

EXHIBIT BA-I

Appalachian State University Parking and Traffic Regulations

Effective August 15, 2009

University Parking and Traffic Department
461 Rivers Street, Suite A
Boone, North Carolina 28608
(828) 262-2878

FOREWORD

Welcome to Appalachian State University! The Parking and Traffic Department is responsible for providing parking services and traffic control for all faculty, staff, students and visitors to the campus. Management of the University's more than 6,000 parking spaces is accomplished through vehicle registration, as well as enforcement of the regulations set forth in this manual. These regulations are designed to enhance the safety and welfare of the entire University community.

Through the following resolutions, the Board of Trustees of Appalachian State University has adopted the regulations contained herein as official policy of the University.

BE IT RESOLVED THAT pursuant to authority vested in it by North Carolina General Statutes, Chapter 116, Article 1, Part 6, the Board of Trustees of Appalachian State University hereby repeals all prior actions authorizing Regulations Governing Parking, Traffic and the Registration of Motor Vehicles for Appalachian State University at Boone and on June 19, 2009 adopts and records in its proceedings the following Regulations Governing Parking, Traffic and the Registration of Motor Vehicles on the campus of Appalachian State University at Boone in lieu thereof. The regulations are intended only to supplement North Carolina General Statutes, Chapter 20, N.C. Motor Vehicle Laws, all provisions of which, under the terms of the law referenced above now apply to the campus of Appalachian State University at Boone except as provided in North Carolina General Statutes, Chapter 116, Article 1, Part 6. These regulations shall apply to and be in effect on all parts of the campus of Appalachian State University immediately; and be it

FURTHER RESOLVED, that the Office of Business Affairs shall be responsible for all physical arrangements, including implementation and installation of additional traffic control signs and signals on University property as deemed necessary; and be it

FURTHER RESOLVED, that copies of these regulations shall be filed in the Office of the President of the University of North Carolina and the Office of the Secretary of State of North Carolina.

Table of Contents

Article

- I. General Regulations
- II. Vehicle Registration
- III. Vehicle Registration Fees
- IV. Regulations Governing Disability Parking
- V. Regulations Governing Parking
- VI. Regulations Governing the Operation of Motor Vehicles
- VII. Regulations Governing Parking for Special University Events
- VIII. Regulations Governing Motorcycle Parking
- IX. Regulations Governing Non-motorized Vehicles
- X. Parking Violations and Civil Penalties
- XI. Appeals of Parking Violations

ARTICLE I – GENERAL REGULATIONS

Section 1 DEFINITIONS: The definitions of all terms used in these regulations shall be those provided in Chapters 20-38 and other applicable sections of the General Statutes of North Carolina insofar as they are provided. The meanings of other terms shall be as follow:

- A. **ACADEMIC YEAR:** From the beginning of one fall semester to the beginning of the next fall semester.

- B. **CAMPUS:** All properties belonging to Appalachian State University, including New River Light and Power, the Child Development Center, the holdings of the permanent Endowment Fund and all properties leased or controlled by the University.
- C. **CHANCELLOR:** Chief Administrative Officer of Appalachian State University.
- D. **CROSSWALK:** That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- E. **DIRECTOR OF PARKING AND TRAFFIC:** The person designated by the Vice Chancellor for Business Affairs to be responsible for enforcing the provisions of these regulations.
- F. **DORMANT STORAGE:** The parking of a non-operative motor vehicle for a period longer than seven days. State owned vehicles and privately owned motor vehicles displaying a current parking permit and parked in an area authorized by the displayed permit shall not be classified as dormant unless there is evidence that the vehicle is inoperative. Failure to display a current authorized state license plate classifies a vehicle as inoperative. Inoperative vehicles may be removed from the campus after seven days at the owner's expense.
- G. **FACULTY MEMBER:** Employees with faculty or equivalent professional status. (Graduate Assistants are not included).
- H. **IMMOBILIZATION (BOOTING):** The placing of a mechanical wheel lock (boot) on a vehicle to prevent movement of the vehicle.
- I. **INTERSECTION:** The area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of two or more highways, streets or roadways, which join one another at any angle whether or not one such highway, street or roadway crosses the other.
- J. **LEGAL PARKING SPACE:** An area that has been clearly designated by pavement markings as a parking space.

