

**AMERICAN WEST VILLAGE
OWNERS ASSOCIATION
RULES & REGULATIONS**

II.

RULES AND REGULATIONS

The following Rules are adopted to protect, maintain and enhance property values within the Community and ensure that all Members, Residents and Guests in the Association shall have a pleasant environment in which to live.

RESIDENTIAL USES

1. Units are for residential use only except as provided in Article 8.10 of the CC&Rs.
2. Occupancy under a lease does not constitute membership in the Association, but does allow the Resident to use the Common Elements and binds the Resident to comply with the CC&R's and Rules.
3. It is the Unit owners responsibility to provide their Resident with a copy of the CC&Rs and Rules.
4. Timesharing of a Unit is not permitted. All leases must comply with state law.
5. A copy of each lease must be delivered to the Board of Directors, in care of the Management Company within thirty (30) days of execution of such lease.
6. Owners of a Unit are at all times responsible for the actions of their family members, Residents and Guests.
7. Unit owners are responsible for the cost of repairs resulting from damage to Association property caused by the Unit owner, their family members, Residents, Guests and/or pets, as well as any penalties resulting from violations of the American West Village II Owners Association.

STREETS AND PARKING

1. Each Unit has an individual garage in which to park vehicles. Vehicles may only be parked in the garage of their Unit.
2. Owners share a common driveway and no vehicle of any kind may be parked in the driveway, other than for immediate loading and unloading of said vehicle.
3. Streets within the Community are designated fire lanes by the City of Las Vegas and there is no parking allowed in these areas.

The ARC has forty-five (45) days to approve or disapprove said request provided that the submittal package is complete.

8. The installation of all play equipment in Limited Common Elements requires ARC approval and, in most cases, the ARC submittal package should include a signed Impacted Neighbor Statements. Portable play equipment shall be stored so as not to be visible from streets or Common Elements when not in use. Basketball equipment is not permitted in the Community.
9. Request for antennae, satellite or microwave dish, solar device or any other such device or structure must be approved by the Board of Directors.
10. No lawn or yard decorations including, lights, holiday decoration, etc. are permitted in the common areas.

ENFORCEMENT AND PENALTY FOR VIOLATION

Any and all violations of the CC&Rs and/or Rules and Regulations will be subject to action as provided in the Penalty Policy and Procedure Guide.

ADOPTED 01/97

Replaced w/5/10/17
John Leach Revised

AMERICAN WEST VILLAGE OWNERS ASSOCIATION

BOARD OF DIRECTORS RESOLUTION

Towing of Vehicles Improperly Parked in the Community

Adopted 3/11/15

WHEREAS, the American West Village Owners 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 in pertinent part that:

Subject to the provisions of the declaration and except as otherwise provided in NRS 116, the association [m]ay direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038 or improperly parked on any road, street, alley or thoroughfare within the common-interest community in violation of the governing documents... 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, 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 III, Section 3.5 of the Declaration of Covenants, Conditions and Restrictions and Grant and Reservation of Easements for American West Village Owners Association (the "Declaration") provides that the rights and easements of use and enjoyment of the Common Elements created by this Declaration shall be subject to the Restrictions which include, without limitation...the right of the Board to establish uniform Rules and Regulations for the use of the Common Elements;

WHEREAS, Article I, Section 1.15 of the Declaration provides in pertinent part that the "Common Elements includes the private streets and driveways;

WHEREAS, Article VIII, Section 8.2 of the Declaration provides, in pertinent part, as follows:

No Owner shall park, store or keep within the Property any inoperable, unlicensed or unregistered vehicle or any commercial type vehicle (including, but not limited to, any dump truck, cement mixer truck, oil or gas truck or delivery truck) unless said inoperable, unlicensed, unregistered or commercial vehicle can be stored in the garage of the Unit. There is no recreational vehicle parking area. Thus, no owner shall park, store or keep on his Unit any recreational vehicle (including, but not limited to, any camper unit, house/car or motor home); any bus, trailer, trailer coach, camp trailer, boat, aircraft or mobile home (the "Recreational. Vehicle"); unless the Recreational Vehicle is stored in the garage of the Unit. The definition of Recreational Vehicles excludes camper trucks and similar vehicles up to and including three-quarter (3/4) ton when used for everyday-type transportation and subject to approval by the Board.

