



## **TRAFFIC RULES**

### **POLICY**

#### **Ordinance Governing Traffic, Parking, and Registration of Motor Vehicles**

Be it resolved that, pursuant to the authority vested in it by Chapter 115D-21 of the General Statutes of North Carolina, the Board of Trustees of Brunswick Community College adopts and records in its proceedings the following rules governing parking, traffic, and registration of motor vehicles on the campuses of Brunswick Community College.

These regulations are intended only to supplement the Motor Vehicle Laws of North Carolina, all provisions of which, under the terms of the above statute, now apply to the campuses of Brunswick Community College. From the date of the filing of these regulations in the Office of the Secretary of State, they shall apply to and be in effect on the streets, roads, alleys, sidewalks, walkways, parking spaces, parking areas, and parking lots on all parts of the campuses of Brunswick Community College.

The safety of our students, staff and faculty is a primary concern. The Brunswick Community College Police Department is a fully sanctioned law enforcement agency and sworn officers have full powers of arrest pursuant to North Carolina General Statute 115D-21.1.

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### **PROCEDURES**

#### **ARTICLE I. GENERAL PROVISIONS**

##### **Section 1. Definitions**

**Abandoned vehicle:** A motor vehicle that has remained parked for more than 10 days, which is determined to be "derelict" under North Carolina General Statute 20-137.7.

**Employee:** Any faculty member, staff, and all other non-student personnel employed by the college (including temporary, permanent, part-time, and full-time employment).

**No parking area:** Any area not specifically marked, striped, or designated for parking.

**Parking area:** Any area specifically set aside, marked or assigned by Facility Services, for the parking of vehicles, permanently or temporarily.

**Repeat offender:** Any person committing three (3) or more traffic or parking violations within an academic year.

**Student:** Any person registered or enrolled in a full or part-time academic study who is not an employee.

**Visitor:** Any person not identified as an employee or student according to the definitions above.



### **Section 2. Authority**

As approved by North Carolina General Statutes, Chapter 115D-21, the Board of Trustees of Brunswick Community College through their designee, Chief of Police, shall be responsible for the registration, flow, and parking of vehicles on property, owned or leased in whole or in part by the State of North Carolina, and under control of the Board of Trustees of Brunswick Community College. The provisions of the regulations shall apply to the operators of all vehicles operated on any Brunswick Community College campuses and shall be in effect 24 hours a day, except as herein provided.

**Liability:** Brunswick Community College assumes no liability or responsibility for damage to or theft of personal property of any vehicle parked, or in operation, on the properties leased by or under the control of the Board of Trustees of the College.

### **Section 3. Violation of Ordinance**

In addition to the criminal penalties set out by the North Carolina General Statutes, any person violating this or any regulation issued hereunder is subject to a civil penalty as set forth in this Ordinance.

**Rules of Evidence:** When a vehicle is found to be in violation of this Ordinance, it shall be considered prima facie evidence that the vehicle was parked:

- by the person holding the College parking permit for that vehicle, or
- by the person on file as owner of said vehicle with the North Carolina Division of Motor Vehicles or corresponding agency of another state

## **ARTICLE II. VEHICLE REGISTRATION AND PARKING PERMITS**

### **Section 1. Permit Eligibility**

**General Provision:** All faculty, staff, and students in good standing with the college are eligible for and may obtain a parking permit. Motor vehicles parked on campus by students, faculty, or staff must be registered with the college and must display a valid, official Brunswick Community College vehicle parking permit.

#### **Parking permits become invalid under the following conditions:**

- Ownership of the vehicle is transferred to another person or entity.
- The permit holders association with the college ends.
- The permit holder is issued another permit relating to the same vehicle.
- The permit holder's parking privileges are forfeited as a result of disciplinary sanctions.
- The permit holder commits three (3) or more traffic or parking violations in an academic year.



### **Section 2. Registration of Motor Vehicles**

**Faculty/Staff vehicles** must be registered through the BCC Police Department. There is no cost to employees for vehicle registration and no limit on the number of vehicles that can be registered.

- **Faculty/Staff parking permits** are for the exclusive use of employees and do not entitle friends or relatives of employees to park in staff spaces, even with the permit. Faculty/Staff parking permits need not be renewed unless worn or illegible.