- K. NO PARKING AREA: Any area not clearly designated by pavement markings as a parking space shall be considered a no parking area.
- L. PARK: The standing of a vehicle whether occupied or not.
- M. PARKING AREA: Any place or area set aside, marked or intended for the parking of vehicles, either permanently or temporarily.
- N. PAY LOT: Any parking lot or area where payment for parking is required based on the length of time the vehicle is parked. Pay lots may be operated by automated pay machines, meters or by attendants who collect the parking fees.
- O. SIDEWALK: Any area designated for or marked by proper authorities for the exclusive use of pedestrians.
- P. STAFF MEMBER: Any non-faculty employee paid by the state and employed at the University on a full or part-time basis.
- Q. STOP: When required, means complete cessation of movement of a vehicle.
- R. STREET: Any way or place designated or marked by proper authorities for vehicular travel.
- S. STUDENT: Any person registered with the University as a full-time, part-time, graduate or other special student. This does not include employees of the University who are in a full-time permanent position and subject to SPA or EPA guidelines.
- T. TOWING: The removal of a vehicle from the campus by a contracted towing firm at the vehicle operator's expense.
- U. UNIVERSITY: Unless otherwise provided, the word "University" throughout these regulations shall be interpreted to mean Appalachian State University at Boone.
- V. VEHICLE: Any device in, upon, or by which any person or property is or may be transported or drawn upon the campus, excepting devices moved by human power; the term motorcycle, motor bike, or motor scooter in these regulations applies to any two-wheeled or three-wheeled motor propelled vehicle.
- W. VISITOR: Any person on the campus who is not classified as faculty, staff or student.

Section 2 These regulations are in effect 24 hours a day, except as herein provided. Any revisions will be announced in official University publications.

Section 3 **AUTHORITY:** The Chancellor shall delegate to the Vice Chancellor for Business Affairs the responsibility for administering the provisions of these regulations. The Vice Chancellor for Business Affairs shall designate the Director of Parking and Traffic to be responsible for enforcing the provisions of these regulations.

- Section 4 **LIABILITY:** Appalachian State University assumes no liability or responsibility for damage to or theft of any vehicle parked or in operation on all University owned, leased or controlled property.
- Section 5 **PEDESTRIAN REGULATIONS:** Pedestrians have the right of way in crosswalks and on sidewalks at all times. Pedestrians should only cross streets at designated crosswalks.
- Section 6 **PROPERTY DAMAGE:** No person shall deface, injure or remove any signs or other equipment used for the purpose of parking and traffic control. Violators can face criminal charges as well as being referred to Student Judicial Affairs.
- Section 7 **SNOW EMERGENCY:** In order to provide for public safety the University Parking and Traffic Department shall have the authority during times of severe winter weather conditions to relocate a legally or illegally parked vehicle from one street or parking area to another in order to assist in snow removal.
- Section 8 **VEHICLE COVERS:** No person shall utilize any type of vehicle cover or sun shield which prevents full visibility of a properly displayed parking permit. It is the vehicle operator's responsibility to make any necessary alterations to the device to allow for the parking permit to be viewed from outside the vehicle.
- Section 9 **VIOLATION OF REGULATIONS:** In addition to the criminal penalties set by North Carolina General Statutes, any person violating these regulations is subject to a civil penalty as set forth in this document. When a vehicle is found to be in violation of these regulations, it will be considered prima facie evidence that the vehicle was parked: (1) by the person holding a University parking permit for that vehicle; (2) by the person registered with the University for a parking permit displayed on that vehicle or (3) by the person on file as the vehicle's owner with the North Carolina Division of Motor Vehicles or corresponding agencies of another state or nation.

ARTICLE II – VEHICLE REGISTRATION

Individuals who park a motor vehicle between the hours of 7:00am and 5:00pm, Monday through Friday on University controlled property, for any period, however short, must immediately register their vehicle(s) with the University Parking and Traffic Department. Parking permits are not required from 5:00pm until 7:00am, Monday through Friday, and at all times on Saturday and Sunday, unless otherwise posted.

Several types of permits are available, dependent upon the category of the registrant. The

University Parking and Traffic Department will provide the appropriate parking permit at the time of registration. Only one permit will be issued per faculty member, staff member or student, therefore persons wishing to register and operate multiple vehicles will be issued a hang tag permit that can easily be transferred between vehicles. A parking permit serves as permission to park and does NOT guarantee a parking space.

