DAYTON VALLEY COMMUNITY ASSOCIATION
BOARD OF DIRECTORS RESOLUTION
RE: TOWING OF VEHICLES IMPROPERLY PARKED IN THE DEVELOPMENT

WHEREAS, the Dayton Valley Community 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 … [m]ay adopt and amend rules and regulations;"

WHEREAS, NRS 116.3102 (1) (s) provides that, "subject to the provisions of the declaration, 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 … 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 4, Section 4.15 of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Dayton Valley Community Association (the "Declaration") restricts vehicles and parking within the Development;

WHEREAS, Rule 16 of the Rules and Regulations of Dayton Valley Community Association ("Rules"), revised February 21, 2018, further clarifies and regulates parking in the Development;

WHEREAS, the Association is a common-interest community which is gated and the access to which is restricted or controlled by a device and therefore, pursuant to NRS 116.350(1), the Association has the authority to remove vehicles improperly parked on the streets within the Development;

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 deemed it to be in the best interest of the Development to approve a resolution 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 Development;

WHEREAS, the Board wishes to adopt the following resolution (the "Resolution") in order to memorialize the procedures to be utilized by the Board in removing improperly parked vehicles from the Development.

NOW, THEREFORE, it is hereby resolved that the Board of the Association hereby adopts the following towing policy and procedure for implementation within the Development:

1. If an Owner, occupant, tenant, guest, invitee, contractor or any family member of the foregoing park a vehicle in the Common Area, including the private streets, in violation of the Declaration and Rules, as may be amended from time to time, then any agent acting on behalf of or at the direction of the Board, which may include the tow operator, shall place written notice (the "Towing Notice") of the parking violation on the vehicle that is improperly parked ("Violating Vehicle"). The Towing Notice shall, among other things, notify the owner or operator of the Violating Vehicle of the date and time after which the vehicle will be towed and the nature of the violation of the Declaration or the Association Rules. If the violation is not remedied within forty-eight (48) hours of placement of the Towing Notice on the Violating Vehicle, then the Board shall direct the removal of the Violating Vehicle from the Community.

2. The 48 hour notice period on the Towing Notice commences from the time the notice is affixed to the Violating Vehicle and shall run, regardless of any intermittent departures or different parking locations within the Development. Such Towing Notice shall be deemed to apply to any Violating Vehicle that has been given the Towing Notice, and is found unlawfully parked anywhere in the Development. At any time after the lapse of the Towing Notice, the Violating Vehicle may be removed without an additional Towing Notice for a period up to six (6) months. Notwithstanding the foregoing, once a vehicle has been towed based on a prior Towing Notice the Association will start the process over with a new Towing Notice.

3. Notwithstanding any of the foregoing provisions to the contrary, if a Violating Vehicle is parked in such a manner as to (1) block a fire hydrant, fire lane 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 Lot Owners or residents of the Development then the Board may direct the immediate removal of the Violating Vehicle from the Development.

4. 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.

5. 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.

6. The Board has installed signs in plain view throughout the Development declaring that parking is restricted, which signs include the phone number of the police department, in accordance with NRS 487.038 (1).

7. This Resolution shall become effective thirty (30) days from the date of mailing of this Resolution to the Owners.

DATED this 8 of JAN, 2020.

DAYTON VALLEY COMMUNITY ASSOCIATION

By: _____
Its: President

By: _____ 01-08-2020
Its: Secretary