

35-2 Motor Vehicles and Parking (Portales)

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1. **Purpose.** The purpose of this policy and procedures is to govern vehicle operations and parking at Eastern New Mexico University (the University) and to provide students, faculty, staff and visitors of the University with safe and efficient parking and traffic control.
2. **Policy.** The general parking policies of the University are as follows:
 - A. The governance of vehicle registration, operations, parking and traffic control on University property is necessary for public safety and emergency management.
 - B. Safe and efficient parking and traffic control should be provided for students, faculty staff, and visitors.
 - C. Insofar as is possible, the regulation of parking should be financially self-supporting.

The foregoing purposes and policies are implemented by the following.

Regulations and Procedures

3. **Administration.** These parking regulations, practices and procedures shall be administered by the ENMU System Chief Financial Officer (CFO), with assistance from the ENMU Department of Public Safety (DPS).
4. **Appeals Board.** A Parking Fines Appeals Board shall be appointed annually by the president to make recommendations to the CFO and to hear appeals of parking citations. The Board shall consist of eight (8) members: two (2) students, two (2) members of the faculty, two (2) members of the professional staff and two (2) members of the support staff.
5. **Parking Regulations.**
 - A. **Vehicle Registration.**
 - (1) All motor vehicles, including motorcycles, must have a valid and current parking permit to park on any property or roadways owned, operated or controlled by the University at any time. If a faculty member, staff member, student or visitor has more than one (1) vehicle that might be driven on campus, the additional vehicle must be registered.
 - (2) Students, faculty, staff and visitors may obtain parking permits in person at the DPS office in order to verify information.
 - (3) Expiration of parking permits for student, faculty/staff and community members will be at the discretion of the DPS.
 - (4) Bicycles do not require a permit. However, it is recommended that bicycles be registered with DPS in order to enhance the chance of recovery if the bicycle is stolen.

- (5) Visitor and special parking permits shall be issued by DPS. Such permits shall not be issued to persons who are students, faculty or staff or who are otherwise receiving compensation for their work for the University. Visitor permits and special permits shall be limited to the place(s), dates and times written on the permit. Visitor permits and special permits may be obtained at the DPS.
- (6) Temporary permits may be obtained at the DPS at no charge to persons who have temporary business on campus but are not regularly associated with the University. Temporary permits shall specify date and time limits for validation on the permit. Individuals who would utilize temporary permits would be those persons contracted by the University to perform construction, maintenance, or utility work for a limited time and who are not considered regular employees. They may also be utilized for other purposes at the discretion of DPS.
- (7) Parking permits of any kind shall be distributed free of charge.
- (8) Students, faculty or staff who intentionally falsify or misrepresent information on the parking permit application may be referred to the appropriate University authority for formal adjudication or disciplinary action. Students, staff, faculty or visitors who fail to or refuse to fill out a university parking application accurately or in its entirety will not be issued a parking permit. This also applies to individuals who fail to provide any necessary documentation to confirm the information on the application. These students, faculty, staff or visitors shall be subject to a parking violation for failing to register their vehicle despite their refusal.

B. Parking.

- (1) **Painted Curbs.** Vehicles should not be parked at any painted curb except as listed below. Parking in painted curbs even to the slightest degree or for the shortest times will still constitute a violation of this section.
 - a. **Red Curbs.** These curbs are designated as fire lanes. These parking places are only reserved for appropriately marked emergency services vehicles to include police, fire and emergency medical services vehicles.
 - b. **Yellow Curbs.** These curbs are designated as safety zones. Parking is not permitted at any time.
 - c. **Blue Curbs.** These curbs are designated for persons with temporary or permanent disabilities only for drivers displaying a valid and current New Mexico disability placard or license plate issued by the New Mexico Motor Vehicle Department. The State of New Mexico honors disability placards or license plates issued by another state or foreign jurisdictions. The obstruction of disability ramp entrances associated with these parking spaces is prohibited.
 - d. **White Curbs.** These curbs are designated for University maintenance vehicles only.
 - e. **Green Curbs.** These curbs are reserved for visitor parking only. Visitors are defined by both individual and vehicle characteristics. Visitors are those persons who are not faculty, staff, students or contract employees and whose vehicles do not bear either a valid or an expired ENMU Parking Permit.