Section 1 PERMIT TYPES

- A. Hang Tag Parking Permits: Hang from rearview mirror, adhere to lower corner of front windshield on DRIVER'S SIDE, or adhere to dashboard directly above steering wheel, with numbers facing outward. Entire permit number must be visible from outside of the vehicle.
- B. Guest Parking Vouchers: Hang from rearview mirror or display on vehicle dashboard directly above steering wheel with writing facing outward. Entire permit must be visible from outside of the vehicle.

NOTE: In all cases, parking permits remain the property of the Appalachian State University Parking and Traffic Department and may not be resold or transferred to any person other than the original registrant. Display of a permit on any vehicle not registered to the permit is a violation of University policy.

Section 2 ELIGIBILITY FOR PERMITS

- A. Faculty/Staff Parking Permits: Persons eligible for this permit shall be faculty members and all permanent or temporary non-student employees. Categories are as follows.
 - Parking Deck Permit: Allows parking in the assigned deck, as well as all surface lots on campus.
 - General Permit: Allows parking in all surface lots on the campus.
 - Adjunct Faculty/Part-Time Staff: Persons eligible for this permit must be classified as adjunct faculty members, teaching 6 hours or less. No one eligible for this reduced rate permit may be enrolled as a student. Documentation verifying this employment status must be provided by the faculty or staff member's department prior to obtaining a parking permit. This permit allows parking in all surface lots on the campus.
- B. Student Parking Permits: All students registered for classes are eligible to apply for these permits. Assignments will be based on student classification and availability of space. These permits allow parking at all times in area(s) indicated on the permit, except during home football games.

- C. Evening Parking Permit: All students are eligible for this permit which allows parking on the campus after 2:00 p.m. in all student lots (Stadium, Hill Street, Greenwood, Horn In The West, State Farm).
- D. Reserved Space Permit: These permits are allocated only to persons with very extenuating circumstances. Requests for these permits require the approval of the Vice Chancellor for Business Affairs.
- E. Appalachian Heights/Appalachian Panhellenic Hall/Mountaineer Apartment Permits: Persons eligible for these permits must be a resident of the complex.
- F. Disability Parking Permits: See Article IV
- G. Graduate Assistant Permits: Persons eligible for this permit must have a signed contract with the University. Parking lot assignment will be made at the time the permit is purchased.
- H. Vendor Permits: Persons eligible for this permit are not employed by the University, but yet are performing work on the campus. Any vendor requiring a parking space on campus must purchase and display a valid University parking permit.
- I. Retired Permits: All Appalachian State University retirees are eligible to apply for a complimentary campus parking permit. Verification of retirement status is required before a permit may be issued. However, employees who return to work are subject to the appropriate parking fees.
- J. Temporary Permits: These permits are to cover emergency situations subject to the approval of the Director of the Parking and Traffic Department.
- K. Special Permits: Certain cases may merit special parking consideration. In such cases, application shall be made by the individual at the Parking and Traffic Department. No consideration will be given to situations involving off campus employment.
- L. Motorcycle Permits: See Article VIII
- M. Visitor Permits: Pay by the hour parking is available for visitors in the Rivers Street Parking Deck. In certain situations, visitors may be issued temporary permits for other areas of campus at a charge of \$5.00 per day. Campus departments are eligible to purchase visitor parking permits for their guests at a reduced rate.
- N. Loading Permits: Students may obtain a short term permit to allow the use of a legal parking space for loading their

vehicle.

*NOTE: Parents picking up/dropping off a student may obtain a complimentary 30 minute loading permit from the Parking and Traffic Department.

