they will be using a borrowed or rented vehicle.

(6) Special events. The public safety office will assist college divisions which sponsor functions such as conferences, seminars, dinners, and similar events, in arranging reserved parking and direction signs as appropriate. Requests for such assistance must be received in public safety at least 48 hours in advance.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-352 Permit revocations. Parking permits are the property of the college, and may be recalled by the ~~((dean of administration))~~ vice president of administrative services or his or her designee for any of the following reasons:

- (1) When the purpose for which the permit was issued ~~((changes or))~~ no longer exists.
- (2) When a permit is used by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Repeated ~~((Continued))~~ violation~~((s or))~~ of parking and traffic regulations.

(5) Counterfeiting or altering of permits.

(6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

Parking permit revocations may be appealed to the citation review committee and to the institutional hearing officer.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-354 Transfer of permits. (1) With the exception of carpool permits, ~~((P))~~ parking permits are not transferable. If a vehicle is sold or traded, a replacement ~~((new))~~ permit will be issued to the permit holder ~~((at no additional cost if the permit holder does the following))~~ if he/she:

(a) Records invalid permit number;

(b) Removes invalid permit; and

(c) Brings invalid permit or remnant thereof ~~((and permit number))~~ to public safety ~~((the security division))~~. Public safety will ~~((This office shall))~~ then issue ~~((the))~~ a replacement permit ~~((holder a new parking permit.))~~ and the ~~((P))~~ permit holder will then be registered under the new number.

(2) Permits may be reissued as authorized by the ~~((college security supervisor))~~ director of public safety.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-356 Display of permits. (1) Student or faculty/staff permits. The vehicle permit issued by the college shall be ~~((permanently))~~ affixed to the inside of the rear window on the lower left corner. If the vehicle is a convertible or a truck-camper or has no permanently fixed rear window, the permit shall be ~~((displayed in))~~ affixed to the front windshield. Permits not displayed in accordance with the provisions of this section shall not be valid and vehicles displaying the improperly placed permit shall be subject to citation.

(2) Temporary or special permits. The temporary permit shall be displayed on the dashboard of the vehicle in such a way that it is legible from outside the vehicle.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-360 Visitors -- Exemption from permit requirements. (1) The director of public safety ~~((security supervisor))~~ may allow visitors without permits to drive through the campus without parking.

(2) The director of public safety ~~((security supervisor))~~ or his or her designee may require visitors to wait at the entrances to the campus during times when pedestrian and/or vehicular traffic congestion is above normal. (See WAC 132H-116-430.)

(3) Guests of the college who are present to attend a conference, interview, etc., may be issued visitor permits valid for faculty/staff parking lots.

(4) Visitors on brief errands to campus may park in any student lot.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-405 Allocation of parking spaces. The parking space available on the campus shall be allocated by the ~~((dean of administration))~~ vice president of administrative services or his or her designee in such manner as will best obtain the objectives of these regulations. The ~~((dean of administration))~~ vice president of administrative services or his or her designee is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both. This includes the authorization to reserve certain areas for vehicles displaying certain special permits.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-410 Parking within designated spaces. (1) No vehicle shall be parked on the campus except in those areas set aside and designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

(3) No vehicle shall be parked at any time in roadways, fire lanes, bus zones, loading zones, or service driveways; or on sidewalks; or in the landscaping.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-415 Day and evening parking. Students, staff and faculty may obtain day and/or evening parking on campus to the extent spaces are available as follows:

(1) Student daytime parking is limited to areas designated student parking.

(2) Staff/faculty daytime parking is limited to areas designated staff/faculty parking.

(3) Evening parking, after 3:00 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the parking spaces for the handicapped, the college motor pool, and specifically signed reserved areas. Students may not park in those lots designated as "staff/faculty parking" with signage stating "no student parking anytime Mon-Fri".

