

# TIDES II HOMEOWNERS ASSOCIATION

## VEHICLE PARKING POLICY

ADOPTED: AUGUST 3, 2020

**WHEREAS**, Tides II 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 the Association "may adopt and amend rules and regulations";

**WHEREAS, NRS 116.3102 (1)(s)** provides that 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, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents." In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, 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, pursuant to NRS 116.3103(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, ARTICLE III, Section 3.6** of the Declaration provides that the Association "shall, from time to time, adopt, establish, and publish such general Rules and Regulations as the Association may deem reasonable in connection with the use of the Common Elements."

**WHEREAS, ARTICLE III, Section 3.8** of the Declaration provides that the Association "shall have the right to grant permits and licenses over the Common Elements [...]"

**WHEREAS, ARTICLE IX, Section 9.2** of the Declaration reads, in pertinent part, as follows:

*No Person shall park, store, or keep any vehicle on any Shared Driveway in such a manner as to obstruct access to any lot [...] served by the Shared Driveway, and the Board is hereby granted the power to adopt such Rules and Regulations [...] as it deems necessary or desirable, which may, without limitation, further restrict parking on the Shared Driveways or prohibit parking on the Shared Driveways altogether.*

*No Owner shall park, store, or keep within the Property any inoperable or commercial type vehicle unless said inoperable or commercial type vehicle is stored in the garage on the Lot.*

*Further, no Owner shall park, store, or keep on his Lot any recreational vehicle; any bus, trailer, trailer coach, camp trailer, boat, aircraft or mobile home, or any other similar vehicle, without the approval of the Board, unless such vehicle is stored in a garage on the Lot.*

*Owner's and Resident's vehicles may be subject to registration with the Association.*

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*The Board shall have the power to enforce all parking and vehicle use restrictions applicable to the Property, including the power to tow or remove violating vehicles from the Property, with or without notice, to the fullest extent permitted by applicable law.*

**WHEREAS**, it is the intent that these rules and regulations shall be applicable to any persons who enter upon the Properties and park within the Association and/or on the Association's private streets;

**WHEREAS**, the Association Property is any street, park, or Common Element as defined in Article I of the Declaration;

**NOW, THEREFORE**, it is hereby resolved that the Board of Directors of Tides II Homeowners Association hereby adopts the following Parking Policy and procedure for implementation within the Community, superseding any prior rules and regulations pertaining to such:

**PARKING RULES & REGULATIONS**

1. Any vehicle parked on the street between the hours of 10:00pm and 6:00am must have a "Street Parking" decal or "Visitor" permit. Any vehicle without a decal or permit will be deemed in violation, and subject to being tagged for tow at the vehicle owner's expense. No "Street Parking" decal or "Visitors" permit is required between 6am-10pm.
2. No vehicle may be parked, for any period of time, within a hammerhead or cul-de-sac area, which are designated areas for emergency vehicle access only. No vehicle, or portion thereof, shall park in areas designated with red curbing or marked as "Fire Lane" or "No Parking". Any vehicle parked in such a manner is subject to immediate removal from the Association at the sole expense of the vehicle owner.
3. No vehicle may be parked, for any period of time, on any Shared Driveway.
4. Vehicles shall not be parked on the street for periods longer than seventy-two (72) hours without prior approval from Management.
5. Residents shall comply with the terms and conditions of this parking policy and shall register their vehicle(s) with the Management office, and provide updates when applicable (updated registration, new tenant, new license plate, etc.).
6. Street parking is intended for visitors and those residents who have filled their garage and driveway space as required per these Parking Rules and have a valid "Street Parking" decal.
7. Residents must utilize garage space for parking to the full extent intended by design (ex: a 2-car garage must have sufficient room to park 2 vehicles within), and must use the driveway for parking overflow (excepting units with a Shared Driveway), before utilizing street parking, with a valid "Street Parking" decal. No "Street Parking" decal will be issued until a garage inspection is conducted by management.
8. Visitors must utilize the "Visitor" parking permit assigned to the unit to park on the street. "Visitor" permits will be issued only upon receipt of the Homeowner Information Form being submitted to the Management office, signed by the unit owner or authorized representative, and inclusive of all resident and resident vehicle information.

