

**RESOLUTION OF THE BOARD OF DIRECTORS  
FOR THE MONTARA III HOMEOWNERS ASSOCIATION**

**Parking Enforcement Policy 2021**

Pursuant to the Montara III HOA CC&Rs dated July 18, 2006 and recorded in the Office of the County Recorder of the Clark County, Nevada. The following policy will be implemented:

**WHEREAS**, the Montara III Homeowners Association is a Nevada corporation duly organized and existing under the laws of the State of Nevada;

**WHEREAS**, Article 6, Section 6.2 (a) of the Bylaws of the Montara III Homeowners Association The board shall have the power to exercise for the Association all powers, duties and authority vested in the Association and not reserved to the members by other provision of these Bylaws, the Articles, the Declaration, or Chapters 82 or 116 of the Nevada Revised Statutes.

**WHEREAS**, Article 6, Section 6.2 (c) of the Bylaws of the Montara III Homeowners Association The board shall have all other powers and duties necessary for the administration of the affairs of the Association and for the enforcement of the provisions of the Articles, these Bylaws and the Declaration.

**WHEREAS**, Article 3, Section 3.2 of the CC&Rs maintains No Owner shall park, store or keep within the Property and inoperable or commercial type vehicle unless said inoperable or commercial vehicle can be stored in the garage of the Lot. No Owner shall park, store or keep any vehicle in any area on the lot except for the driveway, garage or streets. If an Owner chooses to park, store, or keep a vehicle on the street, the owner is responsible for ensuring that all applicable statutes, regulations and ordinances are complied with. 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 property to the extent permitted by applicable law.

**WHEREAS**, NRS 116.3102 2 (s) gives the Association through its Board of Directors the authority to direct the removal of vehicles improperly parked on property owned or leased by the Association (i.e., common area) in violation of the governing documents of the Association provided written notice is posted in a conspicuous place on the vehicle or written or oral notice is provided to the owner or operator of the vehicle at least 48 hours before the Association may tow the vehicle.

**WHEREAS**, NRS 116.3102 2 (s) further provides that the Association through its Board of Directors may direct the immediate removal of a vehicle that 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."

**NOW, THEREFORE, BE IT RESOLVED THAT** the Montara III Homeowners Association establishes and adopts the following resolution in regard to establishing a towing policy for the removal of improperly parked vehicles:

1. **RESIDENT Parking is not permitted on the streets within the community without a parking pass.** Parking will be permitted on the sidewalk side of the streets within the community only unless the street curb is painted red. Any guest that parks a vehicle on the street is required to display a Parking Pass that can be obtained from management. The parking pass must be clearly visible on the vehicle's dashboard. Vehicles that do not display a Parking Pass will be tagged and then towed if not moved within 48 hours. Guest parking passes will also be issued by contacting management a guest pass is limited to a period no longer than consecutive 5 days. Homeowners can contact the community manager to obtain an extension.

2. There shall be no street parking within ten (10) feet of any corner or stop sign, within the community as indicated by the red painted curb.
3. It is the intent that this rule shall be applicable to all owners, tenants, guests, invitees, or any others who enter upon the property. However, it is the clearly stated intent of the Association through its Board of Directors to hold the Owner of the unit responsible for all acts of tenants, guests or invitees. Any costs of enforcement, including but not limited to towing fees, storage charges, recovery charges, and fines, will be the responsibility of the unit owner.
4. The Montara III Homeowners Association and its Board of Directors will not be liable for damages reported or incurred to the vehicle(s) or for items reported as missing from them.
5. Any vehicle that is parked in the streets or overflow parking area that is inoperable, unregistered, and/or not capable of being used on the streets of Nevada will be towed according to the requirements of NRS 487.038 with 48 hour notice.
6. Any commercial-type vehicle (including but not limited to dump, cement, oil, gas, or delivery truck or like vehicle), recreational-type vehicle (including but not limited to camper, mobile home, travel trailer, or like vehicle), trailer, trailer coach, camp trailer, bus, boat, boat trailer, ATV or other similar equipment that is parked, maintained, constructed, reconstructed or repaired on the streets or other common area will be towed with 48 hour notice.
7. Except in the event of an emergency or as may be necessary for the performance of authorized repair or maintenance of common areas, no vehicle or maintenance equipment of any type (including dumpsters) may be parked on any street even temporarily (less than 24 hours) without the specific written consent of the Board of Directors, which consent will not be unreasonably withheld and may be obtained through the Association's management company.
8. Should any vehicle continue to be improperly parked after having been provided the required 48 hours' notice, regardless of time frame after the initial tagging, notice will be deemed as been given and the vehicle will be immediately towed without further notice.
9. All vehicles parking on street must utilize common areas space and attempt not to utilize parking in front of neighbor's house.
10. Additional permits- All owners requesting additional permits will need to do so in writing to management. Request will be forwarded over to the Board of Directors for review. Each will be presented to the Board of Directors on a case by case situation. No owner is guaranteed additional permits. Any owner granted additional permits MUST utilize garage and/or driveway as a condition of additional permits. If this condition is found to be disregarded, new permits will be voided immediately, and owner may be towed at owners' expense.

**APPROVED AND ADOPTED** by the Board of Directors on this \_\_\_\_<sup>th</sup> day of January 2021.

**IN WITNESS WHEREOF**, we, Angela Brock, Nicole Agudelo, and Igal Ben Yair being the duly appointed President, Secretary, and Treasurer of the Montara III Homeowners Association, respectively, have hereto subscribed our names.

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**Angela Brock, President**

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**Date**

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**Nicole Agudelo, Secretary**

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**Date**

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**Igal Ben Yair, Treasurer**

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**Date**