- Section 3 Students registering for fall semester parking permits must do so online via their AppalNET account. This process typically begins in June to obtain permits valid for the next academic year. Check www.parking.appstate.edu for more information. Registration at all other times of the year must be done in person at the Parking and Traffic Department.
- Section 4 Faculty and staff new to the University should make application for parking privileges at the University Parking and Traffic Department. Existing employees may renew their parking registration online in August, or by visiting the Parking and Traffic Department in person. Check www.parking.appstate.edu for more information.
- Section 5 Parking permits must be affixed in accordance with the directions accompanying them. Parking permits allow parking only in assigned areas or the areas designated on them and only in legally marked parking spaces. It does not permit parking in “No Parking Zones” or other illegal parking areas.
- Section 6 If at any time, the parking permit is defaced, lost, stolen or removed, it becomes the responsibility of the registrant to replace it immediately. Replacement permits may be obtained from the University Parking and Traffic Department for a fee of \$5.00.
- Section 7 A faculty member, staff member or student may not register a vehicle that is owned or used by another faculty member, staff member or student. Violation of this rule is false registration and constitutes a civil penalty of \$200.00, as well as loss of campus parking privileges. Violator(s) will be required to surrender the parking permit to the University Parking and Traffic Department with no refund.
- Section 8 A faculty member, staff member or student displaying a counterfeit or altered campus parking permit or a campus parking permit issued to another vehicle registrant will pay a civil penalty of \$200.00. If the parking permit is listed as stolen, the situation may be referred to the University Police Department.
- Section 9 Registration of a vehicle at the University requires accurate information. Giving of false information constitutes false registration and will result in a civil penalty of \$200.00 as well as loss of campus parking privileges. Violator(s) will be required to surrender the parking permit

to the University Parking and Traffic Department with no refund.

- Section 10 All parking permits shall be valid from the date of issuance and shall expire on August 15 of the academic year issued, unless otherwise noted on the permit. Persons assigned to park in off campus storage lots will be reassigned at the end of spring semester if summer parking is needed.
- Section 11 Faculty members, staff members, students and visitors are allowed to park in timed spaces for the amount of time designated by posted signs without displaying a campus parking permit. However, parking in excess of the posted time limit shall be considered a violation, with the appropriate civil penalty applying. There is no limit to the number of citations received while parked overtime in a timed zone or space.
- Section 12 If two (2) or more members of a family are employed or enrolled as students and use multiple parking spaces, each automobile must display a valid parking permit.
- Section 13 The State of North Carolina requires that all students requesting parking privileges on the campus must certify that their vehicle(s) are insured at or higher than the levels mandated in North Carolina General Statute 20-279.1(11). Prior to a parking permit being issued, the applicant must provide the insurance company name, policy number and certify that the coverage meets the minimum standards indicated below:
- The levels set by G.S./20-279.1 (11) state it is the proof of ability to respond in damages for liability in the amount of:
- \$30,000 because of bodily injury to or death on one person in any one accident and subject to said limit for one person.
 - \$60,000 because of bodily injury to or death of two or more persons in any one accident.
 - \$25,000 because of injury to or destruction of property of others in any one accident. *NOTE: This requirement applies to motor vehicles registered in other states, as well as those registered in the State of North Carolina.
- Section 14 Pay Lot Parking
- A. Anyone may park in the Rivers Street Parking Deck, subject to space available, and pay the appropriate fee upon exit.
 - B. Fees are \$2.00 for the first hour or part, \$1.00 for each additional hour or part, with a daily maximum per vehicle of \$5.00.
 - C. All hourly pay lot customers are required to exit the facility no later than the posted closing time. Failure to do so will be considered a parking violation.

Section 15 Overnight Parking Restrictions: Overnight parking is prohibited in campus parking decks without display of a valid annual parking permit for the facility.

Article III - Vehicle Registration Fees

Section FEES

A. Faculty/Staff Permits

- Reserved Space: \$504.00 (Allocated based on special circumstances by the Vice Chancellor for Business Affairs.)
- Reserved Space for Disability: \$360.00 (Allocated based on special circumstances by the Chancellor for Business Affairs.)
- Parking Decks: \$360.00
- Surface Lots: \$204.00
- Adjunct Faculty/Part-Time Staff: \$102.00/year, \$43.00/semester

B. Student Permits

- Parking Decks: \$504.00
- Evening: \$102.00 (Allows parking AFTER 2:00 in student lots: Stadium, Hill Street, Greenwood, Horn in the West and State Farm.)

C. Vendor Permits: Annual: \$204.00

D. Short Term Temporary Permits: Parking permits may be sold to certain short-term employees at a rate of \$1.00 per day or \$5.00 per week.

Section 2 PAYMENT

- Permanent Full-time Faculty/Staff – Parking fees will be payroll deducted on a monthly basis.

- Temporary and part-time employees – Payment must be made in full by cash or check at the time permit is purchased.
- Students – Parking fees will be charged to student’s university account.

