

**SAN MARCOS AT SUMMERLIN HOMEOWNERS ASSOCIATION  
Parking and Towing Enforcement Resolution**

**AUTHORITY AND PURPOSE OF RESOLUTION:**

**WHEREAS**, the San Marcos at Summerlin Homeowners Association (“the Association”) is a Nevada Non-Profit Corporation duly organized and existing under the laws of the State of Nevada. Nevada law and the Association’s Governing Documents give the Board of Directors the power to adopt, amend, repeal, and enforce reasonable rules and regulations for the use of the Association, including parking thereon; and

**WHEREAS**, Article VII, Section 7.2 of the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for San Marcos at Summerlin (“CC&Rs) governs parking and vehicular restrictions within the Association; and

**WHEREAS**, NRS 116.3102 gives the Board of Directors rule-making authority; and

**WHEREAS**, the Board of Directors determined that it is necessary and beneficial to the Association to address a number of parking concerns affecting the Association. In particular, on-street parking is causing crowdedness on the streets while garage and driveway spaces are available on many lots. The Board of Directors believes that it is in the best interest of the Association to adopt rules pertaining to the parking of vehicles within the community and to provide procedures for enforcement of parking violations and to adopt this Parking and Towing Enforcement Resolution.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED** that, in addition to the restrictions in the CC&Rs and other Governing Documents, the Board adopts the following Parking and Towing Enforcement Rules and Regulations (“Regulations”).

**A. Parking and Vehicular Restrictions**

1. Inoperable Vehicles and Unregistered Vehicles: No inoperable or other similar vehicle of any type may be stored or parked anywhere within the Association, unless that, at all times, the vehicle remains within the Owner’s garage with the garage door closed.

2. Commercial and Recreational Vehicles:

“Commercial Vehicle” shall mean and refer to the following:

(1) any pick-up truck or SUV with a one-ton or more payload capacity that is used by a resident in connection with a business or profession that also displays components attached to it that are exclusively related to that business or profession (e.g., caution,

safety or security light bars, ladders and/or racks, flat beds or heavy duty gates, attached trailers). Mere advertisement signage on the side or rear of such a vehicle or the use of an otherwise passenger sized car or truck in connection with one's occupation will not, by itself, be deemed to constitute a vehicle as a Commercial Vehicle; or

(2) Any vehicle with a Class 4 through Class 8 Gross Vehicle Weight Rating as determined by the United States Department of Transportation (e.g., delivery trucks, large visitor passenger vans, box trucks, tractors, heavy construction vehicles/equipment, dump trucks, tractor-trailer combo).

“Recreational Vehicle” shall mean and refer to any mobile homes, trailers, travel trailers, towable campers, vehicles with bedrooms and/or restrooms or any other motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation and camping, or other vehicles designed primarily for off-road purposes.

3. Other Prohibited Vehicles: Parking of any Commercial Vehicle, Recreational Vehicle, bus, trailer, motor home, or any other similar vehicle within the Association is strictly prohibited, except wholly within the Owner's garage and only with the garage door closed. Mere advertisement signage on the side or rear of such a vehicle or the use of an otherwise passenger sized car or truck in connection with one's occupation will not, by itself, be deemed to constitute a vehicle as a Commercial Vehicle.

4. Street Parking Restrictions: No owner, tenant, or guest shall park their vehicle on the Association's streets between the hours of 10:00 p.m. to 6:00 a.m. During all other hours, residents shall park vehicles in their garage or on their driveway, with no part of the vehicle extending beyond the end point of the driveway, before parking any vehicle on the street. Every owner and owners' tenants shall ensure that any such garage accommodates at least the number of authorized vehicles for which it was originally constructed. Vehicles of owners and tenants may be parked on the street only if the garage and driveway space is utilized first.