**Student vehicles** must be registered as part of the college registration process. Vehicles brought onto campus after the college registration period has ended must be registered promptly.

Registered students are **NOT** considered as visitors at any time. Students using alternate vehicles that are not registered with the college are to park in the student parking area and not in visitor areas.

Faculty, staff, and students who have been issued a vehicle registration permit are responsible for parking violations involving the vehicle for which that permit has been issued.

Parking permits must be properly displayed on the vehicles for which they have been issued. Front wind shield passenger side lower right hand corner.

Parking on campus is often limited and there is strict enforcement of traffic rules and regulations.

## **ARTICLE III. PARKING AND TRAFFIC RULES AND REGULATIONS**

### **Section 1. General Provision**

Faculty, staff, and students are subject to discipline in accordance with the provisions of this Ordinance and Brunswick Community College policy and procedure.

### **Section 2. Rules and Regulations**

- No vehicle shall be driven in a careless or reckless manner or in a direction opposite to that indicated by appropriate signs or markings on roadways that are designated as one-way streets.
- Brunswick Community College campuses shall be deemed business districts, with a speed limit of 25 miles per hour.
- All vehicles must be properly parked in an approved marked parking space.
- Pursuant to North Carolina General Statute 20-37.5 vehicles parking in a designated handicapped parking space must display a valid handicapped placard or distinguishable license plate issued to the operator or passenger.
- Parking is prohibited on sidewalks or walkways, along the main driveway entering the college, in the driving lanes of parking areas, in loading or unloading areas, in fire lanes, on grass or landscaped areas, and in approaches or other portions of parking areas that are not clearly marked for parking.



- No faculty, staff or student's vehicle may be parked in spaces specifically reserved for designated persons or functions.
- Agents authorized by Brunswick Community College administration have authority to remove to a place of storage, at the vehicle owner's expense, any vehicle illegally stopped, parked, or abandoned.
- All traffic signs and regulations on Brunswick Community College property are to be obeyed at all times. These regulations are strictly enforced, and fines are assessed to those in violation.
- Towing may be utilized to enforce these regulations.
- There is no overnight parking except as may be required for out-of-town sports team events or employees away on training. Athletes must park in the lot behind OWA.
- There is no overnight parking of RV's or trailers unless they have prior approval from the Chief of Police and the person or Vice President in charge of the building where the RV or trailer will be parked (All vehicles left overnight must be registered with the BCC Police Department.)

### **Section 3. Enforcement**

The College shall reserve the right to revoke any parking privileges and to remove a repeat offender's valid parking permit for flagrant violation of the Traffic Rules and Regulations, including failure to pay fines.

### **Fines**

The Accounting Office is hereby authorized to collect a \$25.00 fine for any of the following violations:

- driving in a hazardous, careless, reckless manner and/or speeding
- driving the wrong way in drive lanes
- failure to display a current parking decal
- failure to register a vehicle
- failure to heed a stop or a yield sign
- parking in a manner that creates a hazard
- parking in more than one parking space
- parking in a non-parking space
- parking in an unauthorized/handicap space
- parking incorrectly in a space

### **Towing**

The Chief of Police is hereby authorized to have towed (or other lawful means of enforcement) any vehicle in violation of rules and regulations, as follows:

- unauthorized parking in a handicap space
- unauthorized parking in a reserved space
- parking in area not designated for parking
- repeated violations of the parking rules



- parking in a manner that creates a hazard
- abandoned vehicles

In addition to any fine assessed for a violation of this Ordinance, the owner of a vehicle that is towed from the college is responsible for payment of any towing and/or storage fee charged for such towing.

#### **Notice of North Carolina State Law Concerning Towed Vehicles**

Brunswick Community College provides a petition/appeal procedure for towing and parking violations.

Additionally, North Carolina G.S. 20-219.11 provides the following:

Whenever a vehicle with a valid registration plate or registration is towed as provided in G.S. 20-219.10, the authorizing person shall immediately notify the last known registered owner of the vehicle the following:

- a description of the vehicle;
- the place where the vehicle is stored;
- the violation with which the owner is charged, if any;
- the procedure the owner must follow to have the vehicle returned to him; and
- the procedure the owner must follow to request a probable cause hearing on the towing.

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 receiving the request.

