



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency:
Central Washington University

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: October 28, 1998

(2) Purpose:

Accurately reflect the increased rates approved by the Board of Trustees, eliminate unnecessary language, and clarification and simplification of rules.

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

Repealed: WAC 106-116-040, 204, 301, 302, 306, 307, 401, 402, 403, 404
Amended: WAC 106-116-042, 102, 201, 205, 207, 210, 303, 304, 305, 308, 311, 410,
Suspended: 513, 514, 515, 521, 601, 603, 850, 901

(4) Statutory authority for adoption: 28B.35.120(12 and 28B.10.528
Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-19-067 on 9/18/98 (date).
Describe any changes other than editing from proposed to adopted 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(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

Emergency Rules

or Expedited Rule Making

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

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

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 9 1998

TIME 9:49 **AM**
WSR 98-23-022 **PM**

NAME (TYPE OR PRINT)

Ivory V. Nelson

SIGNATURE

TITLE

President

DATE

11/3/98

(COMPLETE REVERSE SIDE)

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-042 Infractions. (1) ~~((The entire campus, including parking and traffic areas, is patrolled by the public safety and police services department with authority to issue infractions for on-campus violations. This authority is further shown in WAC 106-116-040 of this policy.~~

~~(2))~~ The public safety and police services 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, when violations occur ~~((on university-owned property))~~.

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

WAC 106-116-102 ((Faculty-staff and students.)) Permit required. (1) ~~((Faculty, staff and students shall obtain))~~ A permit is required for all motor vehicles ~~((they))~~ that park on posted university grounds at specified times. Fees may be charged and parking permits issued, which will allow vehicles to be parked in specific areas.

(2) A faculty, staff, or student owner, operator, and/or permit holder for a motor vehicle shall be held responsible for any violation involving that vehicle.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-201 Permitted parking areas. 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 4:30 p.m. Monday through Friday, except:~~

~~(1) No parking permitted daily in J-8, Q-14, S-10 and O-5 lots from 4:00 a.m. to 6:00 a.m. except as posted in designated areas of those lots.~~

~~(2) Enforcement shall be in effect twenty-four hours a day in "limited time zones" and "disabled persons areas.")~~ posted with

permitting requirements. Permit requirements will be enforced Monday through Friday, 7:30 a.m. to 4:30 p.m., unless otherwise posted. No parking is permitted from 4:00 a.m. to 6:00 a.m. where posted.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-205 Apartment residents. (~~((1))~~) Residents of Brooklane Village, Roy P. Wahle Complex, Student Village Apartments, and Getz Short Apartments (~~((do not need parking))~~) may be required to display resident parking identification permits to park in the parking area adjacent to their respective apartments but must register their vehicles with the housing office.

~~((2) Apartment residents may purchase a commuter parking permit-~~

~~((3) Residents of Student Village may park in lots T-22, U-22, V-22, and X-22 without a permit.))~~

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-207 Faculty-staff parking. Faculty and staff parking zones are posted (~~((with signs reading, "faculty and staff parking only." Student parking is not permitted in any designated faculty and staff parking zone Monday through Friday from 7:30 a.m. to 4:30 p.m.))~~) and require faculty-staff permits.

AMENDATORY SECTION (Amending WSR 90-01-006, filed 12/7/89, effective 1/7/90)

WAC 106-116-210 Parking within designated spaces. All vehicles shall be parked (~~((perpendicular to the bumper blocks and/or within the painted lines. In J-8 and Q-14 lots the front of the vehicle shall be facing toward and against the bumper blocks))~~) between designated lines or spaces otherwise designated.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-303 Display of permits. (1) Parking permits shall be conspicuously hung from the inside rearview mirror, or other location specified at time of issuance.

(2) Special permits must be displayed in the manner described at time of issuance.

~~((3) Motorcycle parking permits are to be placed in a conspicuous location on the front fork, handlebar, or fender of the motorcycle.))~~

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-304 Disability parking permit. Any university employee, student, or visitor who can show physical disability may apply ~~((to))~~ at the student affairs ~~((affairs and student assistance))~~ office for a disability parking permit. Certification by a physician may be required. Disability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored. Additionally, a CWU parking permit or daily permit is necessary in parking lots normally requiring permits.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-305 ~~((Daily parking))~~ General permits. (1) Daily parking permits are available from the automatic ticket dispensers and cashier's office. These permits must be displayed in clear view on the dash of the vehicle ~~((r))~~ or as instructed on the permit, readable from outside the vehicle.

(2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

(4) Quarterly, academic year, and calendar year permits are available to faculty, staff, students, and alumni through the cashiers' office.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-308 Replacement of parking permit. Lost or stolen parking permits must be reported to the public safety and police services department. Upon verification, the permit ((will)) may be replaced ((at no cost)) for a \$5.00 processing fee.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-311 Parking fee refunds. (1) Application for parking permit fee refunds are to be made at the ((auxiliary services)) parking office(, ~~Barge Hall~~). The parking permit must be surrendered upon application for a refund.

(2) A full parking fee refund is obtainable only within the first seven calendar days of any academic quarter in which the permit is issued.

(3) Refunds are permitted of a prorated basis only under the following conditions:

(a) Student teaching, or other off-campus program;

(b) Withdrawal from the university;

(c) Termination of employment.

(4) Refunds will not be made for daily permits.

(5) Prorated refunds will be measured upward to the nearest 1/3, 2/3, and full cost increments.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-410 Continuous parking. Vehicles receiving an infraction notice for violating parking and traffic regulations and which have not been moved within twenty-four hours following the issuance of the original infraction notice, shall be in violation of this section, and may be subject to removal at owner's expense.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-513 Procedure--Infractions and service thereof.