The above restrictions shall not preclude the following vehicles from parking on the Association's streets or in the community at large:

(a) Parking of utility service vehicles in visitor parking, designated common area parking or the driveway of the unit of the subscriber or customer while the person is engaged in activity relating to the delivery of public utility services. Utility service vehicles shall have the meaning as set forth in NRS 116.350;

(b) Parking of law enforcement or emergency service vehicles in visitor parking, designated common area parking or the driveway of the unit of the person to whom law enforcement or emergency services are being provided, while the

person is engaged in his or her official duties. Law enforcement and emergency vehicles shall have the meanings as set forth in NRS 116.350.

All owners are responsible for making their tenants and guests aware of the permissible uses and restrictions set forth within these Regulations.

5. Repair and Restoration: Repair or restoration of any vehicle is prohibited on the Association's streets. An owner, tenant, or guest may, however, repair their vehicle solely inside the Owner's garage with the garage door closed.

6. Authority of the Board of Directors: The Board of Directors may also determine, in its sole discretion, that owners, tenants, and their guests shall be required to apply for a street parking permit. An owner or tenant who has outstanding assessments and/or fines may be ineligible to receive a street parking permit for themselves or their guests until the owner or tenant has paid their outstanding assessments and/or fines. The Board of Directors shall create a mechanism for each owner or tenant to apply for a street parking permit if Board adopts the permit requirement.

7. Expired Registration: Pursuant to NRS 706.4477, vehicles may be towed for expired registration, subject to the following: (1) if the vehicle with expired registration belongs to a resident of the community, then the Association or its authorized agent may have that vehicle towed not less than 60 days after the registration becomes expired; or (2) if the vehicle with expired registration belongs to a person who is not a resident of the community, then the Association or its authorized agent may have the vehicle towed on no less than 48 hours pursuant to all other applicable Nevada laws.

## **B. Towing Policy**

1. Any vehicle that is parked, or otherwise immobile or unauthorized, on any street within the Association in violation of the Regulations, CC&Rs, and/or any provisions of the Association's Governing Documents, shall be subject to towing. The Association has the right, but neither the duty nor obligation, to have the violating vehicle towed, subject to the following:

- (a) Before exercising the right to tow the vehicle, the Association or its designee shall post a written notice on the violating vehicle at least forty-eight (48) hours prior to having the vehicle towed.
- (b) The written notice shall state the vehicle is in violation of the Association's parking regulations and if the vehicle is not removed from the street and if it does not otherwise remain compliant with all parking regulations before the expiration of the forty-eight (48) hour notice period, the vehicle may be towed.

- (c) The forty-eight (48) hour notice period applies from the time notice is given and shall continuously run regardless of any intermittent departures or different parking locations within the Association. Such notice shall apply for three (3) months after the expiration of the initial forty-eight (48) hour notice period, such that any violating vehicle that has been given notice is found parked anywhere within the Association at any time after the initial forty-eight (48) hour notice period may be removed without additional notice for a period of up to three (3) months at the Board of Directors' discretion.
- (d) The Association's right to have a violating vehicle towed shall not require any notice (other than the forty-eight (48) hour posting described above) or hearing before the vehicle is removed from the Association. The Board will have the final approval before a vehicle is towed.
- (e) Notwithstanding the above-referenced provisions, any vehicle that is blocking a fire hydrant, designated red zone, fire lane, or parking space designated for individuals with disabilities, or poses an imminent threat of causing a substantial adverse effect on the health, safety, or welfare of the Association's owners and/or residents, may be *immediately* towed at the Board of Directors' discretion without any notice.

2. The vehicle owner shall be responsible for all expenses incurred in the towing and retrieval of a violating vehicle.

3. All inquiries regarding the towing and retrieval of a violating vehicle shall be addressed to the towing company designated by the Board of Directors.

**IN WITNESS WHEREOF**, this Resolution has been executed by the Association as of this 18 day of JUNE, 2018. The undersigned hereby certify that this Resolution has been adopted and approved in accordance with the NRS 116 and the Association's Governing Documents.

**SAN MARCOS AT SUMMERLIN HOMEOWNERS ASSOCIATION**, a Nevada non-profit corporation

By: \_\_\_\_\_  
 Its: Secretary  
 (Print Name): \_\_\_\_\_

By: \_\_\_\_\_  
 Its: President  
 (Print Name): \_\_\_\_\_