Inasmuch as the owners share a common driveway, which is a Common Element, no vehicle, of any kind or type, may be parked in the driveway, other than for immediate loading or unloading of said vehicle. An owner of a Unit is responsible for notifying any Family member or Guest of this provision and any such violation will be enforced against the owner whose Family or Guests violate this provision. Guest parking has been provided throughout the Association and Guests shall park in those designated areas. In addition, no moving vans, delivery trucks, service vehicles or other large vehicle or truck are permitted on the Common Element driveways. Any damage to the driveway due to an owner's, or his agent's, Family's or Guest's, violation of this provision shall be assessed against the owner and treated as a Special Assessment as set forth in Article V hereof.

In addition, no owner shall park, store, or keep anywhere within the Property any vehicle or vehicular equipment, mobile or otherwise, deemed to be a nuisance by the Board. The Board shall have the power to enforce all parking and vehicle use restrictions applicable to the Property, including the power to remove violating vehicles from any of the Property to the extent permitted by applicable law.

WHEREAS, pursuant to NRS 116.3103(1), the Board of Directors (the "Board") of the Association are fiduciaries and shall act on an informed basis in good faith and the honest belief that their actions are in the best interest of the Association, which necessarily includes enforcing the Association's governing documents in a manner that is consistent with the ordinary and reasonable care of directors of a corporation subject to the business-judgment rule;

WHEREAS, the Common Element streets within the Association are designated as fire lanes and thus cannot be used for vehicle parking; the Declaration prohibits parking on the Common Element driveways other than for immediately loading and unloading; and the number of parking spaces located on the Common Element streets for guest parking is limited;

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

WHEREAS, the Board has deemed it to be in the best interest of the American West Village Owners Association (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 to remove vehicles improperly parked on the Common Elements;

WHEREAS, Article IV, Section 4.3(k) of the Bylaws of American West Village Owners Association (the "Bylaws") provides, in pertinent part, as follows:

The power and duty to adopt such Rules and Regulations as the Board may deem necessary for the management of the Property, which Rules and Regulations shall become effective and binding after (1) they are adopted by a majority of the Board at a meeting called for that purpose, or by the written consent of the Board in accordance with Section 4.13 of these Bylaws, and (2) they are distributed to the Members. Such Rules and Regulations may concern, without limitation, use of the Common Elements; signs; parking restrictions; ... and any other matter within the jurisdiction of the Association as provided in the Declaration; provided, however, that such Rules and Regulations shall be enforceable only to the extent that they are consistent with the Declaration, the Articles of Incorporation and these Bylaws.

NOW, THEREFORE, it is hereby resolved that the Board adopts the following policy and procedure for Towing of Vehicles Improperly Parked in the Community ("Towing Policy") for implementation as follows:

1. **Resident Vehicles:** All Resident vehicles must display a parking tag ID and be on file with the Board or its designated agent ("Registered Vehicles"). Due to the limitations on parking within the Property, a Resident may only park, in the parking spaces located on the Common Element streets, the number of Registered Vehicles in excess of the number of vehicles the Resident's garage is designed to accommodate. Excess Registered Vehicles parked on the Common Element may be towed. For example, if a Resident has 4 vehicles and the Unit has a 2 car garage, then 2 of the Resident's Registered Vehicles may be parked in the parking spaces on the Common Element streets.. A 3rd Resident vehicle parked in a parking space would be subject to towing.
2. **Guest Vehicles:** All guest vehicles must be issued a Guest Parking Pass. The Resident is responsible for obtaining the Guest Parking Pass and renewing it as required. Guests may park only in the parking spaces located on the Common Element streets or in the Resident's garage. If parking is not available in either location, guests must park on the public streets outside the Association. Improperly parked guest vehicles may be towed.
3. **Valid Tags or Passes Required.** Any vehicle parked on the Common Elements, which include the streets, driveways and parking spaces, without a valid parking tag ID or guest parking pass may be towed.
4. **Parking Spaces.** Vehicles parked in the parking spaces must be parked forward, front end in. Backing into the spaces is not permitted. Improperly oriented vehicles may be towed.
5. **Prohibited Types of Vehicles.** No inoperable, unlicensed or unregistered vehicle, no commercial vehicles and no recreational vehicles as defined in Article VIII, Section 8.02 of the Declaration may be parked in the Association other than in a garage and may be towed if parked on the Common Elements. An inoperable vehicle is a vehicle which reasonably appears to have been abandoned or which is in an obviously mechanically inoperable condition, which may include but is not limited to, a vehicle with flat or missing tires, a vehicle elevated on ramps or jacks, or a vehicle lacking other component parts necessary for normal operation. An unlicensed vehicle is one that requires, but lacks, a license plate. An unregistered vehicle is a vehicle which is required to display, but does not display, a current registration sticker.
6. **Improperly Parked Vehicles Subject to 48 Hour Courtesy Warning.** Vehicles as described in paragraphs 1-5 above ("Violating Vehicles"), and not subject to immediate tow as explained in paragraph 8 below, will have a

Courtesy Warning Notice ("CWN") posted to the vehicle, indicating that the Violating Vehicle will be towed unless the violation is corrected within forty-eight (48) hours from the date and time of the notice. If the Violating Vehicle is not removed and the violation corrected within 48 hours of the date and time of the posted CWN, the Violating Vehicle is subject to tow at the vehicle owner's expense.

7. **Repeat Violations.** 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 or this Towing Policy within fifteen (15) days of issuance of the CWN, 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. This provision is intended to prevent the "violation-cure-violation" cycle. If the violation is cured for more than fifteen (15) days and the Violating Vehicle is found to be in violation thereafter, then the Violating Vehicle shall receive a second CWN (the "Second CWN") and the Violating Vehicle shall be given an opportunity to cure the violation consistent with the provisions of Paragraph 6, herein
8. **Improperly Parked Vehicles Subject to Immediate Tow.** The 48 hour CWN is not applicable to the following types of violations which may be subject to immediate tow: (1) parking in a fire lane (please be advised that all Common Element streets are fire lanes); (2) blocking a fire hydrant or handicapped parking space; (3) parking on a Common Element street, driveway or parking space in such a manner as to constitute an imminent threat of causing a substantial adverse effect on the health, safety and welfare ("HSW") of the residents. The Board has determined that parking on a driveway so as to block vehicular ingress or egress to the Units served by that driveway is a HSW violation subject to immediate tow.
9. **Unit Owner Responsible for Conduct of Others.** Pursuant to NRS 116.31031 and Article VIII, Section 8.02 of the Declaration, an Owner is responsible for ensuring that his/her guests, family members, invitees and tenants and the tenant's family members, guests and invitees understand and follow the Association's governing documents including the rules regarding parking and this Towing Policy. If a Violating Vehicle receives a Second CWN, if multiple CWNs are issued to Violating Vehicles associated with a Unit, or if a Violating Vehicle is towed immediately without notice pursuant to paragraph 8 above, the Owner of the Unit associated with the Violating Vehicle will receive a copy of the notice(s) and/or correspondence notifying him/her of the immediate tow and may, after notice and hearing, be subject to fines.
10. The Board may appoint agents and/or select vendors to administer and implement this Towing Policy.

This Resolution shall become effective thirty (30) days from the date of mailing of this Resolution to the Unit Owner at his/her mailing address of record and the occupant at the Unit address, if different and will supersede all towing resolutions previously adopted.

DATED this _____.

American West Village Association

By: [Signature] Sec/Treasurer
Signature and Title

By: [Signature]
Signature and Title

By: Kathleen Cook President
Signature and Title

Resolution – Parking/Towing 12/10/2014