- f. **Signage.** For the purposes of this policy and procedure as it relates to parking it shall be expressly known that painted curbs absent of sign postage prohibiting or specifying parking will still constitute a violation and sign postage prohibiting or specifying parking absent of painted curbs or areas will still constitute as a violation.
 - g. **Additional Designated Parking.** At the discretion of the DPS, with consent of the ENMU Administration and with adequate notice to campus, additional parking slots for short-term (e.g., 15 minute) parking may be designated and posted on campus to meet campus needs.
- (2) **Parking Lots.**
- a. **General Use.** All University parking lots shall generally be open to parking for students, faculty, staff and visitors properly displaying valid and current University parking permits on their vehicles. Parking lots or roadways may be lawfully closed for a limited time by the DPS and/or university officials for general maintenance, construction, and/or special and/or athletic event purposes.
 - b. **Visitors and Special Use.** University parking lots are open to visitors and temporary permit holders for the period stated on the permit.
 - c. **Special Events.** For special events (e.g. athletic events, Fine Arts events, community events, etc.) parking lots may be opened for general use without permits for the duration of any such event when appropriate advance notification (seven (7) working days) has been made to DPS. DPS shall be directly notified by the hosting department or organization of any event that involves a number of patrons or buses that would impact the normal parking availability or operations in any area of the University. This will assist with event planning and avoiding unnecessary inconveniences related to the moving of vehicles, towing and/or citations of vehicles.
 - d. **Curbs and Signs.** Regulations regarding curb markings and signs are in effect in parking lots at all times unless otherwise specified.
 - e. **Abandoned Vehicles.** Eastern New Mexico University promotes safety and security. With this in mind, abandoned vehicles on the property of ENMU are prohibited. Abandoned vehicles are defined as those vehicles which are inoperable, disabled, dismantled or those vehicles whose ownership can or cannot be identified and have remained stationary for a period of thirty (30) days or more. Vehicles identified as abandoned and which do not belong to ENMU will receive a seventy-two (72) hour notice of investigation and intent, which will be left on the vehicle. The notice shall indicate (1) the date, time, and the officer who issued the notice; (2) the fact the vehicle is being investigated as abandoned; and (3) notice of intent to remove the vehicle by towing from campus if the issue is not remedied. A reasonable effort by DPS shall be made to notify the owner in person or telephonically of their intent to tow any vehicle. If a vehicle is towed from campus for violations of this policy and procedure or specifically this provision, it will be done at the owner's expense. The towing of any vehicle related to this policy and procedure shall be documented by official police report.

C. General Regulations.

- (1) The registrant of the ENMU parking permit shall be held responsible for the proper parking of a vehicle regardless of who is operating the vehicle.
- (2) When a vehicle does not display a valid and current campus parking permit, the accountability for violations of this policy and procedures shall revert to the registered owner of the vehicle according to New Mexico Motor Vehicle Department records.
- (3) Vehicles shall not be washed or repaired anywhere in campus parking areas.
- (4) Vehicles shall not be parked on grass, vegetation or sidewalks of the University.
- (5) For curb parking, vehicles must be parked no more than eighteen (18) inches from the curb.
- (6) When parallel parking, the vehicle must be parked facing the same direction as the traffic flow.
- (7) The responsibility for finding a legal parking space rests with the motor vehicle operator. Lack of space is not considered an excuse for violation of any parking regulations.
- (8) Any person who repeatedly violates parking regulations of the University is subject to vehicle booting, the University holding the violator's transcript, revocation of parking privileges at ENMU and/or the removal of the vehicle from the University by towing at the owner's expense.
- (9) The operation of motorcycles or mopeds on campus does not relieve drivers or owners of the responsibility to comply with these parking regulations. Privately owned motorcycles or mopeds shall be lawfully parked and comply with this policy. Motorcycle and moped parking is provided at the University

D. Parking Violations, Fines and Fees

The University may charge administrative processing fees and/or fines related to violations of administrative parking regulations, processing of such violations, and the registration of vehicles. Any fines imposed will be established consistent with state law. Administrative violations will be established that do not constitute a violation of state traffic laws. Certain parking and traffic violations may result in the issuance of a State of New Mexico Uniform Traffic Citation. These cases will be heard in the applicable court having jurisdiction over such matters. Examples of possible state and administrative violations include but are not limited to the following:

- Use of Fictitious, Altered, Stolen or Forged Permit
- Parking in a Handicapped Zone
- Blocking a Handicapped Ramp
- Parking in a Handicapped Ramp
- Parking in a Fire Lane (Red Curb)
- Obstructing a Walkway, Driveway, or Building Entrance
- Parking on Grass or Xeriscaping
- Parking in a Maintenance Zone (White Curb)
- Parking in a Service Area
- Parking Vehicle in Two (2) or More Spaces
- Parking Against the Flow of Traffic
- Parking on a Yellow Curb (Parking Prohibited)