Section 3 REFUNDS

- Refunds of vehicle registration fees will be prorated on a monthly basis less a \$5.00 service charge. The parking permit must be returned at the time of the refund request.
- NO REFUND REQUESTS WILL BE ACCEPTED AFTER MARCH 31, 2010.

Section 4 Parking permits purchased after the beginning the fall semester will be sold a pro rata basis dependent upon the amount of time the permit will be valid.

Section 5 Lost or stolen permits may be replaced for \$5.00. The person the permit is registered to must fill out a lost/stolen permit report in person at the Parking and Traffic Department.

Section 6 All permits are valid from the purchase date until August 15, 2010 unless otherwise indicated.

ARTICLE IV – DISABILITY PARKING

Section 1 All faculty, staff and students, including those with disabilities, must obtain and properly display an Appalachian State University parking permit appropriate to their category. In addition, parking for persons with disabilities is governed by North Carolina General Statutes, 20-37.5, 20-37.6, and 20-37.6A.

• N.C.G.S. 20-37.6(a) provides that: “Any vehicle that is driven by or is transporting a person who is handicapped and that displays a distinguishing license plate, a removable windshield placard, or a temporary removable windshield placard may be parked for unlimited periods in parking zones restricted as to the length of time parking is permitted. This provision has no application to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Any qualifying vehicle may park in spaces designated as restricted to vehicles driven by or transporting the handicapped.”

a. Pursuant to N.C.G.S. 20-37.6A, any vehicle displaying “an out-of-state handicapped license plate, placard, or other evidence of handicap issued by the appropriate authority of the appropriate jurisdiction may park in any space reserved for the handicapped pursuant to G.S. 20-37.6.”

b. Because wheelchair-accessible parking spaces are limited, individuals with properly displayed distinguishing license plates or placards who do not require a wheelchair-accessible space are encouraged to use other available spaces, if possible, as a courtesy to those who do use wheelchairs.

- Individuals with disabilities who wish to avail themselves of parking permitted under N.C.G.S. 20-37.6(a) must obtain from the North Carolina Division of Motor Vehicles (“DMV”) and properly display a “distinguishing license plate” or “a removable windshield placard or a temporary removable windshield placard” pursuant to

N.C.G.S. 20-37.6(b) and (c). Applications for these license plates and windshield placards may be obtained from the University Parking and Traffic Department or the nearest office of the DMV. Pursuant to N.C.G.S. 20-37.6(c), the initial application to the DMV must be “accompanied by a certification of a licensed physician, ophthalmologist, or optometrist or of the Division of Services for the Blind that the applicant is handicapped.” • N.C.G.S. 20-37.6(e) makes it unlawful:

- (1) To park or leave standing any vehicle in a space designated with a sign [designating parking] for handicapped persons when the vehicle does not display the distinguishing license plate, removable windshield placard, or temporary removable windshield placard as provided in this section, or a disabled veteran registration plate....
 - (2) For any person not qualifying for the rights and privileges extended to handicapped persons under this section to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, removable windshield placard, or temporary removable windshield placard issued pursuant to the provisions of this section;
 - (3) To park or leave standing any vehicle so as to obstruct a curb ramp or curb cut for handicapped persons as provided for by the North Carolina Building Code or as designated in G.S. 136-44.14.
- Violations of these provisions are punishable with penalties of “at least one hundred dollars (\$100.00) but not more than two hundred fifty dollars (\$250.00),” and a law enforcement officer “may cause a vehicle parked in violation of this section to be towed.” N.C.G.S. 20-37.6(f)(1) and (3).

Section 2 DISPLAY

- A Disability Placard issued by DMV should be displayed by hanging from rearview mirror.
- A University parking permit should be affixed to the lower corner of the inside front windshield on the passenger side with numbers facing outward.

ARTICLE V—REGULATIONS GOVERNING PARKING

Section 1 GENERAL

The control of parking on the campus is necessary to provide for public safety and to permit the proper conduct of University business. These regulations specifically stipulate where parking is authorized, and all other areas shall be deemed to be unauthorized, and therefore illegal. Inability to locate a legal parking space near where one works, resides or attends class is not a valid excuse for violating parking regulations.

