

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 495
HOUSE BILL 1190

AN ACT PROVIDING FOR REGULATION OF TRAFFIC AND PARKING AND THE
REGISTRATION OF MOTOR VEHICLES ON THE CAMPUSES OF THE
CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Chapter 116 of the General Statutes of North Carolina is amended by inserting a new Part 4A in Article 1 thereof as follows:

"Part 4A. Traffic and Parking.

"§ 116-42. **Definitions.** — Unless the context clearly requires another meaning, the following words and phrases have the meanings indicated when used in this Part:

- (1) 'Board of trustees' and 'constituent institution' have the meanings assigned in G.S. 116-2.
- (2) 'University' means a constituent institution as defined in G.S. 116-2.
- (3) 'University property' means property that is owned or leased in whole or in part by the State of North Carolina and which is subject to the general management and control of the Board of Governors of the University of North Carolina.
- (4) 'Campus' means that University property, without regard to location, which is used wholly or partly for the purposes of a particular constituent institution of the University of North Carolina.

"§ 116-42.1. **Regulation of traffic and parking and registration of motor vehicles.** — (a) Except as otherwise provided in this Part, all of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State and the operation of motor vehicles thereon are applicable to all streets, alleys, driveways, parking lots, and parking structures on University property. Nothing in this section modifies any rights of ownership or control of University property, now or hereafter vested in the Board of Governors of the University of North Carolina or the State of North Carolina.

(b) Each board of trustees may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of motor vehicles and other modes of conveyance on the campus. In fixing speed limits, the board of trustees is not subject to G.S. 20-141(f1) or (g2), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the board of trustees. The board of trustees may not regulate traffic on streets open to the public as of right, except as specifically provided in this Part.

(c) Each board of trustees may by ordinance provide for the registration of motor vehicles maintained or operated on the campus by any student, faculty member, or employee of the University, and may fix fees for such registration.

The ordinance may make it unlawful for any person to operate an unregistered motor vehicle on the campus when the vehicle is required by the ordinance to be registered.

(d) Each board of trustees may by ordinance set aside parking lots and other parking facilities on the campus for use by students, faculty, and employees of the University and members of the general public attending schools, conferences, or meetings at the University, visiting or making use of any University facilities, or attending to official business with the

University. The board of trustees may issue permits to park in these lots and garages and may charge a fee therefor. The board of trustees may also by ordinance make it unlawful for any person to park a motor vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle.

(e) Each board of trustees may by ordinance set aside spaces in designated parking areas or facilities in which motor vehicles may be parked for specified periods of time. To regulate parking in such spaces, the board of trustees may install a system of parking meters and make it unlawful for any person to park a motor vehicle in a metered space without activating the meter for the entire time that the vehicle is parked, up to the maximum length of time allowed for that space. The meters may be activated by coins of the United States. The board of trustees may also install automatic gates, employ attendants, and use any other device or procedure to control access to and collect the fees for using its parking areas and facilities.

(f) The board of trustees may by ordinance provide for the issuance of stickers, decals, permits, or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on the campus and may by ordinance prohibit the forgery, counterfeiting, unauthorized transfer, or unauthorized use of them.

(g) Violation of an ordinance adopted under any portion of this Part is a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, in the discretion of the court. An ordinance may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor.

(h) An ordinance adopted under any portion of this Part may provide that violation subjects the offender to a civil penalty. Penalties may be graduated according to the seriousness of the offense or the number of prior offenses by the person charged. Each board of trustees may establish procedures for the collection of these penalties and they may be enforced by civil action in the nature of debt. The board of trustees may also provide for appropriate administrative sanctions if an offender does not pay a validly due penalty or upon repeated offenses. Appropriate administrative sanctions include, but are not limited to, revocation of parking permits, termination of vehicle registration, and termination or suspension of enrollment in or employment by the University.

(i) An ordinance adopted under any portion of this Part may provide that any vehicle illegally parked may be removed to a storage area. The cost of any such removal constitutes a lien on the vehicle that may be enforced in the manner provided by law for enforcement of mechanics' and material-men's liens.

(j) Evidence that a motor vehicle was found parked or unattended in violation of an ordinance of the board of trustees is prima facie evidence that the vehicle was parked by:

- (1) the person holding a University parking permit for the vehicle, or
- (2) if no University parking permit has been issued for the vehicle, the person in whose name the vehicle is registered with the University pursuant to subsection (c), or
- (3) if no University parking permit has been issued for the vehicle and the vehicle is not registered with the University, the person in whose name it is registered with the North Carolina Department of Motor Vehicles or the corresponding agency of another state or nation.

The rule of evidence established by this subsection applies only in civil, criminal, or administrative actions or proceedings concerning violations of ordinances of the board of trustees. G.S. 20-162.1 does not apply to such actions or proceedings.

(k) Each board of trustees shall cause to be posted appropriate notice to the public of applicable traffic and parking restrictions.