- Parking Over the Time Limit
- Parking Contrary to Posted Signs
- Failure to Register
- Improper Display of Permit
- Improper Transfer of Permit
- Parking Where Prohibited
- Other Violations Not Specified

E. Citations and Payment.

- (1) Sworn and commissioned officers, security personnel or parking personnel of the Department of Public Safety are authorized to issue parking citations for violations of University parking regulations. The amount related to a parking violation and any applicable due dates shall be specified on the parking citation and consistent with state law.
- (2) Any person who receives a University parking citation is required to pay any fines and/or fees no later than fifteen (15) days from the date of the citation. Any amounts due will be processed in accordance with the postmarked date.
- (3) Repeated failure to pay the fines and/or fees associated with any parking citations may result in banning the vehicle from parking on campus, towing of vehicle, revocation of parking privileges, account collections, and/or holds being put on a transcripts, registrations or account. Faculty and staff who fail to pay fines and/or Fees shall be referred to the CFO and may have collection measures instituted against them.

F. Appeals. All University parking citations may be appealed to the Parking Fines Appeal Board. The appeals board must consist of at least three (3) members of the Board; at least one (1) member of the sitting appeals board must be a student. The following procedure must be followed:

- (1) The fine must be paid at the DPS office or the cashier's office in the Administration building located at 3rd and South Avenue K within fifteen (15) days from the date the citation was issued.
- (2) A Notice of Appeal form may be obtained from DPS. The form must be completed, signed and submitted before the citation is due.
- (3) The Parking Fine Appeals Board will meet monthly at a designated time to discuss issues or hear any appeals. The appellant shall be notified of the time, date and location his or her appeal shall be heard.
- (4) The duty of the appeals board shall be to determine if a violation "did" or "did not" occur. The chair of the appeals board shall assure that any and all discussions of the appeal are factually based and limited to the issue under review. If the appeals board determines that the appellant was not in violation, the citation shall be dismissed and an order of reimbursement of the fine deposit shall be issued. If the board determines that the appellant was in violation, the citation will be upheld and the deposit shall remain the property of the University as payment for the citation.
- (5) The decision of the appeals board shall be final.

- (6) Appeals Procedure. The appeals will be conducted in a fair and impartial manner, using the following procedure:
- a. Appeals will be overseen by the chair of the Parking Fine Appeals Board, who is selected by a majority vote of its members annually after the board has been appointed by the president of the University.
 - b. During the appeal, first the appealing party and then the University representative supporting the violation will be allowed to state their cases to the appeals board. Each party will then be given time for rebuttal, with the appellant responding first. The appeals board may then ask any clarifying questions, limited by the presiding appeals board chair to facts surrounding the violation in question.
 - c. After all questions have been answered the appeals board shall close the appeal and vote on the issue by secret ballot. The ballots shall indicate “In Violation” or “Not in Violation” and shall not bear any other information or identifiers. The chair of the appeals board shall also be responsible for maintaining order during the appeal and tabulating ballots.
 - d. The chair of the appeals board shall communicate the final decision of the majority vote to both the University representative supporting the violation and the appellant. All parties shall have the right to be present for all presentations and during the board’s deliberations.
 - e. As stated above, the decision of the appeals board shall be final.

6. Towing Vehicles. The Eastern New Mexico University Department of Public Safety may lawfully remove vehicles from the roadway, parking lots, or other property, public or private by towing when it is reasonably necessary to:

- Safeguard the vehicle and/or its contents;
- Facilitate public safety and health in regards to unsafe vehicles, unlawfully operated vehicles, unlawfully parked vehicles, traffic obstructions, abandoned vehicles, or emergency situations;
- Lawfully seize a vehicle or its contents for evidentiary purposes;
- Assist the highway user encountering mechanical or other difficulties necessitating assistance or towing services; or
- Facilitate the mission of the University and its academic, athletic, or special events as well as the upkeep and maintenance of University infrastructure.

7. Violations of State Law. Nothing in this policy or related procedures shall be construed to influence, inhibit, or prohibit sworn law enforcement officers of the DPS from issuing State of New Mexico Uniform Traffic Citations to individuals who violate laws governing traffic and parking in the State of New Mexico that also happen to be violations of University parking regulations as outlined in Chapter 66 of the New Mexico Criminal and Traffic Law Manual.

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