

Sun Valley Elkhorn Association



**Rules
&
Regulations**

AMENITY RULES AND REGULATIONS
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SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 1

AMENITIES RULES AND REGULATIONS

Access to and use of all Sun Valley Elkhorn Association amenities will be governed as followed:

ACCESS

1- Access to amenities shall be limited to owners and their dependent children and resident guests and to personal non-resident guests of owners or residents. Access for guests (resident or personal) may be more restricted, by board resolution, than indicated herein.

- a) Resident guests shall include any non-owner who physically resides in Elkhorn.
- b) Personal non-resident guests shall be defined as any personal guest of an owner who is physically present at an Elkhorn amenity with an owner or resident guest. Owners and/or resident guests shall not cause personal non-resident guests to be introduced into Elkhorn amenities for other than personal non-resident guests while said guests, and an owner or resident guest shall be present with any non-personal non-resident guests while said guests use Elkhorn amenities. Other than for Sun Valley Elkhorn Association sponsored activities, Elkhorn amenities shall not be used for commercial or other entertainment purpose.

OWNERS, GUESTS, AND AMENITY CARDS

2. Amenity cards shall be issued to all owners and resident guests under the following guidelines.

- a) Owners and their dependent children shall each be issued Owner Amenities Cards.
- b) Resident guests shall be issued Long-Term Temporary Use or Temporary Use Amenity cards. Such cards shall be issued at the direction of the owner and/or his/her authorized rental agent and shall expire at the end of the term of stay and/or lease of the resident guest, not to exceed 12 months.
- c) All cards shall be issued only after the person to whom the card is to be issued shall have the properly and adequately identified him/herself. Adequate identification shall consist of a driver's license or other ID, which shall include a picture of the person being identified.
- d) For further information concerning the issuance of amenity cards, see the Amenity Card Guidelines contained in Section 9 of these Rules and Regulations.

3- Personal non-resident guests shall be admitted to Elkhorn amenities only when accompanied by an owner or resident guest, and such persons shall not need nor will they be issued a temporary amenity card. There shall be no charge for personal non-resident guests who use Sun Valley Elkhorn Association amenities with owners or resident guests. Owners and resident guests may be allowed a reasonable number of personal non-resident guests; however, it is suggested than no more than 5 guests for the pools, and 3 guests for the tennis courts be brought in on any given day. This number may be exceeded; however, it is requested that prior permission to bring in more than 5 guests for the pools, and 3 guests for the tennis courts on any day be obtained from the Sun Valley Elkhorn Association Manager.

4- Sun Valley Elkhorn Association owners who have rented their property to guests, either long or short term, and are not residing in Elkhorn shall continue to enjoy full use of Elkhorn amenities.

5. Sun Valley Elkhorn Association owner, resident guest, and personal non-resident guest amenity card and use policy as described in these rules is set by the Sun Valley Elkhorn Association Board of Directors and may be changed if excessive amenity use demands more restrictive rules.

VIOLATIONS

6. It is hereby declared a violation of these Rules and Regulations and of Elkhorn Restrictions to:

- a) Obtain for another and/or sell or give away any Elkhorn owner or resident guest card to any person who is not an owner or is not a bona fide resident guest.
- b) Allow the use of any Elkhorn owner or resident guest card by any person other than the person named thereon.

Any person who, in violation of these Rules and Regulations, obtains for another or allows another to use a Sun Valley Elkhorn Association owner or resident guest card when that other person is not entitled to said card may have a special assessment levied against him/her and/or have his/her own and guest amenity use privileges restricted or canceled.

7. All use of Elkhorn amenities shall be in accordance with promulgated or posted hours and rules of operation for such amenities. Failure of any owner or guest to obey such hours and rules of operation may be cause for removal of the offending party from the amenity and/or and his/her own and guest amenity use privileges restricted or canceled.