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-430 Special parking and traffic regulations authorized. During special occasions causing additional and/or heavy traffic and during emergencies, the director of public safety ~~((security supervisor))~~ is authorized to impose additional traffic and parking regulations to achieve the specified objectives of this chapter.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-431 Regulatory signs, markings, barricades, etc. ~~((and directions.))~~

(1) The director of campus operations is authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and parking areas owned and operated by the college. Such signs, barricades, structures, markings, and directions shall be so

made and placed as in the opinion of the director of campus operations will best achieve the goals of these regulations.

(2) Drivers of vehicles shall obey ~~((regulatory))~~ the signs, barricades, structures, markings, and directions erected pursuant to this section ~~((and signs related to the collection of parking fees. Drivers of vehicles shall comply with directions given to them by college security officers in the control and regulation of traffic))~~. Drivers shall also comply with directions given to them by a campus public safety officer or other public safety personnel controlling and regulating traffic or parking ~~((the traffic guides or parking checkers of the security division in the assignment of parking space and in the collection of parking fees))~~.

(3) No person without authorization from the director of campus operations shall move, deface, or in any other way change a sign, barricade, structure, marking or direction so placed, or previously placed, for the purpose of regulating traffic or parking.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-470 Exceptions to parking and traffic restrictions. ~~((WAC 132H-116-350, 132H-116-410, and 132H-116-450 of these rules and regulations))~~ The regulations governing permits and parking within designated spaces shall not apply to the drivers of state-owned ~~((or operated vehicles which are))~~ operated by Bellevue Community College in the performance of assigned functions.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-590 Motorcycles, bicycles, scooters. (1) Motorcycles, bicycles and scooters are for the purpose of these regulations considered to be motor vehicles and are subject to all traffic and parking rules and regulations controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. ~~((In))~~ Improperly parked bicycles may be impounded and a citation and/or a fine imposed upon the owner.

(5) No bicycles or foot propelled devices shall be operated on campus walkways, corridors, hallways or buildings unless their use is required as part of the educational process in an authorized program.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-615 Issuance of traffic citations. Upon probable cause to believe that a violation of these rules and regulations has occurred, the vice president of administrative services ~~((dean of administration))~~ and/or duly appointed public safety ~~((security))~~ officers may issue citations setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount fine(s), by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, by placing a copy thereof in some prominent place within such vehicle, by mail, or by personal service.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-620 Fines, penalties and impounding. (1) The current schedule and fines for parking and traffic violations shall be published by the college and made available for review in the public safety (~~security~~) office.

(2) An individual receiving a parking and traffic citation must pay all fines listed on the citation notice within 20 calendar days after the date on the citation notice unless he/she elects to appeal the citation. Payments should be taken or mailed to the cashiering office.

(3) If any citation remains unpaid after 20 calendar days from the date of the citation, Bellevue Community College may take any of the following actions:

(a) withhold degrees, transcripts, grades, refunds, and/or credits;

(b) block or delay registration for the following quarter;

(c) impound the violator's vehicle;

(d) deny future parking privileges, whether student or faculty/staff;

(e) refuse to issue keys to students, faculty or staff.

~~((2))~~ (4) In addition to imposing fines, the ~~((dean of administration))~~ vice president of administrative services and duly appointed ~~((security))~~ public safety officers are authorized to impound, immobilize and take to such place for storage as the director of public safety (~~campus security supervisor~~) selects, any vehicles parked on college property in violation of these regulations with the following stipulations:~~((:))~~

(a) The expenses of such impounding, immobilization and storage shall be charged to the owner or operator of the vehicle and must be paid prior to the vehicle's release.

~~((a))~~ (b) The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization or storage.

~~((b))~~ (c) Impoundment of a vehicle does not remove the obligation for any fines associated with the violation.

~~((e) Vehicles left unattended on college property for an unreasonable duration (a period greater than 4 days) may be impounded by the college.)~~

(d) Grounds for impounding vehicles shall include, but not be limited to the following:

(i) Blocking a roadway so as to impede the flow of traffic;

(ii) Blocking a walkway so as to impede the flow of pedestrian traffic;

(iii) Blocking a fire hydrant or fire lane;

(iv) Creating a safety hazard in the opinion of a public safety (~~campus security~~) officer;

(v) Blocking another legally parked vehicle;

(vi) Parking in a marked "tow-away" zone.

