

EPCC-HOA Operating Policies, Rules and Regulations Managing Rental Activity Within EPCC

Introduction

Pursuant to Nevada Revised Statutes (NRS) Section 116.340(3), the Elk Point Country Club Homeowners Association, Inc. (EPCC) wishes to establish requirements for the transient commercial use of Units within the Elk Point Community. The Executive Board of EPCC, pursuant to NRS 116.31065 and 116.3102(1)(t), has the right to establish rules and take actions as necessary and proper for the governance and operation of the Association.

Specifically as permitted by Article V "Duties of the Executive Board", section (g) "Adoption of rules for the conduct and government of Unit Owners, their guests and tenants" of the EPCC Bylaws the following Rules and Regulations for managing rental activity within EPCC have been enacted by the Executive Board.

These Rules and Regulations are intended to protect the safety of Unit Owners and Renters, while preserving property values and enhancing the quality of life within the community as set forth in the preamble to the EPCC Bylaws:

" The primary purpose is hereby affirmed to be to provide Unit Owners the pleasure of fellowship and recreation, and its (EPCC's) corporate functioning shall be designed to civilly achieve in highest measure such purpose." The Bylaws go onto state that EPCC "shall not operate its properties or facilities with the view of providing profit to its Unit Owners but rather such properties and facilities shall be held, operated, and made available for the use and enjoyment of its Unit Owners."

In furtherance of the interest of all Unit Owners and the purpose of EPCC Homeowners Association the following outlines the Rules, requirements and responsibilities of Unit Owners wishing to rent their properties and the Renters wishing to enjoy the EPCC. Nothing in this policy is intended to act to discriminate against any protected class, to wrongfully deprive anyone of housing or to violate any provision of the Fair Housing Act (FHA).

Policies / Rules / Regulations

1. All EPCC Unit Owners engaged in short / long-term rental of their homes shall comply with all provisions of Douglas County Title 5 "Business Licenses, Regulations and Codes as specified in section 5.40 "Vacation Rentals in the Tahoe Township".
2. Any Unit Owner violating the provisions of the Douglas County Vacation Home Rental Code by renting a property within EPCC without a valid permit is guilty of a misdemeanor (Ord. 1117, 2005) and will be identified by the EPCC Executive Board to the Douglas County Code Enforcement Officer.
3. Each Unit Owner is required to provide a copy of the Douglas County "Vacation Home Rental Permit", or proof of renewal along with all amendments to said document to the EPCC Executive Board Secretary (Ord. 1117, 2005) prior to conducting any rental activity, including advertising a Unit for rent.
4. Renters, Occupants and visitors shall comply with all EPCC Rules and Regulations. The Unit Owner is required to provide a copy of the current EPCC Rules and Regulations with every rental agreement for a Unit within EPCC. A current copy of the EPCC Rules and Regulations/Marina Rules shall also be conspicuously posted in the Unit Owners property

along with the information required by the provisions of the Douglas County Vacation Home Rental Code.

5. Unit Owners renting their property are required to provide a contact number to the EPCC Executive Board Secretary and Caretaker where they or their local agent can be reached at any time should an issue arise that would require their personal intervention. It is the responsibility of the renting Unit Owner to maintain their current contact numbers, including the contact information, of the Unit Owner's local agent, if applicable, in the EPCC Unit Owners Roster at all times.
6. Upon arrival at EPCC, the principal renter is required to introduce himself or herself to the Caretaker (along with a list of the names of any other occupants), at a reasonable time of day and advise the Caretaker of the length of their planned stay.
7. Unit Owners are responsible for ensuring that all renters and their visitors post a vehicle tag with their name, rental unit address and contact phone number in a visible location within their vehicle at all times while staying within EPCC. Approved vehicle tags are available through the Caretaker.
8. Renters, occupants and visitors of the renter shall not trespass on private property at any time.
9. Motor homes and boats are not permitted within the premises and real property of EPCC at any time under any circumstances except for loading and un-loading. Boats and watercraft trailers may only be parked in the designated parking areas within the Marina area. Arrangements for this parking are to be made through the Marina Operating Committee or the EPCC Caretaker. Vehicles not parked properly, will, at the direction of EPCC be towed away at the vehicle owner's expense.
10. Renters and their visitors of rental homes must park on the grounds of the Unit being rented or in the designated overflow parking area adjacent to the Caretaker facility. All cars shall be parked within the confines of the rental property as noted in the Douglas County Vacation Home Rental code. Renters, Occupants and visitors shall not park on the private property of other Unit Owners. Parking on, or encroaching on streets is not permitted as it represents a safety as well as a fire truck/snow removal vehicle access issue. Unit Owners who find unauthorized vehicles on their property shall first contact the Douglas County Sheriff's Department and report the event noting that the vehicles belong to individuals who are renters. Vehicles not parked properly, will, at the direction of EPCC be towed away at the vehicle owner's expense.
11. Unit Owners are responsible for maintaining the exterior appearance of their property and grounds at all times.
12. Unit Owners must provide bear proof trash containers on their property for Renter use. Renter notification on the required use of the containers is mandatory. Notification on their use shall be posted in a conspicuous location within the rental property. Violators will be reported to the Douglas County Enforcement Officer and will be required to pay the penalties defined in EPCC Rules and Regulations. Unit Owners are also required to provide Renters access to designated EPCC provided dumpsters for garbage and will be charged a quarterly use rate to be determined by the EPCC Executive Board considering their rental activity.
13. Renters, occupants, and visitors shall comply with EPCC Rules and Regulations concerning noise management. No loud parties, music or other noise disturbances are allowed between the hours of 10 PM and 7 AM. All residential vacation home rentals, renters and visitors shall comply with the following standard: It is unlawful for any person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by

tumultuous and offensive conduct, threatening, traducing, quarreling, challenging to fight, or fighting (section 5.40.090 of Vacation Home Rental Code).

