



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP)

OP 62.01: Police Department Administration and Regulatory Ordinances

Approval Authority:	President
Policy Type:	University Operating Policy and Procedure
Policy Owner:	Vice President for Student Affairs
Responsible Office:	University Police
Next Scheduled Review:	08/01/2022

A. Statutory Authority

Pursuant to the authority granted by Statutory Law of the State of Texas (Vernon's Annotated Civil Statutes Chapter 51, Texas Education Code Article 51.201 - 51.244), these regulations are promulgated for the purpose of providing for the protection, safety, and welfare of the students and employees of Midwestern State University, a state institution of higher education, and for the protection and policing of the buildings and grounds of said institution.

B. Police Administration and Supervision

1. There is hereby established at Midwestern State University a Police Department under the control and supervision of Chief of Police appointed by the President and reporting to the Vice President for Student Affairs and Enrollment Management.
2. Officers of the University Police Department are to be bona fide peace officers, bonded and commissioned by the Board of Regents of said university as peace officers. Any officer commissioned hereunder is hereby vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of MSU or otherwise in the performance of their duties within their legal jurisdiction as defined by law.
3. It shall be the duty of the University Police Department to enforce all regulations of the university applicable to street traffic and vehicle regulations, all state laws applicable on all the properties under the control and jurisdiction of the university, and to make arrests for traffic violations, to investigate traffic accidents, and to cooperate with other state and area officers in the administration of traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties especially imposed by these regulations and to assist in the

prosecution of those persons charged with violations of law or causing or contributing to such traffic accidents.

4. The University Police Department shall keep records of all violations of traffic regulations of the university and all state vehicle laws of which any person has been charged on university property, together with the record of final disposition of all alleged offenses. All forms for records of violations and notices of violations shall be serially numbered, and all records and reports shall be public records.
5. It shall be the duty of the University Police Department to maintain a suitable record of all traffic accidents, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver.
6. All of the general and criminal laws of the State of Texas are declared to be in full force and effect within the areas under the control and jurisdiction of Midwestern State University and enforcement of these laws shall be the duty of the officers of the Police Department of the University.
7. It shall be the duty of the officers of the University Police Department to enforce all university regulations stated herein or hereinafter concluded and such other federal, state, and municipal laws applicable on areas under the control and jurisdiction of the university.
8. The Chief of Police, or his designated assistants, shall have the authority to place temporary traffic control devices and barricades in any area, or upon any drive or street, for the purpose of altering the normal route of vehicular travel or regular parking, when necessary for safety purposes or special functions.
9. The Chief of Police is hereby authorized to allocate and determine the location of all Loading Zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours of prohibition where applicable.
10. Abandoned and unclaimed personal property coming into possession of the Midwestern State University Police Department shall be disposed of in accordance with these provisions:
 - A. **Perishable Items (edibles)**
Perishable items shall be destroyed after twenty-four (24) hours.
 - B. **Alcoholic Beverages**
 - i. Open beer and beer that has been chilled and allowed to later reach room temperature shall be destroyed after twenty-four (24) hours.
 - ii. Beer that has not been chilled and is unopened shall be kept for six (6) months and, if unclaimed, shall be destroyed.
 - C. **Other Distilled Spirits**
Wine, ale, malt liquor, and all other distilled spirits, including liquor shall be destroyed after twenty-four (24) hours if container has been opened and after six (6) months if container has not been opened.

11. **Articles of Clothing**

Articles of clothing, including rain wear and companion articles such as purses,

shall be retained by the Police Department for a period of ninety (90) days after which time such articles may be donated to the State Hospital, Salvation Army, or other charitable or non-profit organizations, or they may be sold at public auction or by sealed bid.

12. Books

Books and other publications shall be retained for a period of six (6) months, after which time they may be:

- A. placed in the university library, properly marked and indexed;
- B. may be given to any student or faculty member on a first-come first-served basis; or
- C. may be sold by sealed bid or auction.

13. Jewelry

Jewelry, including watches, which have little or no apparent value may be destroyed or given away after it has been retained by the Department for a period of ninety (90) days. All jewelry having significant value and all jewelry containing any precious stone or jewel shall be retained for a period of one (1) year, after which it shall be sold by sealed bid or auction.

14. Other Property

All other property shall be retained for a period of ninety (90) days to one year, depending on the size, nature, and value of the property as determined by the Police Department and such property shall be sold by sealed bid or public auction.

15. Account for Proceeds

All records of the sale of abandoned and unclaimed property will be kept in accordance with MSU Business/Purchasing Office policies.

16. Records

The Police Department shall maintain a permanent record of all abandoned and unclaimed personal property coming into its possession. Such record shall contain a complete description of the property, the dates on which it was acquired and disposed of, how it was acquired, what disposition was made, to whom the property was released.