Section 2 REGULATIONS

- A. No person shall park a vehicle at any time on the campus in an area not specifically designated by pavement markings as a parking space.
- B. Display of a valid parking permit is required from 7:00 am-5:00 pm, Monday through Friday. Parking permits are not required from 5:00 pm-7:00 am, Monday through Friday and at all times Saturday and Sunday, unless otherwise posted.
- C. Vehicles must park in the area appropriate for the displayed permit.
- D. No person shall stop, stand or park a vehicle upon a street or roadway in such a manner as to block the movement of vehicular traffic, except that a driver may stop temporarily to load or unload passengers, or when directed to stop by traffic signs or signals, or at the instruction of a police officer or parking control officer.
- E. Each person operating and parking a vehicle on the campus shall be responsible for doing so in accordance with the established parking and traffic regulations.
- F. Where “No Parking” signs are placed, erected or installed in conspicuous places, giving notice thereof, or the curbing or streets have been painted (yellow markings) in such a manner as to give notice thereof in lieu of signs no person shall park a vehicle.
- G. No parking is permitted in the bicycle lane on Rivers Street except on special occasions as deemed necessary by the administration. Such events include, but are not limited to, football games, basketball games, concerts and graduations. **AT ALL OTHER TIMES IT IS CONSIDERED A NO PARKING ZONE, AND WILL BE ENFORCED AS SUCH.**
- H. When signs are placed, erected or installed in a time zone giving notice thereof, or the curbing or street has been painted in such a manner as to give notice thereof of the time zone in lieu of signs, no person shall park vehicle for

a period of time longer than that indicated by the sign or painting.

I. Spaces posted as reserved for a particular person, department or vehicle are reserved 24 hours per day, seven (7) days per week.

J. No person shall park in an area of the campus specifically reserved for special events and so designated by the erection of appropriate signs, or supervised by the traffic enforcement personnel.

K. All persons visiting a faculty member, staff member or student must obtain a parking permit when on the University campus.

L. Whenever a particular angle or manner of parking is indicated in a parking area by signs, fences, barriers or markings, no person shall park a vehicle except in the manner so indicated, and no vehicle shall be parked in such a manner as to occupy more than the space indicated with lines, signs, or markings for a vehicle.

M. No person, firm or corporation shall park a vehicle upon any street, roadway, alley, parking lot or driveway for the principle purpose of:

1. Washing, greasing or repairing such vehicles, except such repairs necessitated by an emergency.
2. Storage which is not incidental to the bona fide use and operation of such vehicle.
3. Maintaining an abode or sleeping quarters, whether temporary or otherwise.

N. The administration shall have the authority to cause closing of any street, roadway, parking lot, alley or driveway or any portion thereof on the campus when it shall appear necessary or appropriate to facilitate construction or maintenance work, for the protection of pedestrians or for special events. When such closing has been caused and when proper signs, barriers or obstructions have been erected to give notice thereof, no person shall willfully drive into or upon such street, roadway, alley and driveway, or portion thereof, or break down, remove, injure or destroy any such sign, barrier or obstruction.

Section 3 TOWING: Parking Control Officers and University Police Officers shall have the authority to remove to a place of storage at the owner's expense any vehicle parked in such a manner as listed below:

A. Any vehicle illegally stopped or parked in such a manner as to be blocking the normal movement of a properly parked car.

B. Any vehicle obstructing the flow of traffic or that is a safety hazard endangering life and property.

- C. Any vehicle parked in an area reserved for a special event as designated by signs or traffic enforcement personnel.
- D. Any vehicle that meets the criteria for dormant storage.
- E. Any vehicle whose operation and parking privileges have been suspended.
- F. Any vehicle parked on sidewalks or walkways.
- G. Any vehicle parked within an intersection or crosswalk or in front of a public driveway.
- H. Any vehicle parked on the grass or landscaped areas.
- I. Any vehicle parked in the approaches or other portions of a parking area, which are not clearly marked for parking.
- J. Any vehicle blocking fire hydrants, trash receptacles, fire lanes and service entrances.
- K. Any unauthorized vehicle parked in “Reserved” and “Disability” parking spaces.
- L. Any vehicle that has had an immobilization device placed on it and remains unclaimed as of 11:00pm on the date of the immobilization.
- M. Any vehicle parked in the bicycle lanes on Rivers Street from the intersection of Depot Street and Rivers Street, running along Rivers Street to the intersection of Rivers Street and US 321.
- N. Any vehicle parked in reserved spaces, areas, or lots without authorization.
- O. Any vehicle parked in violation of the posted restrictions for that area.
- P. Any vehicle parked in bus stop zones.

