NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 394
SENATE BILL 618

AN ACT AUTHORIZING THE WATAUGA COUNTY BOARD OF EDUCATION TO ESTABLISH ORDINANCES REGULATING TRAFFIC AND PARKING ON PROPERTY OWNED OR LEASED BY THE WATAUGA COUNTY BOARD OF EDUCATION AND ADMINISTERED BY THE WATAUGA COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. (a) 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 and other modes of conveyance thereon are applicable to all streets, alleys, driveways, parking lots, and parking structures on Watauga County Board of Education Property; hereinafter referred to as "board property". As used herein, "board property" shall mean all property owned or leased by the Watauga County Board of Education and administered by the Watauga County Board of Education.

(b) The Watauga County Board of Education 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 all board property. In fixing speed limits the Watauga County Board of Education is not subject to G.S. 20-141(f) or (g), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the Watauga County Board of Education.

(c) The Watauga County Board of Education may by ordinance provide for the registration of motor vehicles and other modes of conveyance maintained or operated on any board property by any student, faculty member, or employee of the Watauga County Board of Education, and may fix fees for such registration. The ordinance may make it unlawful for any person to operate an unregistered motor vehicle or other modes of conveyance on any board property when the vehicle is required by the ordinance to be registered.

(d) The Watauga County Board of Education may by ordinance set aside parking lots and other parking facilities on board property for use by students, faculty, and employees of the Watauga County Board of Education and members of the general public attending, visiting or making use of any of the facilities of the Watauga County Board of Education. The Watauga County Board of Education may issue permits to park in these lots and garages and may charge a fee therefor. The Watauga County Board of Education may also by ordinance make it unlawful for any person to park a

motor vehicle or other mode of conveyance in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle.

(e) The Watauga County Board of Education 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 board property and may by ordinance prohibit the forgery, counterfeiting, unauthorized transfer, or unauthorized use of them.

(f) The violation of any ordinance adopted under any portion of this act 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.

(g) An ordinance adopted under any portion of this act 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. The Watauga County Board of Education may establish procedures for the collection of these penalties and they may be enforced by civil action in the nature of debt. The Watauga County Board of Education 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 in the Watauga County school system.

(h) An ordinance adopted under any portion of this act may provide that any vehicle parked in violation thereof may be removed from board property by the Watauga County Board of Education or by an agent of the Watauga County Board of Education to a storage area or garage. If a vehicle is so removed, the owner, as a condition of regaining possession of the vehicle, shall be required to pay to the Watauga County Board of Education all reasonable costs incidental to the removal and storage of the vehicle and any fine or penalty due for the violation. And further, 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 materialmen's liens.

(i) Evidence that a motor vehicle or other mode of conveyance was found parked or unattended in violation of an ordinance of the Watauga County Board of Education is prima facie evidence that the vehicle was parked by:

(1) the person holding a parking permit for the vehicle; or

(2) if no parking permit was issued for the vehicle, the person in whose name the vehicle was registered with the Watauga County Board of Education; or

(3) if no Watauga County Board of Education parking permit has been issued for the vehicle and the vehicle is not registered with the Watauga County Board of Education, 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 action or proceedings concerning violations of ordinances of the Watauga County Board of Education.

(j) The Watauga County Board of Education shall cause to be posted appropriate notice to the public of applicable traffic and parking restrictions.

(k) All ordinances adopted under this act shall be recorded in the minutes of the Watauga County Board of Education. The Watauga County Board of Education shall provide for printing and distributing copies of its traffic and parking ordinances.

(l) All monies received pursuant to this act shall be placed in a trust account administered by the Watauga County Board of Education and may be used to defray the cost of administering and enforcing ordinances adopted under this act, the cost of developing, maintaining and supervising parking areas and facilities on board property, or for other purposes related to parking, traffic, and transportation on board property.

Sec. 2. This act shall also apply to Transylvania County.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1979.