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. Any aggrieved party may appeal the magistrate's decision to district court.

For a more complete explanation of the above procedure, refer to North Carolina General Statutes, Chapter 20-219.11.

#### **Section 4. Suspension of Parking Privileges**

The Chief of Police along with the Associate Vice President of Student Affairs (if a student) or the employee's Vice President, in addition to any other penalty, may suspend for up to one year the parking privileges of any individual found to be a repeat offender in flagrant violation of this Ordinance.



### **Section 5. Failure to Settle Fines, Fees, and Charges**

Failure to settle outstanding traffic and parking fines, fees, and charges within 10 days after issuance of a citation may result in the collection of fees in the following manner.

- Penalties owed by faculty members and other employees of the college may be deducted from payroll checks.
- Penalties owed by students will be forwarded to the Business Office and a hold will be placed on the student's record until the penalties are paid.

### **Section 6. Petition/Appeal Procedure**

Individuals issued a parking or traffic citation may appeal by returning a Traffic Violation Appeal form to the Traffic Appeals Review Board within seven (7) business days, excluding official college holidays, of the date of the citation. The right to appeal a citation is waived upon expiration of the seven (7) day period; no untimely appeals will be accepted for review.

Appeal forms are available in Student Services.

The appeal may be filed by fax, mail or in person. In all cases, the appeal must be received by the Student Services Department within seven (7) business days from the date the ticket was issued. The following information must be included with the appeal regardless of the method of submittal. Incomplete or illegible appeals cannot be processed, and the fine will remain as assessed.

- the original citation if submitting in person or by mail
- a copy of the citation if filing by fax
- name
- current address
- vehicle license plate number and state
- parking permit number

Unless otherwise specified in this section, the appeal and all arguments in support of the appeal must be submitted in writing. The Traffic Appeals Review Board Administrator shall review all appeals submitted by students. Additional appeals by employees will be heard by the Director of Human Resources, who will consider the written statement of the appellant and relevant documents submitted by the Chief of Police and respond by mail to the address provided on the appeal form.

### **Appeal Hearings**

Individuals whose driving or parking privileges are suspended or revoked or whose vehicle is towed will be allowed to appear before the Traffic Appeals Review Board and provide relevant information in addition to the information provided in writing. A written request for an appeals hearing must be submitted directly to the Associate Vice President of Student Affairs and received within 14 business days of the date of the decision giving rise to the appeal. The individual will be notified in writing of the hearing date, time, and location. Each person is permitted one continuance of the hearing if he/she is unable to attend on a specified date.



### **The Traffic Appeals Review Board**

The Board will consist of a Traffic Appeals Review Board Administrator, one faculty member, one staff member, and one student member. The President of the Faculty Senate will appoint one faculty member, the President of the college will appoint one staff member, and the Student Government Association will appoint a student member. The term of office will be for one year, September to August, with no limit to the number of terms served. Members will serve until successors are appointed. The Chief of Police or his/her designee may attend each hearing to clarify any operational questions that may arise.

The Board Administrator will chair the hearing, bring the hearing to order and introduce the appellant, provide written or oral summation of the ruling, disperse completed appeal forms to each member of the board, maintain time restrictions with regard to testimony, dismiss the appellant, and call for a vote from each member of the Board. The Board Administrator will make note of the decision regarding the appeal. The Administrator is a non-voting member of the Board, except when it is necessary to break a tie vote.

The Board will meet as necessary. The Board Administrator is responsible for notifying the appellant and Board members of the time, date, and location of the hearing. In emergency situations (such as a student not being allowed to register for classes or an employee not receiving an employment contract due to pending traffic appeals) and between regularly scheduled meetings of the Traffic Appeals Review Board, the Board Administrator may render decisions on traffic appeals.

Decisions of the Traffic Appeals Review Board are final, except as otherwise provided by college policy and procedure. If an appeal is denied, payment of the fine is due immediately.

### **Section 7. Judgment Factors**

- all facts stated on the appeal form and presented by the appellant
- any information provided by the Chief of Police to include previous violations records
- information noted on the parking violation notice
- the issuing officer's testimony
- the rules and regulations of this Ordinance [CY1]

**Approved by Brunswick Community College Board of Trustees**  
**October 19, 1994**  
**March 31, 2011**  
**June 28, 2013**