Upon probable cause to believe that a violation of these regulations has occurred, an appropriate notice of infraction may be issued setting forth the date, the approximate time, the locality, and the nature of the violation. Such notice may be served by delivering or attaching a copy thereof to the alleged violator, or by placing a copy thereof in some prominent place within or upon the vehicle. Service by mail shall be accomplished by placing a copy of the notice in the mail addressed to the alleged violator (~~at the address shown on the records of the office of the registrar or the personnel services office for that person or any other last known address of that person~~).

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

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).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office, Barge Hall. Payment will be in cash, check, 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 (~~auxiliary services~~) parking office, Barge Hall, 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 (~~auxiliary services~~) parking office within fifteen 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 public safety and police services (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 public safety and police services department or the (~~auxiliary services~~) parking 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 CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-515 Procedure--Complaint and information. (1) An infraction notice served in accordance with the provisions of WAC 106-116-513 of these regulations shall constitute the complaint or information against the person to whom delivered or mailed. The person to whom the vehicle permit was issued shall be held liable, or if no permit has been issued, the owner of the vehicle shall be held liable.

(2) The complaint or information may be amended at any time, either in writing (delivered or mailed to the alleged violator) or upon motion at (~~trial~~) a judicial hearing in his or her presence, to include new charges of violations of these regulations.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-521 Monetary penalties. (1) The monetary penalties to be assessed for violations of these regulations shall be those detailed in WAC 106-116-603.

(2) The chief of public safety and police services will cause:

(a) These regulations or a reasonable condensation thereof to be prominently displayed in the public safety and police services department.

(b) The amount of the monetary penalty to be written on the parking-violation notices served on alleged violators.

(c) Removal of vehicles at owner's expense when infractions remain unpaid.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-601 Traffic regulation signs, markings, barricades, etc. (1) The director of the public safety and police services department and the (~~auxiliary services~~) director of business services and contracts office 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, and directions shall be so made and placed as to, in the opinion of the chief of public safety and police services and the director of (~~auxiliary services~~) business services and contracts, 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 regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the chief of public safety and police services.

AMENDATORY SECTION (Amending Order CWU AO 74, filed 10/3/94, effective 11/3/94)

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	\$ 5.00
(2) Parking faculty-staff area	((12.00)) <u>15.00</u>
(3) Parking yellow stripe or curb	((7.00)) <u>15.00</u>
(4) Parking outside designated parking area	((7.00)) <u>15.00</u>
(5) Obstructing traffic	25.00
(6) Parking at improper angle or using more than one stall(, or backing into parking stall)	7.00
(7) Violation of the bicycle parking rules in WAC 106-116-901	7.00
(8) Reserved parking area	((12.00)) <u>15.00</u>
(9) No parking area	((10.00)) <u>15.00</u>
(10) Overtime parking	((7.00)) <u>10.00</u>
(11) Using counterfeit, falsely made, or altered permit	100.00
(12) Illegal use of permit	100.00
(13) No current permit	((7.00)) <u>12.00</u>
(14) Parking service drive	((12.00)) <u>15.00</u>
(15) Parking/driving sidewalks, malls	15.00

Offense	Penalty
(16) Parking/driving lawns	20.00
(17) Parking fire lane	25.00
(18) Parking fire hydrant	25.00
(19) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	12.00
(20) Other violations of the objectives of the CWU parking and traffic regulations	7.00 to 12.00
(21) Parking in a space marked "disabled person permit only" ..	((30.00)) <u>by statute</u>
(22) Continuous parking	20.00

Parking infraction notices shall qualify for a (~~(\$3.00)~~) reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a (~~(\$3.00)~~) reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within fifteen days will result in the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; and/or
- (c) Withholding of parking permits.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-850 ((Purpose-)) Skateboard regulations. The purposes of WAC 106-116-850 through 106-116-859 are:

(1) To protect and control pedestrian traffic and traffic of persons using skateboards.

(2) To protect wooden and concrete benches, ramps for the disabled, brick and paved walkways, stairs, steps, loading ramps, and plazas from physical damage and more than ordinary wear caused by use of skateboards.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-901 Bicycle parking and traffic regulations. (1)

The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

(a) Do not ride bicycles inside buildings at any time.

(b) Do not lean or park bicycles near or against windows.

(c) Pedestrians have the right of way on all malls and sidewalk areas of the university. At all times and places of congested pedestrian traffic, the bicycle rider must go slowly and yield to pedestrians. A violation of this provision shall constitute a moving violation and shall be referred directly to the court of the judge of the Lower Kittitas County district court.

(d) Bicyclists must observe the 10 m.p.h. speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist.

(4) Impoundment policy:

(a) Bicycles parked on paths, sidewalks, in buildings, or near building exits may be impounded, except in areas adjacent to residence halls, or as otherwise permitted and designated by the director of ((housing)) residential services as bike storage rooms. Bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the chief of public safety and police services. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven days.

(c) Abandoned, lost, or found bicycles that have been impounded shall be subject to sale in accordance with the laws of the state of Washington.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-116-040

Authority of campus police officers.

WAC 106-116-304	Commuter student's.
WAC 106-116-301	Purchasing parking permits.
WAC 106-116-302	Purchaser's responsibility.
WAC 106-116-306	Temporary parking permits.
WAC 106-116-307	Parking fees.
WAC 106-116-401	Definition of a visitor.
WAC 106-116-402	Responsibility of visitor.
WAC 106-116-403	Visitor parking permits.
WAC 106-116-404	Visitor parking areas.