17. Evidence

These procedures shall not apply to personal property being held as evidence to be used in any pending criminal case. Neither shall they apply to articles of contraband or evidence from criminal cases where final disposition of the case has been made, and where the method of disposition has been established by statute.

18. Bicycles

All bicycles shall be retained for a period of thirty (30) days. After the aforementioned retention period, if a bicycle is unclaimed it may be sold at public auction or it may be placed in the possession of the MSU Police Department who may reassign the bicycle to another MSU Department for use on-campus.

C. Traffic and Vehicle Regulations

1. Jurisdiction

All articles of the Texas Motor Vehicle Laws and the Uniform Traffic Code, in addition to regulations promulgated by the university, shall be applicable on all properties under the control and jurisdiction of Midwestern State University open to vehicular traffic.

2. Penalty

- A. Any violation of the state traffic laws or of university traffic and vehicle regulations will constitute a misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00), unless otherwise stated in applicable traffic law, in any Justice of the Peace Court in Wichita County, Texas, or the Municipal Court of the City of Wichita Falls, Texas.
- B. Any violation of university traffic and vehicle regulations may, however, as an alternative, be enforced by the university in accordance with the procedures, fees, and penalties stated for specific violations as enumerated in the following sections of this article.
- C. The parking and traffic regulations are in full force 365 days a year, and are enforced 24 hours a day unless otherwise noted in the regulations. However, there may be times or situations that warrant flexibility in the enforcement of the regulations. The Chief of Police may authorize changes in the parking and traffic regulations to meet the needs of the campus community. This includes, but is not limited to, the re-designation of parking spaces and adjusting the times and dates the regulations are in effect. A minimum of 48-hours notice will be given to the campus community prior to enforcement of re-designation of parking spaces.

3. Registration

- A. All students, faculty, staff, and employees of the university who park a motor vehicle on the campus must register the vehicle on campus and obtain a university registration decal or hang tag before such persons are allowed to park their vehicle on university property. Parking lots # 6 North, 8, 9, 13, 16, 18, 19, 21, 22, and parking spaces on Louis J. Rodriguez Drive in front of Sunwatcher Village Apartments shall be reserved for MSU residents only. Residents shall obtain a university resident decal that **MUST** be placed on the vehicle. All registration decals may be obtained from the University Police Department. Parking for Commuter students is available in the Parking Lots 1 South, 2, 4, 6 South, 7 North, 9, 10, 13, Council Drive, Comanche Trail, Louis J. Rodriguez Drive in front of West Campus Annex, Nocona Trail, Taft Blvd., and Wigwam Trail.
- B. A motor vehicle registration fee of one hundred ten dollars (\$110) per year will be assessed to students enrolled for college credit hours who wish to park a motor vehicle on the university campus. The Administrative Council may assess a reasonable fee of a lesser amount for certain programs, non-credit courses, or off-campus extension type programs. Students graduating in December are eligible for a partial refund of the

motor vehicle registration fee in accordance with Police Department rules and regulations.

- C. A motor vehicle registration fee of fifty-five dollars (\$55) will be assessed those students parking a motor vehicle on the university campus who enroll for either one or both summer sessions provided they have not previously registered the vehicle during that academic year. The vehicle registration permit will be valid for the remainder of the school year, expiring on August 31.
- D. A motor vehicle registration fee of twenty-five dollars (\$25) will be assessed to those students who are not enrolled for summer classes, but are on campus as student workers and are not benefit eligible. This fee will be applicable for either/or both summer semesters. This applies to students who have not previously registered a vehicle during the academic year.
- E. A motor vehicle registration fee of twenty-five dollars (\$25) per year will be assessed for those students auditing a class and for students enrolled in Intensive English Language Institute courses. Students enrolled in Continuing Education courses over eight hours in length will pay a motor vehicle registration fee of fifteen dollars (\$15) per semester.
- F. Students who park more than one (1) motor vehicle on the university campus may register one additional vehicle for a fee of twenty-five dollars (\$25).
- G. Two (2) or more persons will not be permitted to register the same vehicle.
- H. Reserved hang tags will be available to all benefit-eligible faculty, staff, and graduate teaching assistants who appear on the approved list from the Human Resources Department who wish to park a motor vehicle on the university campus. With the exception of individuals employed in a student classification, each employee who parks a motor vehicle on campus is required to purchase a reserved hang tag. The motor vehicle registration fee for those individuals will be:
 - i. \$150 per year for the associate vice presidents and deans if they choose special reserved parking;
 - ii. \$250 per year for the president and vice presidents if they choose special reserved parking; and,
 - iii. \$50 per year for regular reserved parking.
- I. The following employees will be eligible to purchase a motor vehicle registration reserved hang tag for twenty-five dollars (\$25): All temporary workers, part-time workers and adjunct instructors who work less than half time, are not benefit eligible or not employed as a student worker.
- J. A motor vehicle registration fee of twenty-five dollars (\$25) will be assessed to new employees operating a motor vehicle on the university campus who begin employment after May 31 and before August 31. The registration fee of fifty dollars (\$50) will be assessed for the new fiscal year.

