

Bar Arbor Glen at Providence Homeowners' Association
Board of Directors Resolution
Parking, Storing and Towing of Vehicles Improperly Parked in the Community

Adopted May 26, 2022

WHEREAS, The Bar Arbor Glen at Providence Homeowners Association (the "Association") is a Nevada non-profit corporation, duly formed under and governed by the laws of the State of Nevada, including Nevada Revised Statutes ("NRS") Chapter 116, which governs common-interest communities in Nevada;

WHEREAS, NRS 116.3102 (1) (a) provides that, "subject to the provisions of the declaration, the association may...[a]dopt and amend bylaws, rules and regulations;"

WHEREAS, NRS 116.3102 (1) (s) provides that, "subject to the provisions of the declaration, the association may...[d]irect the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038...and...if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle and provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle: (1) Is blocking a fire hydrant, entry gate, another owners driveway, fire lane or parking space designated for the handicapped; or (2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community":

WHEREAS, Article VII, Section 7 of the Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions and Reservations of Easements for the Association (the "CCRs") reads, in pertinent part, as follows:

All of the Property shall be held, used and enjoyed subject to the following limitations and restrictions and the exemptions of Declarant set forth in this Declaration.

WHEREAS, Article I, Section 1.36 of the CCRs Defines Restrictions as follows:

Restrictions shall mean and refer to this Declaration, the Articles of Incorporation of the Association, the adopted Bylaws of the Association, and the Rules and Regulations of the Association.

WHEREAS, Article VII, Section 7.2(d) of the CCRS allows the Board of Directors to develop Rules and Regulations, and reads, in pertinent part, as follows:

The Board of Directors has the authority to adopt parking rules and regulations.

WHEREAS, Article IV, Section 4.16 of the Bylaws for the Association (the "Bylaws") reads, in pertinent part, as follows:

The Board of Directors may do any of the following:

(a) Adopt and amend Bylaws, rules and regulations...

WHEREAS, Article VII, Section 7.2 (d) of the CCRs reads, in pertinent part, as follows:

...all vehicles owned or operated by or within the control of an Owner or a resident of an Owner's Lot and kept within the Property shall be parked in the garage of that Owner to the extent of the space available; provided that each Owner shall ensure that any such garage accommodates at least the number of Authorized Vehicles for which it was originally constructed....

WHEREAS, Article VII, Section 7.2(d) of the CCRs, in pertinent part, also states as follows:

The Board of Directors may institute a procedure for permit only parking for Owner's or residents of an Owner's Lot which permits parking of a vehicle on a designated portion of any portion of the Association Property designed as a Common Element Street...

WHEREAS, the Board has deemed the term "Owner" to mean any Owner, Resident, Tenant, Occupant or Family members living at the residence.

WHEREAS all capitalized terms within the Rules adopt those definitions set forth in the CC&Rs.

WHEREAS, pursuant to NRS 116.3103(1), the Board of Directors (the "Board") of the Association has the fiduciary duty to enforce the Association's governing documents and to exercise the ordinary and reasonable care of the directors of a corporation subject to the business-judgement rule;

WHEREAS, the Board has installed signs in plain view throughout the Association declaring that public parking is restricted, which signs include the phone number of the police department, in accordance with NRS 487.038(1);

WHEREAS, the Board has deemed it to be in the best interest of the Community to adopt rules and regulations consistent with the provisions of the Declaration, NRS 116, and NRS 487, pertaining to the procedures to be followed by the Board in order to remove vehicles improperly parked within the Community;

WHEREAS, the Association property is any street or common areas within the community boundaries.

WHEREAS, the Board wishes to adopt the following resolution (the "Resolution") in order to memorialize the procedures to be utilized by the Board in removing improperly parked vehicles from the Community.

WHEREAS, the following resolution supersedes all other previous resolutions concerning parking, storing and towing of vehicles within the Association.