8. Any violation of the Rules and Regulations may result on a special assessment and/or loss by the offending party and his/her guest of use of Elkhorn amenities. Any person who is directly prohibited under Elkhorn rules, regulations, decisions, or policies from using the Elkhorn amenities shall be prohibited from circumventing that prohibition by using amenities as guests of other Elkhorn owners or resident guests. The following procedures shall be utilized, and the following penalties may be imposed for violation of these Rules and Regulations:

All amenity cards which are used or caused to be issued or used in a fraudulent manner shall be confiscated at the time of the alleged misuse and shall be turned over to the Sun Valley Elkhorn Association Manager or to a member of the Sun Valley Elkhorn Association Board of Directors. Additionally, the card of the person causing fraudulent issuance or use of a card other than his/her own shall have his/her own card confiscated. If an owner or resident guest shall deny any fraudulent use or issue, the amenity card or cards, after information has been obtained about them and their alleged misuse, shall be returned to the accused party pending a hearing before the Violation Hearing Board.

All persons who fail to observe the promulgated or posted rules and regulations for the operation of any Elkhorn amenity may have their amenity cards immediately confiscated and/or may be immediately removed for the amenity.

All confiscated cards shall be turned over to a member of the Sun Valley Elkhorn Association Board of Directors or the Sun Valley Elkhorn Association Manager and such card may be held until appropriate action is taken pursuant to these Rules and Regulations. If the offending person is a personal non-resident guest, said person shall be banned from further use of all Elkhorn amenities until said person shall voluntarily appear before the Sun Valley Elkhorn Association Manager for a determination of whether or not further uses of Elkhorn amenities shall be allowed by that person.

Any owner, resident, guest or personal non-resident guest who is charged with a violation of the Sun Valley Elkhorn Association Amenities Rules and Regulations and who pleads guilty to said charge shall appear before the Sun Valley Elkhorn Association Manager to determine what, if any, penalty shall be imposed. If an owner, resident guest or personal non-resident guest denies any violation, then, before amenity privileges are suspended or amenity cards are revoked or a special assessment is levied for any alleged violation of these Rules and Regulations, a violation notice shall be issued and a hearing shall be held before the Violation Hearing Board to determine if said violation has occurred and what, if any, penalties shall be imposed.

Violation notices shall be issued by either the Sun Valley Elkhorn Association Manager and to the alleged violator either at his/her local address and/or address of record with the Sun Valley Association within 5 days of when the alleged violation is discovered.

The Violation Hearing Board shall meet as soon as is practicable after a violation notice has been issued, but no event shall such hearing occur earlier than 7 days after the violation notice is received or deemed to have been received by the alleged violator, At the request of the alleged violator, up to 60 days may be allowed before said hearing commences; however, during such extended period, the alleged violator's amenity card shall be held by the Sun Valley Elkhorn Association or, in the case of personal non-resident guests, such persons shall be banned from Elkhorn amenities during the requested extension.

An accused party shall have the right to appear before and be heard in person or by telephone conference call by the Violation Hearing Board or to submit evidence in writing on the alleged violation. Failure of the alleged violator to exercise the right to

be heard in person or in writing at any level of hearing shall not prevent the Sun Valley Elkhorn Association from taking any action or imposing any special assessment or penalty prescribed under these rules.

The Violation Hearing Board shall consist of at least two members of the Sun Valley Association. A determination shall be made by such persons, by, majority vote, as to what, if any, violations of these Rules and Regulations shall have occurred and what, if any, special assessments or penalties shall be imposed. The Violation Hearing Board shall have the authority to impose the following special assessments and/or penalties.

- 1) For the first violation, a special assessment of up to \$50 and /or loss of use of Elkhorn amenities for the offending party and his/her guests for up to 7 days.
- 2) For a second violation, a special assessment of up to \$100 and/or loss of use of Elkhorn amenities for the offending party and his/her guests for up to 30 days.
- 3) For a third violation and each of all subsequent violations, a special assessment of up to \$500 and loss of use of Elkhorn amenities for the offending party and his/her guests for up to one year.

All decisions of the Violation Hearing Board shall be in writing and shall be within 5 days of the hearing, either hand delivered or sent to the alleged violator and his/her local address and/or his/her address or record with the Sun Valley Elkhorn Association.

Any person who is removed from and/or prohibited from using the Elkhorn amenities as a result of a ruling by the Violation Hearing Board may not use said facilities as the guest of another person who is permitted to bring guests to said amenities.