- K. The replacement fee for a lost hang tag is twenty-five dollars (\$25).
- L. Faculty/staff and administrative officials may purchase a motorcycle decal for twenty- five dollars (\$25).
- M. Graduate assistants who appear on the approved list from the Human Resources Department and wish to operate a motor vehicle on the university campus will be required to purchase a student decal for a motor vehicle registration fee of fifty dollars (\$50) per year.
- N. No decal shall be displayed on any vehicle other than that vehicle to which it is registered.
- O. Reserved hang tags are issued to the individual employee and may be transferred to another vehicle operated by that employee but cannot be transferred to another employee.
- P. Retired faculty and staff are eligible to be issued one non-expiring retired faculty/staff parking permit at no cost.
- Q. Retired employees who maintain part-time employment status with the university shall continue to use standard faculty and staff registration hang tags subject to all rules and regulations.
- R. Vehicles rented, leased, or loaned to the university which do not have exempt license plates may be registered by employees in the department having control of the vehicle in addition to their personal vehicles. University vehicles and other government vehicles having official or exempt license plates need not be registered. University owned vehicles may not be required to park in accordance with these rules and regulations when in the performance of their official duties.
- S. Only vehicles upon which the special symbol, tab, or other device indicating a disabled person, issued by the State of Texas or any other state, and being operated by or for the transportation of a disabled person, shall be allowed to park in spaces designated specifically for the physically handicapped. This does not negate the requirement of a university vehicle registration decal or hangtag for those persons connected with the university as students or employees. Texas Transportation Code Chapter 681, Privileged Parking, is in full force on the campus of Midwestern State University.
- T. The registration decal or hang tag does not assure anyone that parking spaces will be available at all times.
- U. The University assumes no responsibility for vehicles or their contents when parked on campus.
- V. Once a vehicle registration hang tag is issued no refund will be given. If an employee opts to make monthly payments for their registration fee and terminates employment with a balance due the remaining balance will be deducted from their final compensation payment.

- W. Any student, faculty or staff member who registers a vehicle in accordance with Texas Transportation Code 504.202 and 681.008, relating to Disabled Veterans vehicle registration, shall be required to register the vehicle with the MSU Police Department but cannot be charged a fee for the vehicle registration permit or hangtag.
- X. The following Governing Student Organizations may purchase a Special Reserved parking space for \$150 per year:
 - i. Student Government Association President;
 - ii. Panhellenic President;
 - iii. Interfraternity Council President;
 - iv. Multicultural Greek Council President; and
 - v. Resident Hall Association President
- Y. Visitor Parking is available in Lot 7 West behind the Hardin Building, in Lot 4 at the MSU Police Station and on Comanche Trail on the north side of the Clark Student Center. Prospective students who are visiting the Admissions Office may park in the designated Admissions Visitors parking spots on Taft Blvd. in front of the Hardin Building.

4. **Required Display of University Decal or Hang Tag**

- A. The student or resident decal must be permanently affixed to the outside left of the rear windshield and must be clearly visible from outside of the vehicle, at any time the vehicle is parked on campus. On two-wheel vehicles, the decal shall be affixed to the rear fender. Where these provisions are not possible because of vehicle design, arrangements shall be made with the University Police Department to place the decal in some convenient location mutually agreed upon by the owner and the Police Department on a semester by semester basis.
- B. Upon selling, trading, or otherwise changing ownership of a vehicle, the registration decal must be turned in to the University Police Department. This must be done before an additional vehicle can be registered. Duplicate registration decals may be purchased for a fee of Five dollars (\$5.00) providing that the voided decal is turned in to the University Police Department.
- C. Applications for the privilege of parking a motor vehicle on the campus each semester must be secured beginning with the registration for classes during that semester.
- D. Failing to display a decal or failing to register a vehicle will have a tolerance period at the beginning of each semester until the university's first (1st) class day after late registration. All other offenses are still enforceable during the "No Decal" tolerance period.
- E. Hang tags are to be hung from the rearview mirror (or placed on the dashboard of the vehicle, if no mirror is present) and must be clearly and wholly visible from the outside of the vehicle when the vehicle is parked

on campus. Partial concealment or display which prevents the tag from being read from outside of the vehicle violates this section.