Section 4 TOWING FEE: All towing is done by private companies at the request of the Parking and Traffic Department. All fees associated with the towing and storage of a vehicle is the responsibility of the vehicle operator or owner. In the event that the operator of the vehicle to be towed arrives at the tow scene prior or subsequent to the tow truck, but prior to actual towing, such operator may be required to pay a service fee to the tow truck driver.

The owner or any other person entitled to claim possession of the

vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate in the county where the vehicle was towed. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the person who requested the hearing, if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. The only issue at this hearing is whether or not probable cause existed for the towing. If the magistrate finds that probable cause did exist, the tower's lien continues. If the magistrate finds that probable cause did not exist, the tower's lien is extinguished. At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of this vehicle by:

1. Paying the towing fee, or
2. Posting a bond for double the amount of the towing fee.

Section 5 **IMMOBILIZATION:** When feasible, the University Parking and Traffic Department may immobilize vehicles in lieu of towing. The vehicle operator will be required to report to the University Parking and Traffic Department to obtain the release of the vehicle. Failure to report to the University Parking and Traffic Department prior to 11:00pm on the date of immobilization may result in the vehicle being towed off campus at the owner's expense.

*Note: The penalty for unauthorized removal of the immobilization device (boot) shall be equal to the cost of repair or replacement of the device.

Section 6 **RESPONSIBILITY:** All persons registered for parking on the campus are responsible for all violations issued to the vehicles they have registered. Citations issued to unregistered vehicles will be billed to the faculty member, staff member, or student identified as being associated with the vehicle owner. Citations issued to unregistered vehicles operated by persons not associated in any way with the University shall be the responsibility of the vehicle owner.

ARTICLE VI – REGULATIONS GOVERNING THE OPERATION OF MOTOR VEHICLES

Section 1 All provisions of North Carolina Motor Vehicle Law (N.C. General Statutes, Chapter 20) shall apply to the campus.

Section 2 For the purpose of determining the speed limit on the University campus, it shall be deemed to be a business district, and the speed limit shall be 20

miles per hour unless otherwise posted.

- Section 3 No vehicle shall be driven or ridden except upon the streets, roadways, alleys and driveways of the campus and shall not be driven or ridden upon or within any sidewalk area, or walking area, or within any area which is marked by posts, signs, or other markings, as being prohibited to vehicles. This section shall not be deemed to prohibit service vehicles or any utility company vehicles from being driven in any area necessary for them to enter to perform the necessary construction and maintenance work.
- Section 4 All accidents involving motor vehicles which occur on University property should be immediately reported to the University Police.

ARTICLE VII – PARKING FOR SPECIAL UNIVERSITY EVENTS

Section 1 Home Football Games

Most campus parking areas have specific restrictions on football home game days. The campus community will be notified of these restrictions via electronically mailed information, press releases and signage posted at the parking lot entrances. The Director of Parking and Traffic is authorized to remove and/or cite for violation of this regulation any vehicle parked in restricted areas.

Section 2 Other Events

The Director of Parking and Traffic shall have the authority to restrict access to University streets and parking areas to accommodate the needs of various special events, including but not limited to athletic functions, academic conferences and cultural events. Notice of these temporary restrictions will be prominently posted. The Director of Parking and Traffic is authorized to remove and/or cite for violation of this regulation any vehicle parked in restricted areas.

ARTICLE VIII – MOTORCYCLE PARKING

Motorcycles may be parked only in areas designated by signage as being for that purpose. No permit is required to utilize these areas. The parking of a motorcycle anywhere on the campus other than these areas shall be considered a parking violation.

EXCEPTION: A faculty/staff member who is registered for a campus automobile parking permit may park a motorcycle in a regular parking space, provided they first register the motorcycle with the Parking and Traffic Department. However, the employee's motorcycle and automobile may not be parked on campus consuming parking spaces at the same time.

ARTICLE IX – NON-MOTORIZED VEHICLES

- Section 1 The University strictly prohibits the use of skateboards, in-line skates or similar devices on the entire campus. Students found in violation of this regulation will be referred to the Office of Student Judicial Affairs for disciplinary action under the procedures outlined in the Code of Student Conduct.
- Section 2 Bicycles, mopeds and similar devices may be operated and parked in designated racks located throughout the campus. However, parking or securing any of these devices in stairwells, hallways, doorways, etc. is considered a safety hazard endangering life and property, and will result in the device being removed and impounded at the owner's expense. To aid in property identification, these devices may be registered free of charge at the University Police Department.

