

FLORIDA GULF COAST UNIVERSITY

NOTICE OF REGULATORY ACTION

March 17, 2010

REGULATION TITLE:

General

REGULATION NO.:

FGCU-PR8.005

SUMMARY:

This regulation is being revised to include the definition of LEED and to permit Friday parking on-campus by resident students.

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

§§1001.74, 1006.66, 1009.24(13)(p), Chapter 316; Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Chief Steven Moore, University Police

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Dr. Joseph Shepard, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

Diane St. John, Administrative Assistant, dstjohn@fgcu.edu; (239) 590-1101 (Phone), (239) 590-7470 (Facsimile); 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE MARCH 31, 2010 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MARCH 17, 2010.



Effective Date
of Regulation:

REGULATION: FGCU-PR8.005

10/21/08

General

(1) This Regulation applies to all persons who operate or park vehicles on property owned or controlled by Florida Gulf Coast University. All Lee County, Florida, traffic and parking ordinances which are not in conflict or inconsistent with University regulations and all provisions of Chapter 316, Florida Statutes, Florida Uniform Traffic Control Law, shall extend and be applicable to the University's premises. The operation and parking of a motor vehicle on University property is a privilege and not a right. Application for and acceptance of a decal or permit shall be deemed an acknowledgment of the requirements of, and an agreement to adhere to, these regulations.

(2) University parking and traffic regulations are enforced twenty-four (24) hours a day, each day of the calendar year. Copies of these regulations and a schedule of fees and fines are available on the FGCU website at www.fgcu.edu (police and public safety). The University assumes no liability for damage to vehicles parked or operated on University premises. Any such damage is a risk assumed by the owner or operator of the vehicle. The issuance of a decal or permit does not guarantee a place to park.

(3) The following are definitions of words and phrases used in the regulations governing traffic, parking and registration of vehicles on the Florida Gulf Coast University campus.

(a) Abandoned Vehicle – Any vehicle left parked on campus for more than three (3) consecutive days. A vehicle left in a parking garage for more than forty-eight (48) consecutive hours is considered abandoned.

(b) Day – A calendar day unless otherwise noted.

(c) Decal – A decal is a sticker affixed to a vehicle authorizing the parking of a vehicle on the University campus for a limited period of time in authorized areas.

(d) Director – The Director of the University Police and Safety Department.

(e) Immobilized Vehicle – A vehicle that is rendered inoperable by a lawfully attached mechanical device such as a “boot” or clamp device.

(f) Impounded Vehicle – A vehicle that has been towed away from the place in which it was parked and held in legal custody.

(g) LEED Vehicle – A LEED approved vehicle is a vehicle meeting the standards incorporated into University Police Dept. Standard Operating Procedure “LEED Parking Decal”.

~~(gh)~~ Motor Vehicle – Any self-propelled vehicle not operated upon the rails or guideway and includes any automobiles, motorcycles, motor scooters, mopeds, motorized disability access vehicles, or electric personal assistive mobility devices.

~~(hi)~~ Park or Parking – The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of loading or unloading merchandise or passengers.

~~(ij)~~ Parking Services Division – The unit within the University Police and Safety Department that is responsible for the issuance of decals and permits for parking on campus and for the enforcement of parking regulations. It is located on the University campus in the Campus Support Complex. Office hours are Monday thru Friday from 8:00 AM to 5:00 PM except on University holidays. The phone number is (239) 590-1912, and the email address is parkingservices@fgcu.edu.

~~(jk)~~ Parking Space – Areas governed by the University parking regulations with spaces delineated by white, yellow or blue striping, a parking meter, signage or physical barriers delineating parking parameters.

~~(kl)~~ Permit – A permit is a hangtag authorizing the parking of a vehicle on the University campus for a limited period of time in authorized areas.

~~(lm)~~ Reserved Space – An individual parking space, appropriately marked for a particular license tag number, permit number, individual, or University position or unit.

~~(mn)~~ State Vehicles – Vehicles bearing a duly issued license tag of the State of Florida or a political subdivision thereof.

~~(no)~~ Term – One of the following three academic divisions of a year: fall, spring or summer.

~~(op)~~ University Police and Safety Department – The University unit responsible for providing law enforcement, security, traffic control, disaster-planning and emergency response. The Department is authorized to enforce the laws of the State of Florida, the traffic and parking ordinances of Lee County, Florida which are not in conflict with this Chapter, and the regulations of Florida Gulf Coast University. The Department provides routine and emergency services to the University. The Department is located on the University campus in the Campus Support Complex. The phone number for routine services is (239) 590-1900, and the emergency number is (239) 590-1911. The Parking Services Division is a component of the University Police and Safety Department and is at the same location on campus.

(pg) University Traffic Appeals Board – The University authority established in Regulation FGCU-PR8.006, Enforcement, to review and render final decisions regarding appeals of traffic and parking citations.