5. **Moving Vehicle Regulations**

- A. It shall be a violation to drive or operate a motor vehicle at any time on the campus in excess of twenty (20) miles per hour.
- B. Every vehicle shall, at all times, grant Right of Way to pedestrians.
- C. No vehicle shall be driven after dark without the vehicle headlights operating.
- D. No vehicle shall be operated at any time upon the lawns or any other place not specifically designed for vehicular traffic; provided, however, that these rules shall not apply to grounds and maintenance vehicles of the university.
- E. All motor vehicles shall be so muffled, or otherwise equipped, as to effectively and efficiently prevent loud and/or unusual noises or annoying smoke discharging from the exhaust of such vehicle.
- F. It shall be a violation to willfully fail or refuse to comply with any lawful order or direction of a Peace Officer or to interfere with a Police Officer in the performance of his duty.
- G. It shall be a violation to drive a vehicle from a stopped position at such a rate of acceleration as to leave tire marks on the street or drive, or to create a screeching or shrill noise capable of being heard at a distance of three hundred (300) feet.
- H. It shall be a violation to remove, or in any way tamper with, any traffic control or device, whether permanently affixed at a given location or temporarily located by the University Police to regulate traffic.
- I. Police vehicles are exempt from the above requirements.

6. **Parking**

- A. Where parallel parking is indicated, the vehicle must be parked with wheels on the side of the car parallel to and not more than one (1) foot from the curb. The position of the car with reference to the dividing line between adjacent spaces shall be such that the whole of the car is located within the boundaries of the parking space.
- B. In the case of two-way streets upon which parking on both sides is permitted, a car must be parked with passenger side to the curb.
- C. Where diagonal or vertical parking is required, every vehicle must be placed within the boundaries of its space. The front of a parked vehicle must be facing the forward most part of the designated parking space. It shall be considered a violation to back into a parking space or drive through a space making the front of the vehicle face outward from the front of the parking space. The parking decal on the lower left of the rear window MUST be visible to a police officer as he/she patrols. The

restriction on being backed into a space shall not apply to motorcycles and authorized emergency vehicles.

- D. It shall be a violation to park, stop, or stand a vehicle in a street, drive, or roadway in such a fashion as to obstruct or impede the normal flow of traffic.
- E. It shall be a violation to park or stand a vehicle adjacent and parallel to a legally parked vehicle (double parking).
- F. It shall be a violation to deface or alter a decal that is in force, or to fabricate a decal.
- G. It shall be a violation to park in any of the following places:
 - i. Areas bordered in yellow except for purposes indicated;
 - ii. On any lawn;
 - iii. On any curb or sidewalk;
 - iv. Any area bordered in red (no parking anytime);
 - v. Within fifteen (15) feet of a fire hydrant;
 - vi. In front of or in any service drive;
 - vii. Any space marked “No Parking”
 - viii. In a reserved space with a commuter or resident permit (NOTE: with the exception that on Saturdays, Sundays, holidays and between the hours of 5:00 p.m. and 7:00 a.m. daily, a person with a commuter or a resident permit may park in a reserved space but not in a Special Reserved Space (any parking space with a designated sign on it). NOTE: A student with a Commuter permit can NEVER park in a parking lot, space or area designated for a Resident permit only.
 - ix. Obstructing a crosswalk;
 - x. Obstructing a trash container;
 - xi. In a “fire lane”
 - xii. In a handicapped space without displaying the special symbol, tab, or other device issued by the State of Texas or any other state, that the vehicle is being operated by, or for the transportation of, a disabled person.
- H. Parking in a Loading Zone - No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a loading zone. In no case shall the stop for loading exceed thirty (30) minutes. These areas are bordered in yellow.
- I. It shall be a violation to park an inoperable motor vehicle on university property. An inoperable motor vehicle is one which has been wrecked,

dismantled, abandoned, or is mechanically inoperable. The University Police may impound any inoperable or abandoned motor vehicle seven (7) days after notification has been attached to the vehicle.

- J. Faculty/staff parking is marked with the word RESERVED painted on the pavement. Only persons with a Faculty/Staff hang tag may park in these spaces. Faculty/Staff may park in the following areas marked RESERVED: Lot 1 North, 2, 3, 4, 5, 7 (West side of Hardin Bldg.), 8, 9, 10, 13, 15, 17, 20, Fain Band Hall, Paint Shop, Comanche Trail, Council Drive, Louis J. Rodriguez Dr. (Counseling Center), Tomahawk Trail, Tee Pee Drive, Nocona Trail, and South Campus on the east side of the Wellness Center, as marked.
- K. Specific areas for motorcycle parking are located in the following: Lot 1 North and South, Lot 2, 19, 20, 21 and Comanche Drive and Council Drive.
- L. If there are no lines indicating parallel parking, it is not a parking space.
- M. Students can only park in areas designated by their decal.
- N. Only visitors may park in spaces reserved for University visitors.