~~((3) All fines must be paid within 20 calendar days from the date of the citation. All fines are payable as designated on the citation.)~~

~~((3) If any citation remains unpaid after 20 calendar days from the date of the citation, the following action may be taken by Bellevue Community College)~~

~~((a) Degrees, transcripts, grades, refunds or credits may be withheld until all fines are paid.)~~

~~((b) Registration for the following quarter may be delayed.)~~

~~((c) The violator's vehicle may be impounded.)~~

~~((d) Faculty, students and staff may be denied future parking privileges.)~~

~~((e) The college may refuse to issue keys to faculty, staff or students.)~~

~~((4))~~ (5) An accumulation of traffic violations by a student will be cause for disciplinary action, and the ~~((dean of administration))~~ vice president of administrative services or his or her designee may initiate disciplinary proceedings against such students.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-630 Appeals of fines and penalties. ~~((Any fines and penalties levied against a violator of the rules and regulations in this chapter may be appealed pursuant to the provisions of chapter 132H-120 WAC. Appeals must be made in writing within 20 calendar days from the date of the citation.))~~

(1) Right to appeal. Anyone who has received a citation for an alleged violation of these parking and traffic rules has the right to appeal. Appeals must be made in writing and must be submitted to administrative services within 20 calendar days after the date of the citation. Appeal forms are available from the public safety, cashing and administrative services offices.

If the alleged violator has paid the fine(s) associated with the parking and traffic citation, he/she has forfeited the right to appeal the citation.

(2) Citation review committee. Appeals shall be considered by the BCC citation review committee, which is made up of two students (one the ASBCC chief justice), a faculty representative and a classified staff representative. The citation review committee shall hold hearings regularly throughout the academic year. The committee shall consider each appeal on its merits based upon these parking and traffic regulations. Appellants shall be notified on the hearing dates so that they may state their cases and present any additional evidence in person. The committee shall decide the cases of appellants who do not attend the hearing in person based on the statements given on the appeal form, with no penalty for non-appearance. Appellants who do not attend the hearing shall be sent written notification of the committee's decision.

The citation review committee may uphold, reduce, or waive the fine(s) associated with the parking and traffic citation. Any fine(s) still levied against the appellant must be paid within 15 calendar days after the date of the hearing unless the appellant wishes to pursue a second-level appeal. Non-payment after 15 calendar days may result in any of the college actions listed under WAC 132H-116-620.

(3) Second level appeal. An appellant who is not satisfied with the decision of the citation review committee has the right to a second-level appeal before the institutional hearing officer appointed by the president of Bellevue Community College. The appellant must contact the institutional hearing officer within 15 calendar days after the citation review committee hearing to request a second-level appeal. The institutional hearing officer shall notify the appellant of his/her decision in writing. The institutional hearing officer's decision is final.

Any appellant who has paid the fine(s) confirmed or set by the citation review committee has forfeited the right to a second-level appeal.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-655 Report of accident and theft. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of \$500, shall within 24 hours report such accident to the public safety ~~((campus security))~~ department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident.

Students, faculty, staff, and visitors should report any theft of or out of vehicles to the public safety department promptly.

AMENDATORY SECTION (Amending WSR 92-13-097, filed 6/17/92)

WAC 132H-116-750 Delegation of authority. The authority and powers conferred upon the director of campus operations or the director of public safety (~~security supervisor~~) by these regulations may be delegated by them to their subordinates.

AMENDATORY SECTION (Amending Order 43, filed 8/10/76)

WAC 132H-116-790 Prohibition of literature. Distribution of literature by placing the same on motor vehicles parked on the premises of Bellevue Community College is hereby prohibited. Literature includes but is not limited to:

- (1) Pamphlets
- (2) Flyers
- (3) Stickers.