14. Minors, under the age of 18 shall not be permitted on the EPCC beach after 10 PM unless accompanied by an adult.
15. Renters and visitors are responsible for their own safety in the EPCC beach and Marina areas as lifeguards are not on duty.
16. Renters and visitors shall not leave watercraft, tents, chairs, beach equipment, and personal effects on the EPCC beach overnight.
17. Renters and rental occupants are not permitted to reserve the beach deck for private use. Renters, occupants and visitors are required to comply with EPCC Rules and Regulations concerning the use of the beach deck and BBQ when not being used by EPCC Unit Owners. Use of the deck or BBQ by Renters for weddings or commercial purposes is prohibited.
18. Unit Owners are responsible for ensuring a "no-pet (dog/cat) clause" is included in all rental agreements shorter than 6 months. Renters occupying a property for 6 months or more shall comply with all EPCC Rules and Regulations covering control of pets.
19. Short term Renters and their visitors (less than 30 days) may not use the Marina.
20. Renters of 30 days or more may apply for use of Marina slips if available at the then current rate established by the Executive Board and Marina Operating Committee. Use is conditional, with the Renter only (not visitors) required to submit the necessary insurance, rules and regulations agreement, rental payment. The Renter must also complete the necessary Tahoe watercraft inspections, have received the required certificates and placed the required Tahoe Inspection sticker on the boat. Launch is only permitted when authorized by the Marina Operating Committee and must be coordinated with the EPCC Caretaker.

Issues Resolution

1. EPCC or any of its members who have suffered, or allege to have suffered, damage to person or property for violation of Title 5, Chapter 5.40 or EPCC Rules and Regulations may bring an action for monetary damages and any other appropriate relief in court against the owner, occupant, agent, managing agency or local contact person (Ord. 1117, 2005).
2. Disputes between Unit Owners and Renters arising from violation of Douglas County and or EPCC rental Rules and Regulations shall first be addressed by:
 - Direct communication between the involved property owner(s) and Renter. In the event the dispute is not resolved in this way, the complaining property owner shall:
 - Contact the EPCC Unit Owner renting the property or his/her local contact agency/person to resolve the dispute using the contact numbers provided in the EPCC Unit Owners Roster.
 - Provide a written statement of the dispute to the EPCC Executive Board, Douglas County Enforcement Officer and to all other involved property owners using the EPCC process outlined in the "Procedure for Hearing and Punishing Violators of EPCC Governing Documents", adopted May 6, 2006 and in section 5.40 "Vacation Rentals in the Tahoe Township" of the Douglas County Code.
 - The Unit Owner, Local contact person or Management Agency must, upon notification that occupants or guests of the rental unit are, or have created unreasonable noise or

disturbances, engaged in noise or disorderly conduct or violated parking provisions of the Douglas County Vacation Home Rental Code, promptly use best efforts to prevent continuance or recurrence of such conduct by those occupants or guests. Consistent with Douglas County Code Section 5.40.1000, the Owner or Local Contact person is required to respond to the location of the Vacation Rental Home within 1 hour of being notified by the affected party, a representative of the Association or law enforcement official.

3. The EPCC Executive Board shall have the power and authority on behalf of the Association, and at the expense of the Owner, to evict a Renter or Occupant if:
 - The Renter or Visitor of the Renter violates or permits violation of any provision of the Douglas County Vacation Rental Home Code or EPCC Rules/Regulations, and
 - Such violation(s) continue to occur or exist after reasonable notice to the Renter, Visitor and Owner of such violations and following written notice to the Owner specifying the details of the violation(s), and
 - After a reasonable opportunity for the Owner to contest the violations at a hearing, and
 - The Owner fails to evict the Renter after the EPCC Executive Board makes written request for eviction.

In addition, the EPCC Executive Board shall have the power and authority to prohibit the violating Owner from renting the Owner's Unit for a reasonable time as established by the Executive Board.

The EPCC Executive Board shall have no liability to an Owner or Tenant for any eviction or enforcement actions undertaken or made in good faith.

In accordance with the EPCC Bylaws and Nevada Revised Statutes Section 116.3116, et seq., the Association shall have the right to place a lien against the Owners Unit for any and all costs incurred by it in connection with such eviction, including reasonable attorney's fees and any regulatory agency intervention.

Revision 1, 8/26/2010, Draft
Revision 2, 10/22/10, Draft
Revision 3, 11/18/10, Draft
Revision 4, 12/5/10, Draft
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