7. **Penalty for Violations**

Violations of campus traffic regulations will be processed in accordance with the following schedule of fees:

A. Penalties:

i. Class I violations - \$20

The following are considered Class I violations:

- a. No registration
- b. Failure to display parking decal
- c. Failure to properly display parking decal
- d. Not a valid permit for location
- e. Improper transfer of permit
- f. Parked in a reserved space
- g. Parked in a visitor space
- h. Parked more than one foot from curb
- i. Violation of any posted sign
- j. Failure to park within the lines (of parking spaces)
- k. Double parking
- l. Parked in a no-parking zone
- m. Parked obstructing trash container
- n. Parked obstructing crosswalk

- o. Parked on the wrong side of the street
- p. All other parking violations, unless specifically listed below
- ii. Class II violations - \$40
The following are considered Class II violations:
 - a. Parked blocking driveway or roadway
 - b. All moving violations
- iii. Class III violations - \$40
The following are considered Class III violations:
 - a. Parked within 15 feet of a fire hydrant
 - b. Parked on lawn, curb, or sidewalk
 - c. Parked in Special Reserved space
 - d. Parked in a Fire Lane
- iv. Class IV violations - \$50
The following are considered Class IV violations:
 - a. Unlawfully parked in Handicapped Space
 - b. Parked blocking Handicapped Ramp/Access
 - c. Displaying false or altered Registration Decal
- B. Failure to pay or properly appeal a university traffic/parking ticket within seventeen (17) calendar days will result in a late fee of \$15 being imposed. If the violator is determined to be a student or former student, a “hold” will be placed on the individual’s account.
- C. All fees for vehicle registration and citations are due in accordance with MSU Business Office Policy.
- D. The following procedures shall be followed by a person who receives a citation for violation of university traffic or criminal regulations:
 - i. Traffic and parking fines may be paid, and appeals may be filed, online through the University’s online parking portal 24 hours a day. The same transactions may be conducted in person at the University Police Department, during normal business hours (8 AM to 5 PM, Monday through Friday during the long semesters, and 7 AM to 6 PM, Monday through Thursday during the summer schedule, excluding university holidays).
 - ii. Failure to comply with the payment or the appeal of the citation constitutes reason for disciplinary action and a complaint may be filed in City or Justice of the Peace Court for the violation.
 - iii. Should a student wish to contest a ticket, he/she may appeal, in the prescribed format, to the Student Traffic Appeals Committee

through the Dean of Student's Office within seventeen (17) calendar days from the day the ticket was issued for all violations. In the absence of the duly appointed, functioning Traffic Appeals Committee, the Vice President for Student Affairs and Enrollment Management and Dean of Students shall serve as the appeals committee to hear the case.

- iv. Should any member of the faculty or staff wish to contest a traffic citation, he or she may appeal, in the prescribed format, to the Faculty/Staff Traffic Appeals Committee Chairperson within seventeen (17) calendar days from the date the ticket was issued for all violations. A hearing shall be held at the convenience of the committee and the results shall be forwarded to the Police Department and the faculty/staff member filing the appeal within five (5) calendar days after the determination is rendered. The determination of the committee shall be final, except that the charge will be filed in the Justice or Municipal Courts should the cited person fail to follow the dictates of the Traffic Committee. The Traffic Committee shall consist of three (3) faculty members and three (3) staff members appointed by the President.

8. Impoundment (Immobilization and Tow Away)

A. Impoundment in Place (Vehicle Immobilization)

- i. A vehicle may be impounded in place if:
 - a. it is parked anywhere on campus and has three or more unresolved citations; or
 - b. the owner or operator violates the terms of a conditional release; or
 - c. it is parked illegally in a handicap space without displaying a proper permit; or
 - d. the owner or operator illegally uses a handicap permit to obtain parking privileges; or
 - e. it is parked displaying an unauthorized, altered, lost or stolen parking permit; or
 - f. there is failure to display a current valid vehicle license plate.
- ii. An officer or University Police Parking Attendant shall place a notice on the driver's window of any vehicle in which an immobilizing device is attached. This notice shall be placed in a conspicuous location so the operator will see the notice prior to entering the vehicle.
- iii. A vehicle impounded in place shall be released if:
 - a. The owner or operator pays for all outstanding citations on the vehicle plus an impound fee of \$50.00, purchases a

valid permit, as applicable, and provides current proof of liability insurance; and

- b. The University Chief of Police or his/her designee authorizes the release of the vehicle.