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9. Residents in units with a Shared Driveway that have filled their 2-car garage space will be granted up to two (2) "Street Parking" decals for vehicles to be parked in the street. "Street Parking" decals will only be issued upon Management conduction of a garage inspection, and receipt of the required application and supporting documentation for each vehicle and resident.
10. No unauthorized vehicle, or portion thereof, shall park in front of any driveway in a manner that would impede vehicle ingress or egress from any driveway, nor shall any vehicle, or portion thereof, be parked in the yard, on landscape, or any other area not specifically designed for a vehicle to be parked.
11. No vehicle shall be parked, maintained, or stored in a manner which may interfere with ingress to and egress from an intersection, emergency entrances (crash gates), or other common property.
12. No vehicle, or portion thereof, shall park in a manner so as to impede the flow of pedestrian or vehicular traffic. This is inclusive of vehicles parked in a Unit driveway, on which the entire length of the vehicle (bumper to bumper) must be wholly contained within the driveway boundaries, and may not encroach on curbs, streets, landscape, or sidewalk.
13. No vehicle, or portion thereof, shall park within fifteen (15) feet of a fire hydrant, nor within twenty (20) feet of an intersection so as to avoid a view obstruction to other drivers.
14. No vehicle shall park in a manner so as to be against the flow of vehicular traffic.
15. No vehicle shall park in front of or within five feet (5') of any mailbox, with the exception of sending or collecting one's mail.
16. All vehicles on the Property who are parked within public view shall display current and proper vehicle registration.
17. Vehicles parked on Retriever Avenue may be parked only within the marked spaces on the North side of the street.
18. No vehicle shall be operated in such a manner so as to cause damage to any element of the Association, including, but not limited to, vehicle gates, landscape, block walls, or any other Association-owned element.
19. Garages shall be kept closed at all times except as reasonably required to permit ingress to and egress from the interior thereof.
20. Recreational-type vehicles or equipment shall not be parked, stored, or kept on a Lot or Association Property except when parked wholly within the garage, or for a period of not more than twenty-four (24) hours in any seven (7) day period for the limited purpose of loading or unloading the vehicle. No pop-outs or extensions may be extended or opened during this time, nor may the vehicle be connected to any residence or utility at any time. This includes, but is not limited to, any camper, camper trailer, camper shell, motorhome, mobile home, tent trailer, trailer, bus, or boat.

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21. No inoperable or dismantled vehicles, vehicles in a state of disrepair, or vehicles with expired registration or non-operational registration may be parked within the Properties at any time, except when enclosed wholly within the garage of the Unit.
22. No vehicle may leak or otherwise expel fluid of any kind onto the streets or any other Association property. The owner of the Unit will be subject to enforcement action, which may include assessment in the amount charged by a service provider to remediate any damage caused by any vehicle confirmed to be leaking fluid onto any street or other Association property, and is subject to removal by the Association at the sole expense of the vehicle owner if the vehicle is not promptly removed after notice by the Association or authorized representative of the Association.
23. A vehicle shall be deemed abandoned and towed within forty-eight (48) hours of a notice posted thereupon if:
  - a. The vehicle is parked on the street without a proper decal or permit.
  - b. The vehicle is in a state of disrepair rendering it incapable of being driven in its present condition.
  - c. The vehicle does not have current registration or is otherwise inoperable or disabled.
  - d. The acts of the owner and condition of the vehicle indicate that the vehicle has been abandoned.

**"STREET PARKING" DECALS**

1. Parking Decals and Permits will be disbursed at the discretion of the Board to a Unit's Owner. "Street Parking" decals will be issued only following receipt of the completed application, completion of a garage inspection to ensure utilization of all parking spaces within, receipt of required documentation, and for vehicles that provide proof of valid and current registration and insurance to the Unit's address within the Community.
2. Any "Street Parking" decal may be revoked if any provision of this Parking Policy is violated, or for other reasons as may be determined by the Board. Misuse of the decal shall also subject the Unit Owner to enforcement action by the Board, which may include monetary penalties.
3. "Street Parking" decals shall be displayed on the driver's side of the front window (windshield), and must be visible from the exterior of the vehicle. "Street Parking" decals may not be taped to the window, nor transferred between vehicles. Any vehicle not registered to the "Street Parking" decal currently displayed will be deemed as stolen, and the vehicle subject to immediate removal, without notice, at the vehicle owner's expense.
4. Any lost or stolen "Street Parking" decal shall be immediately reported as such to management and will be immediately de-activated. Any vehicle found utilizing a "Street Parking" decal shall be immediately removed from the Property, without prior notice, at the vehicle owner's expense.
5. The cost for replacement of a "Street Parking" decal shall be \$50.00, subject to approval by the Board of Directors, and may require re-submission of documentation to management prior to issuance.

