

# **San Severo Homeowner Association**

## **Parking Rules**

### **Adopted May 6, 2019**

WHEREAS, the San Severo 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 . . . adopt and amend bylaws, rules and regulations;"

WHEREAS, NRS 116.3102 (1) (s) provides that, "subject to the provisions of the declaration, the association may . . . direct 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 or 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 9, Section 9.23 of the Supplemental Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements for San Severo (the "Declaration") gives the Association the authority and the ability to establish "parking" and/or "no parking" areas within the Common Elements, and to establish Rules and Regulations governing such matters, as well as to enforce such parking rules and limitations by all means lawful for such enforcement on private streets, including the removal of any violating vehicle, by those so empowered, at the expense of the Owner of the violating vehicle.

WHEREAS, pursuant to NRS 116.3013(1), the Board of Directors (the "Board") of the Association has a 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-judgment rule;

WHEREAS, the Board has installed signs in plain view throughout the Community 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 Board wishes to adopt the following rules (the "Rules") in order to memorialize the parking policy within the Community and the procedures to be utilized by the Board in removing improperly parked vehicles from the Community.

**A. REGISTRATION OF VEHICLES**

1. All vehicles must have current registration displayed on vehicle.
2. Each Unit Owner and/or Resident who owns any vehicles that are parked within the community shall complete a vehicle parking registration form which is enclosed for each and every vehicle.
3. If a vehicle is sold and is replaced with another vehicle, the Owner and/or Resident shall within forty-five (45) days complete a vehicle registration form and remit a copy of their current registration form from the DMV for the vehicle.
4. If this information is not submitted to the Association, a letter shall be sent to the Unit Owner requesting the vehicle parking registration form. After the fourteen (14) days notice, if the requested information is not received, the Board may assess a fine against the Unit Owner for non-compliance each week per the fine regulations of the Association.

**B. PARKING RULES/TOWING POLICY**

1. All vehicles, including motorcycles, must be registered with the Association's community management office. Unregistered vehicles may be towed at the Owner's expense. All Residents are required to park at least one vehicle in their garage and two vehicles in the driveway. Garages may not be used for any purpose that would preclude parking at least one vehicle in the garage was designed to hold.
2. If the Owner/Resident has more than three (3) vehicles and/or if vehicles will not fit within the garage/driveway, they may apply for a variance request for a special parking permit to be allowed to park in the street overnight.
3. Each Owner/Resident will be provided with one (1) guest parking pass. All guest vehicles parked on the San Severo property between Midnight and 5:00 a.m. must display the guest pass. Any Owner/Resident that misuses a guest pass will be fined \$100.00 per occurrence after providing notice and an opportunity to be heard. Guest passes may not exceed 14 days within a thirty (30) day period. Extensions may be granted by special request through the Association's management company.
4. Any vehicle parked on the street between Midnight and 5:00 a.m., without a clearly displayed guest parking pass or a special street parking pass, will receive a 48-hour plate specific written notice (the "Notice") of the parking violation on the vehicle that is improperly parked ("Violating Vehicle"). The Notice shall, among other things, notify the owner or operator of the Violating Vehicle of the nature of the violation of the Declaration or the Association Rules.
5. The forty-eight (48) hour Notice applies from the time notice is given and shall run, regardless of any intermittent departures or different parking locations within the Community. Such Notice shall apply for ninety (90) days after the lapse of the initial forty-eight (48) hours, such that any Violating Vehicle that has been given Notice is found unlawfully parked anywhere in the Community at any time after the lapse of the initial forty-eight (48) hours' Notice may be removed without additional Notice for a period up to ninety (90) days, at the Board's discretion.
6. Any Owner/Resident requesting a variance parking pass for street parking will be responsible for a garage inspection fee by an independent third party.

7. Repair work, oil changes, and similar work on personal vehicles must be done within garages or off premises. Inoperable vehicles, vehicles without current registration plates displayed, or abandoned vehicles will be issued a 48-hour tow notice. Any vehicle not moved within a 72-hour period shall be considered abandoned or inoperable and is subject to towing at the Owner's expense.
8. Garage doors are to remain closed except for vehicle ingress and egress or during those intervals when an Owner/Resident is working in the garage.
9. Large commercial vehicles, any recreational vehicle as defined in Article 9, Section 9.23 (a) of the Declaration, recreational vehicles, buses, trailers, boats and other similar type vehicles may not be parked anywhere within the Community unless the vehicle fits entirely within the Owner/Resident's garage or parked within garages or if adequately screened from view. Parking an recreational vehicle, boat, commercial vehicle or other similar vehicle in the garage is not permitted if parking that vehicle in the garage can only be accomplished by moving more than one (1) passenger vehicle or other common type car or truck from the garage into the street.
10. If a Violating Vehicle is parked in such a manner as to (1) block a fire hydrant, fire lane and/or red curbs, or parking space designated for the handicapped; or (2) 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. For the purpose of this provision, the Board has determined that any vehicle parked in such a manner as to impede or restrict the natural flow of street traffic, including blocking the entrance way into or the exit out of the complex, blocking a garage driveway, or overnight parking in the Common Driveways, poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the Owners or residents of the Community. The vehicle is subject to **immediate tow** at the Owner's expense
11. 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.
12. The Owner of a Unit is responsible for providing notice of these Rules, as well as any other provisions of the Association's governing documents to the tenants, guests, invitees and contractors. For the purpose of these Rules, notice to an Owner shall be deemed to be notice to that Owner's tenants, guests, invitees, contractors, or family members of the foregoing.
13. The sanctions and penalties set forth herein are cumulative in nature and do not prevent the Association from taking all necessary administrative or legal action to enforce any violation of the Association's governing documents, including seeking injunctive relief or imposing fines after notice and a hearing.
14. Replacement guest passes will cost \$250.00.
15. Speed limit in the community is 15 mph.

Approved by the Board of Directors,  
May 6, 2019

  
Secretary of San Severo