B. Impoundment (Tow Away)

- i. A vehicle impounded in place may be towed away if:
 - a. Disposition of all citations for the vehicle is not made within five (5) days of the impoundment; or
 - b. The owner or operator removes or attempts to remove the impounding equipment attached to the vehicle. Attempting to, or removal of an immobilizing device attached to a vehicle by the University Police Department is a criminal offense; such offense is classified as a Class B Criminal Mischief or Theft. If immobilization device is damaged or lost due to removal, the individual will be charged with the replacement cost for the device. The University shall not be liable for any damage caused to a vehicle by attempting to remove the immobilizing device or by the operator attempting to drive the vehicle with the immobilizing device still attached.

C. A vehicle may be towed if:

- i. it is parked in a manner that impedes or is dangerous to vehicular or pedestrian traffic or endangers any life or property (e.g., vehicle on fire, leaking fuel, etc.); or
- ii. it is parked or stopped in any driving lane, fire lane or loading zone; or
- iii. it is parked with disregard to official signage, barricades, or traffic cones; or
- iv. it is parked on any lawn, sidewalk, or in any area that restricts vehicle or pedestrian traffic; or
- v. it is a non-operating, dismantled, wrecked or abandoned vehicle; or
- vi. vehicle is an obstruction to building access for emergency, maintenance, delivery, loading vehicles/equipment; or
- vii. there is failure to obey lawful University rules and regulations, and verbal orders of a University Police Officer; or
- viii. there are circumstances not specifically enumerated where public safety is threatened by the presence of the vehicle; or
- ix. the University Police Chief or his/her designee authorizes the vehicle to be removed from the campus.

D. A vehicle that has been removed by tow away shall be released if:

- i. the owner or operator of the vehicle pays the fees for all outstanding citations and immobilization fees (if applicable) on the vehicle plus a commercial wrecker service fee and storage charges; or
 - ii. the University Chief of Police or his/her designee authorizes the release of the vehicle.
- E. When the removal of a vehicle has been authorized and the owner or operator of the vehicle appears at the vehicle after the wrecker has arrived and the wrecker driver has made a hook-up or signed the tow order for custody of the vehicle, the vehicle shall not be towed away if the owner or operator:
 - i. pays the normal wrecker fees designated by the wrecker company; and
 - ii. agrees to move the vehicle; and
 - iii. pays all outstanding parking fees owed to the University.
- F. When the removal of a vehicle has been authorized and the owner or operator appears at the vehicle before the arrival of the wrecker, the vehicle shall not be towed away if the owner or operator:
 - i. agrees to move the vehicle; and
 - ii. pays all outstanding parking fees owed to the University.
- G. No vehicle may be towed without the express approval of the University Chief of Police or his/her designee.
- H. H. Persons who have their vehicle towed away shall make all the necessary arrangements with the University Police Department and obtain the necessary release documentation. which includes proof of ownership, proper registration, and liability insurance.

9. Exceptions - Emergency Vehicles

The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

- A. The driver of any authorized emergency vehicle except an ambulance may:
 - i. park or stand, irrespective of the provisions of these regulations;
 - ii. proceed past a red or stop signal or stop sign;
 - iii. exceed the prima facie speed limits so long as he does not endanger life or property;
 - iv. disregard regulations governing direction of movement or turning in specified directions; and

- v. police vehicles may disregard all regulations and traffic-control signals or devices while in the performance of duty.
- B. The driver of an ambulance may do all those acts set out above in subsection a 1; however, the driver of an ambulance may not exceed the prima facie or posted speed limits in excess of ten (10) miles per hour and may not enter or proceed through an intersection that is controlled by an official traffic-control device other than a signal, at a speed greater than ten (10) miles per hour.
 - C. The exemptions herein granted to an authorized vehicle shall apply only when the driver of any said vehicle while in motion sounds an audible signal by bell or siren, as may reasonably be necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle. Police vehicles are exempted from this requirement. Authorization of a police vehicle to operate without a visible red light or an audible bell or siren does not relieve the operator of the duty to operate the vehicle with appropriate regard for the safety of all persons, or the consequences of reckless disregard for the safety of others.
 - D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

10. Definitions

- A. **Campus**
Campus shall include the main university campus as formally recognized by the official university geographical map.
- B. **Vehicle**
Vehicle shall be every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.
- C. **Motor Vehicle**
Motor vehicle shall include all vehicles which are self-propelled. All such vehicles must be registered.
- D. **Student**
Student shall include all persons enrolled in credit and non-credit courses.
- E. **Parking Tickets**
Parking tickets are issued to the automobile, not the operator, and are the responsibility of the person to whom the vehicle, or the parking decal, is registered. Students, employees, faculty, staff and administrative personnel are also responsible for any vehicle operated by them regardless of the state vehicle ownership registration.