**"VISITOR" PARKING PERMITS**

1. Each residence will be issued one (1) "Visitor" parking permit and may be utilized only for visitors or guests of the resident.
2. No resident vehicle may use a "Visitor" parking permit. Any resident vehicle found to be utilizing a "Visitor" permit shall be noticed and removed from the Property, at the vehicle owner's expense. Misuse of the "Visitor" permit shall also subject the Unit Owner to enforcement action by the Board, which may include monetary penalties. Any "Visitor" parking permit may be revoked if any provision of this Parking Policy is violated, or for other reasons as may be determined by the Board.
3. "Visitor" permits shall not be used by any vehicle for a period longer than seventy-two (72) hours. Exceptions will be considered on a case-by-case basis and require written authorization by the Board of Directors
4. Unit Owners are responsible to ensure compliance with this Parking Policy, and all other provisions of the governing documents by their residents, occupants, tenants, guests, invitees, family members, and vendors, and must inform each of the restrictions in place.
5. "Visitor" parking permits shall be hung from the rearview mirror facing outward, or displayed on the driver's side dash area of the front window (windshield), and must be visible from the exterior of the vehicle.
6. Any lost or stolen "Visitor" parking permits shall be immediately reported as such to management and will be immediately de-activated. Any vehicle found utilizing a "Visitor" parking permit shall be immediately removed from the Property, without prior notice, at the vehicle owner's expense.
7. The cost for replacement of a "Visitor" parking permit shall be \$50.00, with a limit of one (1) per unit, subject to approval by the Board of Directors.

**PARKING ENFORCEMENT PROCEDURE**

If any Unit Owner, Resident, Tenant, Visitor, Guest, Invitee, or Vendor of the Unit Owner parks any vehicle in violation of the aforementioned provisions of the Declaration or of this Resolution, as may be amended from time to time, then the Board, or its authorized agent acting on behalf of or at the direction of the Board, shall implement the below enforcement procedures, in accordance with the Tides II Homeowners Association's Compliance Policy, as appropriate.

1. Immediate Removal of Vehicle
  - a. In instances described herein where an improperly parked vehicle ("Violating Vehicle") poses a threat to the health, safety, or welfare of residents within the Association, the Board or its authorized agent acting upon the direction of the Board, may direct the Association's contracted towing vendor to immediately remove said vehicle, at the sole expense of the vehicle owner.
  - b. Signage shall be clearly posted within the Association identifying the name and contact information for the Association's contracted towing vendor.

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2. Notice

- a. Written notice of the parking violation may be placed on the Violating Vehicle. The Notice will demand that the Violating Vehicle be removed within forty-eight (48) hours of placement of the notice on the Violating Vehicle. If the Violating Vehicle is not removed within the required timeframe, the Board may authorize the removal of said vehicle.
  - i. If the Violation Vehicle is moved within forty-eight (48) hours after posting of the notice, but is again parked in such a manner so as to violate the Association's Declaration or this Resolution within ninety (90) 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 removed without further notice. This provision is intended to prevent the violation-cure-violation cycle.
  - ii. If the violation is cured for a period extending beyond ninety (90) days and the Violating Vehicle is found to be in violation thereafter, then a second notice shall be issued, and the Violating Vehicle will be given the opportunity to cure the violation, consistent with the provisions of Paragraph i. of this section.
- b. Written Notice will also be mailed to the Unit Owner notifying the Owner of the improperly parked vehicle associated with the Unit in accordance with the Association's Compliance Policy.
- c. Any vehicle found parking in a manner posing a threat to the health, safety, and welfare of the Residents and Guests of the Association shall cause a Hearing Notice to be sent to the Unit Owner to appear before the Board and address the matter in person, or by submission of a written statement providing information on the matter. In accordance with the Association's Compliance Policy, the Board may pursue action inclusive of levying a fine not restricted to limitation on amount, but that matches the severity of the issue, as well as the suspension of voting rights, revocation of use of utilize the common areas, and possible legal action.

Hearing results shall be sent to Unit Owner in writing within ten (10) days of the meeting with the Board's decision.

3. Any and all fees and expenses associated with towing a Violation Vehicle from the Association shall be the sole expense of the vehicle owner.
4. The Unit Owner is responsible for providing notice of this Resolution, as well as any other provisions of the Association's governing documents, to all residents, tenants, guests, invitees, and vendors. For the purpose of this Resolution, notice to the Unit Owner shall be deemed to be notice to that Unit Owner's residents, tenants, guests, invitees, and vendors.
5. Subject to any limitations or restrictions with Nevada law, the Unit Owner is responsible for the actions and conduct of any occupant, resident, tenant, guest, invitee, or vendor, or family member of the foregoing.

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6. The sanctions and penalties set forth herein are cumulative in nature and do not prevent the Association from taking all necessary action, inclusive of legal action, to enforce the Association's governing documents, including seeking injunctive relief.
7. This Resolution shall become effective thirty (30) days from the date of mailing of this Resolution to the Owners within the Association, and will supersede all prior parking rules, regulations, resolutions, or policies.

**DATED** this: 03 day of August, 2020

Luris Jimenez President  
Board Member Name & Title

Luris Jimenez  
Signature

Lawrence Mullen Treasurer  
Board Member Name & Title

Lawrence Mullen  
Signature

Adam Wilner Secretary  
Board Member Name & Title

Adam Wilner  
Signature