NOW, THEREFORE, it is hereby resolved that the Board of Directors of the Association hereby adopts the following parking/towing policy and procedures for implementation within the Community:

1. Owners are required to park Authorized Vehicles in the garage located on the Lot or upon the driveway located on the Lot in such a manner as to not extend onto any sidewalk or into any Streets of the Association.
2. No Authorized Vehicle may be parked on the streets for longer than seventy-two (72) consecutive hours.
3. After a thorough investigation as to the number of Authorized Vehicles possessed by a household and all possible parking alternatives, if an Owner is unable to park Authorized Vehicles in either the garage located on the Lot or the driveway located on the Lot, the Board may authorize street parking. In order to obtain authorization to park an Authorized Vehicle on the street the Owner shall submit a written request to the Board seeking a variance by the Board, the Owner shall be issued a Street Parking Permit authorizing the Owner to park the Authorized Vehicle on the street when necessary. The Street Parking Permit is specific to the Authorized Vehicle that is the subject of the requested variance and shall not be used to permit other Authorized Vehicles to park on the street that were not the subject of the requested variance. The Street Parking Permit shall be displayed in the lower driver side corner of the front windshield at all times while parked on the street within the Association. This does not include Unauthorized Vehicles and those vehicles that are designated as a nuisance pursuant to Paragraph 16 of this resolution, regardless of the number of available parking spaces. After a thorough investigation as to the number of Authorized Vehicles possessed by a household and all possible parking alternatives, the Board may authorize street parking. No vehicle may be parked in the area in front of another owner's home, from property line to property line, without the written permission to do so from the owner of that lot regardless of the vehicle having an authorization (parking pass, variance or decal/sticker) from the Board.
4. Visitors, guests, invitees or any family member of an Owner, occupant, tenant shall park in the garage located on the Owner's Lot or upon the driveway located on the Lot in such a manner as to not extend onto any sidewalks or into any Streets of the Association. If there are more visitors, guests, invitees or family members than the capacity of the Lot, and the Owner, occupant or tenant have completed the Resident Vehicle Information Form, the Owner's Lot will be provided with two (2) Visitor Parking Passes to be used at all times a visitor, guest invitee or any family member is parked on the street. Each visitor, guest or invitee or any family member may use the Visitor Parking Pass two times (two instances of not more than 72 consecutive hours) per month. If an Owner, occupant, tenant's visitors, guests, invitees or any family members are staying at the Owner's Lot for more than three consecutive days (72 consecutive hours), an Owner may obtain a variance from the Board of Directors for an Extended Visitor Parking Pass for each Authorized Vehicle that an Owner is requesting authorization to be parked in the street. The Extended Visitor Parking Pass shall be specific to an Authorized Vehicle and shall not be passed or provided to any other Authorized Vehicle. The Extended Visitor Parking Pass shall be valid only passed or provided to any other Authorized Vehicle. The Extended Visitor Parking Pass shall be valid only for the time required by the visitor to park in the street, with an expiration date clearly marked on the pass. If an Owner anticipates having an event at his/her residence wherein the number of visitors, guests, invitees or any family members is to exceed the number of guest passes, the Owner shall provide written notice to the Board and the current community management company.