(l) All ordinances adopted under this Part shall be recorded in the minutes of the board of trustees and copies thereof shall be filed in the offices of the President of The University of

North Carolina and the Secretary of State. Each board of trustees shall provide for printing and distributing copies of its traffic and parking ordinances.

(m) All monies received pursuant to this Part shall be placed in a trust account in each constituent institution and may be used for any of the following purposes:

- (1) to defray the cost of administering and enforcing ordinances adopted under this Part;
- (2) to develop, maintain, and supervise parking areas and facilities;
- (3) to provide bus service or other transportation systems and facilities, including payments to any public or private transportation system serving University students, faculty, or employees;
- (4) as a pledge to secure revenue bonds for parking facilities issued under Article 21 of this Chapter;
- (5) other purposes related to parking, traffic, and transportation on the campus.

"§ 116-42.2 Special provisions applicable to identified constituent institutions of The University of North Carolina. — In addition to the powers granted by G.S. 116-42.1, the Board of Trustees of each of the constituent institutions enumerated hereinafter shall have the additional powers prescribed:

(a) The Board of Trustees of the University of North Carolina at Chapel Hill may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Chapel Hill where parking is not prohibited by an ordinance of the Town of Chapel Hill:

- (1) Battle Lane;
- (2) Country Club Road, between Raleigh Street and South Road;
- (3) Manning Drive;
- (4) McCauley Street, between Columbia Street and Pittsboro Street;
- (5) Pittsboro Street, between South Columbia Street and Cameron Avenue;
- (6) Boundary Street, between Country Club Road and East Franklin Street;
- (7) Park Place, between Boundary Street and East Franklin Street;
- (8) South Columbia Street, between Franklin Street and Manning Drive;
- (9) Cameron Avenue, between South Columbia Street and Raleigh Street;
- (10) Raleigh Street;
- (11) Ridge Road;
- (12) South Road, between Columbia Street and Country Club Road.

In addition, the Board of Trustees of the University of North Carolina at Chapel Hill may regulate traffic on Cameron Avenue, between Raleigh Street and South Columbia Street, and on Raleigh Street, in any manner not inconsistent with ordinances of the Town of Chapel Hill.

(b) The Board of Trustees of Appalachian State University may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public streets in the Town of Boone where parking is not prohibited by an ordinance of the Town of Boone:

- (1) Faculty Street, between U.S. 221-U.S. 321 (Hardin Street) and Water Street;
- (2) Stadium Drive, between Faculty Street and Fernclift Drive;
- (3) College Street, between U.S. 421-U.S. 321 (King Street) and Locust Street;
- (4) Appalachian Street, between Locust Street and Howard Street;
- (5) Brown Street, between Locust Street and Howard Street.

(c) The Board of Trustees of the University of North Carolina at Charlotte may by ordinance prohibit, regulate, and limit the parking of motor vehicles on those portions of the following public roads in the County of Mecklenburg where parking is not prohibited by ordinance or other source of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate parking on such public road:

- (1) Mary Alexander Boulevard (State Road Number 2834), between its intersection with N. C. Highway 49 and its intersection with Mallard Creek Church Road.

In addition, the Board of Trustees of the University of North Carolina at Charlotte may regulate traffic on Mary Alexander Boulevard (State Road Number 2834), between its intersection with N. C. Highway 49 and its intersection with Mallard Creek Church Road, in any manner not inconsistent with any ordinances or other sources of legal regulation of the County of Mecklenburg or other governmental entity with jurisdiction to regulate traffic on such public road.

(d) This section does not diminish the authority of any affected municipality, county or other governmental entity to prohibit parking on any public street or road listed herein. It is intended only to authorize the respective Boards of Trustees of the constituent institutions identified hereinabove to further prohibit, regulate, and limit parking on certain public streets and roads running through or adjacent to the campuses of the constituent institutions where parking is not prohibited by ordinance or other law of any affected municipality, county or other governmental entity. When an ordinance or other law of an affected municipality, county or other governmental entity is adopted to prohibit parking on any portion of any public street or road then regulated by an ordinance of a Board of Trustees, the ordinance of the Board of Trustees is superseded and the University, upon request of the municipality, county or other governmental entity, shall immediately remove any signs, devices, or markings erected or placed by the University on that portion of the street or road pursuant to the superseded ordinance.

Sec. 2. G.S. 116-42, 116-42.1, 116-42.2, 116-42.3 and 116-42.4, as they appear in the 1971 Additional Supplement to the General Statutes, are repealed.

Sec. 3. All ordinances, rules, and regulations adopted before the effective date of this act, under authority of G.S. 116-42, 116-42.1, 116-42.2, 116-42.3 and 116-42.4, as those sections read immediately before the effective date of this act, shall remain in full force and effect until altered pursuant to authority conferred by this act.

Sec. 4. If a provision of this act or the application of a provision thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 5. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act is abated or otherwise affected by the adoption of this act.

Sec. 6. All laws and clauses of laws in conflict with this act are repealed.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of May, 1973.