ARTICLE X – PARKING VIOLATIONS AND CIVIL PENALTIES

Section 1 **RESPONSIBILITY:** Pursuant to North Carolina General Statutes, Section 116-44.4 (g), none of the violations listed below or otherwise described in these regulations shall be infractions. Any person who parks or operates a motor vehicle in violation of these regulations is subject to a written citation from an authorized officer and shall be held responsible for payment of the civil penalty indicated by the violation.

Section 2 VIOLATIONS AND CIVIL PENALTIES

- | | | |
|----|---|----------|
| 1. | Unauthorized parking in a disability space
(includes blocking designated accessible isle,
path or curb cut) | \$250.00 |
| 2. | False registration of a vehicle | \$200.00 |
| 3. | Displaying counterfeit/altered parking permit | \$200.00 |
| 4. | Displaying lost/stolen parking permit* | \$200.00 |
| 5. | Parking in a fire lane or blocking hydrant | \$50.00 |

6.	Unauthorized parking in a reserved space or lot	\$50.00
7.	Unauthorized parking in an area reserved for a special event (Article VII)	\$50.00
8.	Unauthorized parking in faculty/staff area	\$30.00
9.	Parking in an improper area for permit	\$30.00
10.	Parking in a “no parking” area (any area not specifically marked and designated for parking)	\$30.00
11.	No valid permit displayed	\$30.00
12.	Unauthorized parking in a service area	\$30.00
13.	Unauthorized motorcycle parking	\$30.00
14.	Vehicle not registered to permit	\$30.00
15.	Overtime in a timed space	\$10.00
16.	Permit improperly displayed	\$5.00
17.	Registered vehicle not displaying permit	\$5.00
18.	Failure to exit pay facility by the posted time	\$10.00
19.	Obstructing the flow of traffic	\$30.00
20.	Encroachment of two parking spaces	\$10.00
21.	Parking on a sidewalk/pedestrian walkway	\$30.00
22.	Parking on grass/landscape	\$30.00
23.	Warning for circumstances	\$15.00

*These matters may also be referred to the University Police Department and Student Judicial Affairs.

Section 3 PAYMENT

A. Students may pay civil penalties at the Student Accounts office in the John E. Thomas Academic Support Building. Civil penalties not paid or not waived following appeal will be charged to the student’s account.

B. Faculty members and staff members will have civil penalties payroll deducted.

Section 4 Citations issued to unregistered vehicles will be billed to the faculty member, staff member or student identified as being associated with the vehicle owner.

Section 5 Upon receiving ten parking violations in a semester, a person may lose the privilege to park on the campus for the remainder of that semester. Vehicles in violation may be immobilized or towed at the owner’s expense. Persons who lose their parking privileges are not eligible for refunds.

ARTICLE X – APPEALS OF PARKING VIOLATIONS

Section 1 How to Appeal a Parking Citation: Complete an appeal form at the University Parking and Traffic Department within fourteen days from the date of issuance of the citation. Included with the form should be the citation and any documentation that may assist in validating the basis for the appeal. Appeals filed later than the fourteen day limit will not be reviewed.

Section 2 Appeals Process:
A. The appeal will be read and ruled on by an Appeals Officer designated by the Vice Chancellor for Business Affairs. Subject to rules and regulations adopted by the Board of Trustees of Appalachian State University and the Board of Governors of the University of North Carolina, the Appeals Officer's ruling shall be considered binding. The appellant will be notified of the decision via campus mail.

Section 3 Points to consider prior to filing an appeal:

A. Hazard lights and/or notes left on vehicles do not permit parking in unauthorized areas, no matter how short the time period.

B. The absence of "NO PARKING" signs/pavement markings does not mean that parking is allowed. Any area not specifically designated by pavement markings as a parking space shall be considered a "no parking area".

C. Inability to find a legally marked parking space does not constitute an excuse for parking illegally.

D. Unauthorized parking in disability spaces and/or reserved spaces is strictly prohibited for ANY reason.

E. You are responsible for any parking violations pertaining to your vehicle, regardless of whom you allow to operate the vehicle.

F. Familiarize yourself with the Parking and Traffic Regulations. Lack of knowledge is not an excuse for committing parking violation.