

Limitations on Parking Regulations

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In the October issue of *Community Interests*, we established the general rule that community associations have the power to regulate on-street parking in a Common-Interest-Community ("CIC"). We also established that these regulations are enforceable and therefore should be closely observed by all residents. In this issue, we will take a closer look and examine some limitations and exceptions under the law to this regulating power.

While the general rule is that the associations have the power to regular on-street parking in a CIC, this power is not absolute. For example, if your CIC is not gated or does not have restricted or controlled access, the association may only regulate the parking of recreational vehicles, watercraft, trailers or commercial vehicles. The association may not restrict the parking of regular passenger vehicles in those types of CICs.

There are also other limitations when it comes to special vehicles such as utility service vehicles, law enforcement vehicles, or emergency service vehicles.

SPECIAL RULES FOR UTILITY SERVICE, LAW ENFORCEMENT, AND EMERGENCY SERVICE VEHICLES

The association may not prohibit any person from parking a utility service vehicle that has a gross weight rating of 20,000 pounds or less in visitor parking, designated parking area, or common parking area. The association also may not prohibit the parking of a utility service vehicle on the driveway of a unit if the vehicle is there for the purposes of providing public utility services for the unit. Additionally, if the unit's owner, or owner's tenant is the employee of the owner of a utility service vehicle and is bringing the vehicle home due to his or her employment, the association may not prohibit the person from parking the utility service vehicle in visitor parking, designated parking area, or common parking area. Similar rules apply for law enforcement and emergency service vehicles.

Does this mean that the person gets a free pass from association parking regulations if he claims that he owns a utility service, law enforcement, or emergency service vehicle? Can someone buy a used police cruiser and park it wherever he or she wants?

Not at all: NRS 116.350(5) provides definitions for each of these types of vehicles mentioned. If the vehicle does not qualify, the association parking regulations apply. Additionally, an association is permitted to require a person parking these types of vehicles to provide written confirmation from his or her employer that the person is qualified in order to be protected by these limitations.

This article provides general information only. It is not intended to serve as legal advice. It also does not purport to cover all legal issues pertaining to the topic discussed. If you wish to discuss the specific circumstances pertaining to your CIC, please contact our office or your legal counsel.