(qr) Vehicle – Any conveyance used to transport passengers, merchandise, livestock or equipment.

(4) Decal/Permit Registration; Replacements; Refunds

(a) If a registered vehicle with an affixed decal is sold, traded, or destroyed, the original registrant may obtain a replacement decal for a fee of \$10.00 upon presenting the original decal (or remains thereof, where possible), along with the new vehicle registration (if applicable), to the University Police and Safety Department.

(b) If a registered vehicle with a permit is sold or traded, the permit may be transferred to the new vehicle. The new vehicle shall be registered with the Parking Services Division within ten (10) days of the sale or trade.

(c) All lost, stolen or defaced decals or permits should be reported to the University Police and Safety Department.

(d) Lost or stolen decals or permits will not be replaced and the registrant will be required to purchase a new decal or permit at a fee of \$105.00 for faculty/staff reserved space parking or a fee of \$30.00 for all other parking permits.

(e) Refunds of Registration Fee to faculty/staff. Refund requests may be submitted to the Division of Parking Services as set forth below. Refunds will not be given in cash. One twelfth (1/12) of the annual price for each unused month may be refunded on an annual decal. Refunds must be requested by the 5th of the month in order for the month to be considered unused. No refunds will be issued unless the permit or decal (or remains thereof, where possible) are returned to the Parking Services Division.

(f) University employees may elect to have vehicle registration fees deducted from their paychecks through payroll deduction. This option is only available during the fall term. Due to requirements of the Internal Revenue Service, an employee who paid a registration fee through payroll deduction is not eligible for a refund of the registration fee.

(g) Temporary permits may be issued under the following circumstances:

1. When the registered vehicle is undergoing repairs and the registrant is driving a loaner or rental vehicle;

2. When a University unit is hosting a special event such as a seminar or

meeting on University property;

3. When a University unit employs temporary or seasonal personnel for a duration of no more than two weeks. Where the duration of temporary or seasonal employment is more than two weeks, the cost of a term decal or permit shall be prorated and assessed; or

4. When the Director or designee determines that the issuance of a temporary permit is in the best interests of the University.

(5) Decal/Permit Display. Decals and permits shall be displayed according to the following regulations:

(a) All persons who park motor vehicles on University premises shall display either a valid decal or permit, except that visitors to the parking areas adjacent to the Alico Arena, the Lee County/FGCU Aquatics Center and the Welcome Center/Kleist Health Education Center complex are not required to display a valid decal or permit when parking in an unrestricted space.

(b) Decals shall be permanently affixed midway down the left side of the windshield of four-wheeled motor vehicles or as otherwise directed by the University Police and Safety Department at the time of registration depending upon vehicle configuration.

(c) A hanging style permit shall be displayed at all times while on campus on the rear view mirror, or otherwise displayed in the windshield, with the permit number facing outward.

(d) Decals shall be permanently affixed to the rear fender of two-wheeled vehicles, or if there is no fender, as directed by the University Police at the time of registration.

(e) No person shall transfer a decal or permit to another person, alter a decal or permit, falsify documents to obtain a decal or permit or to otherwise possess, obtain or display a decal or permit that is not registered in his or her name. Any such act constitutes decal/permit fraud.

(6) Traffic Regulations. The operation of motor vehicles on University roadways and in parking areas is subject to the following regulations:

(a) Pedestrians and wildlife have the right-of-way over motor vehicles. Pedestrians must use crosswalks when crossing a roadway.

(b) The speed limit in all parking lots is 15 miles per hour and the speed limit on roadways is 30 miles an hour, unless otherwise posted. The speed limit in parking garages is 5 miles per hour, unless otherwise posted.

(c) Motorists and pedestrians shall follow and obey all traffic signs and devices and orders given by University Police. Directions given by University Police supersede posted regulations and traffic signals.

(d) University Police may erect barriers on roadways and in parking lots from time to time to prevent the entry of vehicles. No person shall move or remove barriers or enter into barricaded areas.

(e) No motor vehicles, other than police, emergency or service vehicles, shall be operated or parked on grass, walkways, sidewalks, fire hydrant areas, service areas, or other prohibited zones, except where specifically permitted by signage.

(f) No person shall alter, deface or remove any traffic control device or sign.

(g) No second person shall ride on a motorcycle, motor scooter, or bicycle unless the vehicle is designed and equipped with a seat for a second person.

(h) All vehicular accidents which occur on University property shall be reported to the University Police and Safety Department.

(7) Parking Regulations.