F. Visitor

Visitor shall be defined as one who has no affiliation, association, or relationship with the university as a student, faculty, staff, or employee.

G. Authorized Emergency Vehicles

Authorized emergency vehicles shall be vehicles of the Midwestern State University Police Department, Wichita Falls Fire and Police Departments, public and private ambulances for which permits have been issued by the State Board of Health, emergency vehicles from the City of Wichita Falls, emergency vehicles of all utility companies holding valid franchise from the City of Wichita Falls, Texas, and all wreckers that have towing capacity of 12,000 pounds or more and are equipped with the following:

- i. one yellow beacon ray
- ii. three safety flares, burnable type or glass-reflector type
- iii. one broom
- iv. one shovel
- v. a radio capable of sending and receiving on the police frequency
- vi. safety four-wheel brake lock
- vii. heavy-duty tie rope
- viii. one four-pound dry chemical fire extinguisher

H. Right of Way

The privilege of the immediate use of the roadway.

I. Park

The stopping or standing vehicle, whether occupied or not.

J. Person

Every natural person, firm, co-partnership, association, or corporation.

K. Driver

Every person who drives or is in actual physical control of a vehicle.

L. Pedestrian

Any person afoot, on a skateboard, long board, rollerblading or rollerskating.

M. Police Officer

Every officer of the University Police Department or any officer authorized to direct or regulate traffic or to arrest for violations of traffic regulations and those persons described as peace officers in the Texas Code of Criminal Procedure.

N. Street or Highway

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

O. Roadway

That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the curb or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

P. Traffic Control Signal

Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed.

Q. Moving Violation

Any violation where a vehicle is being operated by a driver or occupied by a person in the driver's position of the vehicle.

R. Parking Violation

Any violation where the vehicle is not being operated by a driver, including all registration violations.

S. Loading Zone

A loading zone is defined as a space in front of, beside, or behind a building to be used for the purpose of loading or unloading passengers or merchandise by the regular occupants of the building and adjacent thereto and may be used by any carrier for the purpose of loading or unloading passengers or merchandise delivered to or from such location.

T. Holidays

As used in these regulations, holidays shall mean those periods which coincide with the academic schedule (Thanksgiving, Christmas, between semesters, etc.).

U. Impoundment

Includes the immobilization, towing, and storage of the vehicle in question. There are two types of impoundment: (1) Impoundment in place (vehicle immobilization) or (2) Tow Away.

V. Resident

A MSU student who resides in MSU Housing on campus.

W. Commuter

A MSU student who lives off campus and commutes to the campus for classes or to conduct business.

11. General Information

- A. All thefts, accidents, and offenses that occur on campus should be reported immediately to the University Police Department.
- B. A record of all serial numbers on valuables should be kept. Mark auto accessories so they may be identified. Write your name and address on all textbooks.
- C. Keys or valuables should not be left in cars. Always keep your car locked.

- D. University officers are duly sworn and bonded peace officers with the same authority and responsibility of any other state police officer. Any person on the property of the university is required to produce proper identification upon demand by any university police officer or other administrative representative of the university.
- E. All of the general and criminal laws of the state of Texas are declared to be in full force and effect within the areas under the control and jurisdiction of Midwestern State University and enforcement of these laws shall be the duty of the officers of the University Police Department. Duly authorized peace officers may choose to file a violation of state law in a court of appropriate jurisdiction, in lieu of issuing a campus citation.
- F. Temporary auto registration decals are available at the University Police Office. These are available to persons having a vehicle permanently registered at the university but who face a situation forcing them to bring an unregistered vehicle on campus for a temporary time. These may be issued for a maximum of one (1) week at no charge. Limit of two (2) temporary decals per semester.
- G. Officers, when available, will unlock vehicles on campus only. The university assumes no responsibility for any damages incurred in the process. Battery chargers for loan are available (no charge) with valid I.D. for use on campus only for a period of no longer than 2 hours, unless other arrangements are made. However, if not returned within this period of time, a fee of \$75.00 may be incurred.
- H. Visitors on campus should obtain a Visitor's Pass at the Police Department at no charge. Visitors include individuals who have no formal affiliation with the university.
- I. These rules and regulations are subject to change at any time, in order to better serve the campus community.

