

### 35-2 Motor Vehicles and Parking

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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.
2. **Policy.** The general parking policies of the University are as follows:
  - A. Safe and efficient parking should be provided for students, faculty staff, and visitors.
  - B. The University should regulate parking while minimally involving outside governmental entities.
  - 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 policies, regulations, practices and procedures shall be administered by the vice president for Business Affairs (the VPBA), with assistance from the University Police Department.
4. **Advisory Board.** A Parking Fines Appeals Board shall be appointed annually by the president to make recommendations to the VPBA 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 University parking permit to park on campus at any time. If a faculty member, staff member or student has more than one (1) vehicle that might be driven on campus; the additional vehicle must be registered.
    - (2) Students, faculty and staff may obtain parking permits in person at the University Police Department. Permit applications can be completed online at <http://www.enmu.edu/greyhound-life/life-campus/parking> (3) Validation periods for parking permits will be at the discretion of the vice president for Business Affairs. The traditional validation period for student parking permits is one (1) year. The traditional validation period for faculty or staff is two (2) years.
    - (4) Bicycles do not require a permit. However, it is recommended that bicycles be registered with the University Police in order to enhance the chance of recovery if the bicycle is stolen.
    - (5) Visitor and special parking permits shall be issued by the University Police Department. Such permits shall not be issued to persons who are students, faculty or staff or who are otherwise receiving compensation for their work on campus. 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 University Police Department.
    - (6) Temporary permits may be obtained at the University Police Department 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.
- (7) Parking permits of any kind shall be distributed free of charge.
  - (8) Students who intentionally falsify or misrepresent information on the parking permit application may be referred to the appropriate University authority for formal adjudication procedures for violation(s) of the student code of conduct. Students who fail or refuse to fill out a university parking application accurately or in its entirety will not be issued a parking permit. These students, faculty and staff shall be subject to a 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 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. Vehicles parking at red curbs are subject to being impounded.
  - b. **Yellow Curbs.** These curbs are designated as safety zones. Parking is not permitted at any time.
  - c. **Blue Curbs.** These curbs are designated as handicapped zones. Only drivers displaying a New Mexico handicapped parking permit or a temporary University handicapped parking permit issued by the Office of Disability Services may park at a blue curbs. The obstruction of handicapped ramp entrances associated with these parking spaces is also 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 an ENMU Parking Permit of any kind.
  - f. 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 University Police Department, 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 and staff properly displaying valid and current University parking permits on their vehicles. Parking lots may be closed for a limited time by law enforcement and/or university officials for general maintenance, construction, and/or special event purposes.
  - b. **Visitors and Special Use.** University parking lots are open to visitors and temporary permit holders as stated on the permits.
  - c. **Special Events.** For special events (e.g. athletic events, theatre events, community events) parking lots may be opened for general use without permits for the duration of any such event.

- d. **Curbs and Signs.** Regulations regarding curb markings and signs are in effect in parking lots.
- 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 and/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 the University Police 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 may be the operator.
- (2) Vehicles shall not be washed or repaired anywhere in campus parking areas.
- (3) Vehicles shall not be parked on grass, vegetation or sidewalks of the University.
- (4) For curb parking, vehicles must be parked no more than eighteen (18) inches from the curb.
- (5) When parallel parking, the vehicle must be parked facing the same direction as the traffic flow.
- (6) 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.
- (7) 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.
- (8) The operation of motorcycles on campus does not relieve its drivers or owners of the responsibility to comply with these provisions. Privately owned motorcycles shall be lawfully parked and in accordance with this policy and procedure. Motorcycle parking has been provided at the University and when it is reasonable and feasible a motorcycle shall be parked in a parking place designated for motorcycles and not those utilized by full sized vehicles.

**D. Parking Violations and Fines:** (Not all possible violations are listed.)

Failure to Register	\$15
Improper Display of Permit	\$15
Improper Transfer of Permit	\$15
Use of Fictitious, Altered, Stolen or Forged Permit	\$75
Parking at a Yellow Curb	\$15
Parking in a Fire Lane (Red Curb)	\$25*
Parking in a Maintenance Zone (White Curb)	\$15
Parking in a Handicapped Zone	\$75*
Parking in a Zone Marked "No Parking"	\$15
Overtime Parking or Visitor Parking	\$15
Parking in a Service Area	\$15

Obstructing a Walkway or Driveway	\$15*
Double Parking	\$15
Parking Against the Flow of Traffic	\$15
Parking in Such a Manner as to take the Space of Two (2) Vehicles	\$15
Parking on Grass or Sidewalk	\$15
Violation of Posted Parking Sign	\$15
Obstruction of Trash Container	\$15*
Other Violations Not Defined	\$15

\*Violations for which the vehicle may be towed in addition to any fines imposed.

#### E. Citations and Payment.

- (1) The University Police and its student employees are authorized to issue parking citations for violations of University parking regulations.
- (2) Any person who receives a parking citation is required to pay the fine at the University Police Department or by mail to ENMU Station 55, 1500 South Ave K, Portales, NM 88130 no later than fifteen (15) days from the date of the citation.
- (3) Failure to either pay the fine or make a deposit for appeal within fifteen (15) days shall result in the amount of the fine being doubled.
- (4) Failure to pay the fine may result in banning the vehicle from parking on campus, booting the vehicle, revocation of parking privileges and/or a hold being put on a student's transcripts. Faculty and staff who fail to pay fines shall be referred to the VPBA and may have collection measures instituted against them in the State of New Mexico Magistrate Court.

#### F. Appeals. All 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 University Police Department located at 3<sup>rd</sup> and South Avenue K within fifteen (15) days from the date of citation.
- (2) A Notice of Appeal form may be obtained from the University Police Department. The form must be completed and signed within fifteen (15) days of the date of citation.
- (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 shall be issued. If the board determines that the appellant was in violation, the citation will be upheld and the fine 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 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.

Amendments approved by Board of Regents on December 9, 2010.