(a) Posted signs, wheel stops and other markings designate the various parking areas on campus. Temporary parking areas may be designated by the University by placement of delineating signs, wheel stops or other identifying marks. Parking areas may be restricted by classification, time or purpose. Parking areas restricted by classification, time or purpose shall be considered "no parking" zones to those individuals who do not fall within the restriction of the classification. The following parking restrictions are found in areas on the University's premises:

1. Disabled;
2. Motorcycle/moped/bicycle;
3. State Vehicles;
4. Loading Zone;
5. Visitor;
6. Faculty/Staff;
7. Reserved;
8. Short Term;

9. Housing;
10. Service Vehicle;
11. Fire Lane;
12. Head-In;
13. Compact Vehicle;
14. Golf Cart;
15. Metered Parking;
16. Gated;
17. Garage;
18. Volunteer;
19. Student; And
20. LEED Vehicles (Low-Emitting & Fuel-Efficient Vehicles
per LEED criteria)

(b) The following regulations apply to the parking of motor vehicles on University property:

1. All vehicles must park in marked parking spaces.
2. Visitors must obtain a visitor's parking permit from the University Police Department, the Parking Services Division, or the information booth near the entrance to campus on FGCU Boulevard South. Visitors may park in any visitor-designated or unmarked space, unless otherwise directed by University police.
3. No vehicle shall be parked in more than one space at a time or in a manner that straddles the marked lines of a parking space.
4. No vehicle shall be parked or left standing in a manner that blocks the egress or ingress of another vehicle.
5. Vehicles shall not be parked or left standing in such a way as to create a hazard or an obstruction with the free movement of vehicular or pedestrian traffic.
6. No vehicle shall be parked or left standing on grass, sidewalks, or on the

street, unless otherwise permitted by signage.

7. A person who must leave a vehicle overnight on University premises due to mechanical failure, flat tire, lack of fuel and the like, must notify the University Police and Safety Department. Any abandoned vehicle shall be subject to towing, impoundment and disposal at the owner's expense. Disabled vehicles shall be reported immediately to the University Police and Safety Department.

8. No major repairs to vehicles shall be performed on University property.

9. Loading zones shall be used only for the purposes of loading and unloading vehicles and only for the time limit permitted by signage.

10. No person shall park in any restricted parking space unless the person or vehicle satisfies the terms of the restriction.

11. Vehicles parked in disabled accessible spaces without state-issued disabled accessible parking permits are subject to being towed and impounded in addition to any other penalty provided by Regulation FGCU-PR8.006.

12. Any parking space within an assigned lot that is not reserved for a particular kind of parking is open on a first come basis to students, faculty, staff or other registrants.

13. Parking a vehicle on University premises following failure to pay or appeal any citation for a University decal, parking or traffic infraction within the time provided, or parking on University premises with a revoked decal or permit shall be considered illegal parking and subject the vehicle to towing and impoundment or immobilization at the owner's expense in addition to any other penalty or fine provided by Regulation FGCU-PR8.006.

14. Motorcycles, motor scooters, mopeds, and bicycles shall be parked only in special racks or designated areas and shall not occupy spaces designated for automobiles.

15. Residential students are prohibited from parking in all non-housing parking lots and garages between 7 a.m. and 5 p.m., Monday through ~~Friday~~ Thursday, during the fall or spring terms. During summer sessions and all Fridays, residential students may park in main campus student lots or garages. Housing lots are restricted to only vehicles displaying housing parking permits from 1:00 a.m. to 10:00 a.m. Monday through Friday.

16. Parking Garages. Parking garages will be closed to all vehicles and persons from midnight to 5:00 a.m. daily. All vehicles must be removed before garage closure. After a garage is officially closed, all remaining vehicles will be cited and can be towed and impounded. The use of skateboards, roller-skates, in line skates, or

similar devices, are prohibited in parking garages.

17. General Parking Hours. Students, faculty, staff and other registrants shall park in assigned lots between 7:00 a.m. and 5:00 p.m., Monday through Friday. All student and faculty/staff lots, except restricted/reserved spaces, are general parking between 5:00 p.m. and 7:00 a.m., Monday through Friday, and on weekends. Unless otherwise designated, parking garages are general parking seven (7) days a week, and operate on a “first-come, first-served” basis.

18. Temporary Suspension of Parking Privileges or Regulations for Construction or Special Events. When the Director or designee determines that a temporary suspension of parking privileges or restrictions is in the best interests of the University to enable construction to proceed in a timely manner or to enable the general public or members of the University community to attend special events on campus such as athletic events, concerts, conferences, lectures, or commencement ceremonies, the Director or designee shall temporarily suspend parking privileges or regulations. In so doing, the Director or designee shall provide affected registrants with such notice of suspension as is practicable under the circumstances.

Action by Florida Gulf Coast University Board of Trustees:

Approved ~~10/21/08~~ _____

Law Implemented:

§§1001.74, 1006.66, 1009.24(13)(p), Chapter 316; F.S.

History of Regulation:

New 4/18/06; Amended 4/17/07; 1/15/08; 10/21/08; _____

Effective Date of Regulation:

~~10/21/08~~ _____