12. Other Offenses

- A. **Firearms, Fireworks, and Explosives**
Possession of fireworks or explosives of any description is hereby prohibited on university grounds or property or in approved student housing. A person appropriately licensed to carry a handgun may possess a concealed handgun and/or ammunition in accordance with state law and Midwestern State University Policy. Handguns or other firearms are otherwise prohibited on property owned, leased, or rented by Midwestern State University.
- B. **Gambling**
Gambling in any form by the use of cards, dominoes, billiards, dice, pool, table tennis, snooker, or any other means specifically defined by state law, shall be prohibited on university grounds or property or in approved student housing. For a definition of gambling, see Texas Penal Code, Chapter 47.

C. Unlawful Demonstration and Assembly

It shall be unlawful for any person, acting either singly or in concert with others, to obstruct or disrupt, by force or violence or by stated threat of force or violence, any teaching, research, administrative, disciplinary, public service or other activity authorized to be held or conducted on the campus of MSU. As used in this regulation, the words "force and violence" include such acts as "stand-ins," "sit-ins," and "lie-ins" when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

D. Parades and Processions

No procession or parade shall be held on university grounds or property without first securing a permit from the Vice President for Student Affairs and Enrollment Management, and all such requests for permits shall state the time, place of formation, proposed line of march, destination, and such other regulations as the Vice President for Student Affairs and Enrollment Management may set forth therein.

E. Obstructing Streets, Sidewalks, and Building Entrances

It shall be unlawful for any person or for any grouping or assemblage of persons whose standing, remaining, or congregating upon any street, sidewalk, or building entrance on university properties obstructs, prevents, or interferes with the free and unobstructed use of said street, sidewalk, or building entrance by other persons to fail or refuse to move on or to disperse upon being ordered to do so by a peace officer of Midwestern State University, other peace officer of the State of Texas, or a duly authorized university official.

F. Trespassing

It shall be unlawful for any person to trespass upon the grounds or use the facilities of the university without the express consent and permission of the university. It shall further be unlawful for any person or persons having legitimate access to the buildings and facilities to enter into or use such buildings and facilities during prohibited hours as promulgated and amended from time to time by the university administration. Only resident students and their registered guests are authorized to enter University Housing facilities.

G. Solicitation

It shall be a violation for any person to solicit or sell to individual students at any time on the property, campus or grounds of the university except in those cases where specific authorization has been extended by the Board of Regents of MSU.

H. Dangerous Activities

Skydiving or the use of hot air balloons or aircraft (including drones) on or above university grounds is prohibited without the written approval of the President. All requests for waivers or exceptions must be initiated through the Administrative Council which will make recommendations for approval or disapproval to the President. Waivers will be granted only in

unusual circumstances and only when the President is satisfied that adequate safety procedures have been taken.

I. Alcoholic Beverages at Athletics Events

It shall be a violation to possess, sell, distribute, or consume alcoholic beverages at athletics events while on property owned or leased by Midwestern State University, whether sponsored by the university or an outside organization.

J. Dog Leash Policy

The running at-large of dogs on the grounds of MSU is prohibited, and no owner, possessor, or harbinger shall allow the same to run at-large. All dogs must be restrained by some physical means; however, a dog shall not be considered at-large when held or controlled by some person by means of a rope, leash, or chain not longer than ten (10) feet.

K. Skateboarding

Registered students may use skateboards, including the use of long boards, as a means of transportation in outdoor areas on the Midwestern State University campus. Prohibited conduct shall include clinging to a moving object; tacking (the manner by which a skateboard may be propelled such that the operator's foot need not touch the ground and which exhibits rapid movements of the skateboard about that axis of rotation perpendicular to the deck through the rear axle); skateboarding backwards; skateboarding over steps, stairs, rails, or disability accommodations, excluding curb-cuts between a sidewalk and a street; or any manner which may cause property destruction or risk safety to the operator or pedestrians. A person on a skateboard or a long board is considered to be a pedestrian and must comply with Texas Transportation Code sections that relate to pedestrian traffic.

L. Rollerblading and Roller Skating

Registered students may use rollerblading and roller skating as a means of transportation in outdoor areas on the Midwestern State University campus. Prohibited conduct shall include clinging to a moving object; skating backward; skating over steps, stairs, rails or disability accommodations, excluding curb-cuts between a sidewalk and a street; or any manner which may cause property destruction or risk safety to the operator or pedestrians. A person who is rollerblading or rollerskating is considered to be a pedestrian and must comply with Texas Transportation Code sections that relate to pedestrian traffic.

M. Penalty

Every person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two- Hundred Dollars (\$200.00), unless otherwise specified by applicable law or this Article.

Contact:

Phone:

Email:

Revision History

08/02/2018: MSU Policy 4.152 (Police Department Administration and Regulatory Ordinances is adopted by the MSU Board of Regents as MSU Policy and Procedure. 4.152)

05/15/2015

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08/04/1995

11/08/1991

05/10/1991

08/10/1990

02/09/1990

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