5. Prohibited Vehicles shall not be parked, stored or kept on any Lot setback area of any street within, adjacent to or visible from the Property unless specifically authorized by the Board.
6. An Owner, occupant, tenant, visitor, guest, invitee or any family member of the foregoing may not store a Camper, Trailer, Recreational Vehicle (RV) or any other similar vehicle within the Association unless stored within the garage located on the Owner's Lot with the garage door closed or, after submitting an application the Architectural Committee ("ARC"), receives approval from the ARC to store the Camper, Trailer, Recreational Vehicle (RV) or any other similar vehicle on the side yard of the Owner's Lot.
7. An Owner, occupant, tenant, visitor, guest, invitee or any family member of the foregoing may park a Camper, Trailer, Recreational Vehicle (RV) or any other similar vehicle in their driveway or in the street for a period not to exceed twenty-four (24) hours at a time, or no more than forty-eight (48) hours in a seven (7) day period for the purpose of loading or unloading the Camper, Trailer, Recreational Vehicle (RV) or any other similar vehicle. Any Camper, Trailer, RV or similar vehicle parked in violation of this timeframe will be given notice as described in Paragraph, 10, and will be subject to the same towing provision sanctions as outlined in the following paragraphs.
8. With the approval from the Board, Owners may park commercial type vehicles (including, but not limited to, any dump truck, cement mixer truck, oil or gas truck or delivery truck) in the driveway or street for short periods of time during construction. Owners may not park commercial type vehicles within the Association overnight.
9. Owner, occupant, tenant, guest, invitee or any family member shall not repair, restore or build any Authorized Vehicle, Camper, Trailer, Recreational Vehicle (RV) or any other vehicle on Association Property. An Owner, occupant, tenant, guest, invitee or any family member may repair, restore or build any Authorized Vehicle on the Owner's Lot if the repair, restoration or build is done exclusively within the garage located on the Owner's Lot with the garage door closed. Should the Board determine any repair, restoration or build of an Authorized Vehicle being performed on the Owner's Lot within the garage located on the Owner's Lot is a nuisance, the Board may prohibit the repair, restoration or build of the Authorized Vehicle.
10. If any Owner, occupant, tenant, guest, invitee or any family member park an Authorized Vehicle in violation of any of the aforementioned provisions of the Declaration and these Rules, as may be amended from time to time, the Board, or any agent on behalf of or at the direction of the Board, shall place written notice (the "Notice") of the parking violation on the Authorized Vehicle that is improperly parked ("Violating Vehicle")/ IF the violation is not remedied within forty-eight (48) hours of placement of the Notice on the Violating Vehicle, then the Board shall direct the removal of the Violating Vehicle from the Community.
11. If the Violating Vehicle is moved within forty-eight (48) hours after posting of the Notice, but is again parked in such a manner as to violate the Association's Declaration within thirty (30) days of issuance of the Notice, then the Violating Vehicle will be deemed to be in violation for a period exceeding forty-eight (48) hours and the Violating Vehicle may be towed without further notice to the Owner, occupant, tenant, guest, invitee or family member of the foregoing. This provision is intended to prevent the "violation cure violation" cycle. If the violation is cured for more than thirty (30) days and the Violating Vehicle is found to be in violation thereafter, then the Violating Vehicle shall receive a second notice (the "Second Notice") and the Violating Vehicle shall be given an opportunity to cure the violation.
12. If the Owner of a Violating Vehicle receives a Second Notice, he or she may also be called to a hearing before the Board and may be subject to fines if he or she is found to be in violation of the parking provisions of the Declaration.
13. Any fees and expenses associated with towing a Violating Vehicle from the Community shall be at the sole cost and expense of the Owner of the Violating Vehicle.
14. Notwithstanding any of the foregoing provisions to the contrary, if a Violating Vehicle is parked in such a manner as to (1) block a fire hydrant, fire lane or parking space designated for the handicapped; or (2) block another owner's driveway; or (3) block any entry or exit gate; or (4) pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' Owners or residents of the Community, then the Board may direct the immediate removal of the Violating Vehicle from the Community.
15. NRS 484.450 (1)(c) prohibits stopping, standing or parking within an intersection. The curved sections of the sidewalk and curbs at the intersection of two perpendicular streets are by definition part of the intersection. Due to the safety

hazards posed by parking in these areas, the curved sections of the sidewalk and the curb within any intersection throughout the Community are designated as "No Parking" areas. (Note to BOD – these areas will need to be marked)

16. The Board of Directors has determined the following vehicles are a nuisance and shall not be parked or stored on any Association property (street or any common area):
 - Any Unregistered Vehicles (no plates or temporary registration permit).
 - Any Vehicles with expired registration in accordance with Nevada Law
 - Any Vehicle that has had plates or temporary registration removed (even if the vehicle is properly registered).
 - Any Vehicles leaking fluid in the street.
 - Any inoperable Vehicles
 - Any Vehicles parked facing the wrong direction for traffic.
 - Any authorized passenger vehicle parked in the same location in excess of 72 consecutive hours.
17. The Board of Directors has determined the nuisance vehicles in paragraph 16 above will not be parked in any driveway or yard without written approval from the Board.
18. An Owner's garage door located on the Owner's Lot may be kept open for limited periods of time. An Owner's garage door located on the Owner's Lot shall not remain open overnight. An Owner's garage door located on the Owner's Lot shall not be used as a living space.
19. The Owner of a Unit is responsible for providing notice of this Resolution, as well as any other provisions of the Association's governing documents to the tenants, guests, invitees and contractors. For the purpose of this Resolution, notice to an Owner shall be deemed to be notice to that Owner's tenants, guests, invitees, contractors, for family members of the foregoing.
20. Subject to the law, the Owner of a Units is responsible for the actions and conduct of any occupant, tenant, guest, invitee, contractor or family members of the foregoing.
21. The sanctions and penalties set forth herein are cumulative in nature and do not prevent the Association from taking all necessary legal action to enforce any violation of the Association's governing documents, including seeking injunctive relief.
22. This Resolution shall become effective thirty (30) days from the date of mailing of this Resolution to the Owners within the Community.

Adopted: May 26, 2022

Original Signature on File in Management Office

President

Date

Mandy Quartaro

Printed Name