Any person who is found guilty of violating these Rules and Regulations and who has his/her amenity use privileges and/or amenity card revoked shall immediately return his/her amenity card and all other affected amenities cards to the Sun Valley Elkhorn Association offices and shall forthwith observe his/her loss of amenity privileges. If a special assessment is imposed by the Violation Hearing Board said special assessment should be paid immediately. Failure to return revoked amenity cards or to pay any special assessment or observe any prohibition of use of Elkhorn amenities shall be a violation of Elkhorn Restrictions. A violation of Elkhorn Restrictions shall carry with it the additional special assessments and/or penalties contained in said Restrictions as such are set forth in the Master Declaration.

An appeal may be had from an adverse decision of the Violation Hearing Board. Such appeal shall be affected by a written notice sent to the President of the Sun Valley Elkhorn Association Board of Directors at the Sun Valley Elkhorn Association offices in Elkhorn. Such notice of appeal must be filed within 30 days of receipt of the written decision of the Violation Hearing Board. Such appeal shall be heard by no less than a quorum of the Sun Valley Elkhorn Association Board of Directors and shall be heard within 30 days of receipt of the notice of appeal by the Board of Directors unless a longer period, up to 60 days, is requested by either the party requesting said appeal or by the Board. After the appellate hearing, a written decision shall be rendered by the Board of Directors within 5 days of the hearing and said decision shall be within 5 additional days, either hand delivered or mailed to the appellant at his/her local address and/or his/her address of record with the Sun Valley Elkhorn Association. The decision of the Board on the matters in issue shall be final. During the pendency of an appeal, all special assessments and/or penalties shall be held in abeyance.

All decisions, notices, appeals, etc. required or allowed under these rules by any party shall be hand delivered or shall be sent by ordinary United States mail to the appropriate address.

AMENITY GUIDELINES

9. Amenity cards shall be issued to all persons entitled to receive them who are over the age of six years. Exceptions to this may be made by the SVEA Manager where substantial cause is shown. Cards issued to children under thirteen years shall be restricted. The maximum number of guests allowed on these cards shall be two. There shall be a \$10 replacement charge for all lost cards. Resident guests shall be issued temporary cards. In no event shall any temporary amenity card expire more than 30 days from the date it is issued.

Owners who rent their residence can cause temporary guest cards to be issued to guests by writing or calling the Sun Valley Elkhorn Association and indicating to whom and for what period a temporary card shall be issued. Owners may designate a property management agent to issue temporary cards in cases where the owner does not manage his/her own residence. Any property management agent who issues a temporary card to other than a bona fide resident guest shall immediately have the privilege of issuing temporary cards revoked, and all guests obtaining property rentals through that agent shall have to come to Sun Valley Elkhorn Association offices to obtain cards. Such guests shall present proof from the owner of the unit of their guest status to obtain temporary amenity cards.

Owners cards shall be issued to all bona fide owners (and their dependent children) who are listed as such by virtue of having a deed to Elkhorn property issued in their name(s) and becoming property owners under the Master Declaration. People who own multiple properties will not be issued multiple owner cards for each property but will be issued cards individually as owners.

Properties owned by corporations shall be entitled to have the President or Chairman of the corporation designate who the owner of the corporation is and who is therefore entitled to obtain owner cards based on corporate ownership. Corporations shall be dealt with on an individual basis, and owner cards shall be issued after discussion between Sun Valley Elkhorn Association officials and appropriate corporate officers.

It is stated policy of the Sun Valley Elkhorn Association that all stockholders of a corporation or all partners in a partnership or all persons claiming ownership by virtue of any other legal entity owning Elkhorn property are not automatically entitled to owner cards by virtue of stock ownership or partnership interest, etc. Cards in these instances shall be issued only to persons who hold a substantial ownership interest in the entity and therefore the property involved

Any dispute with respect to the issuance of owner cards shall be resolved by the Sun Valley Elkhorn Association Manager. An appeal by the manager's decision may be taken by the Board of Directors of the Sun Valley Elkhorn Association and the decision of the Board shall be final. The procedure (notices, time, form, content, appeals, etc) to be followed in cases where amenity card issuance is in question shall be in inappropriate conformance with the procedures and safeguard contained in the "Violations" section herein, Section 8, et.seq.



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 2

COLLECTION POLICY

This policy is in accordance with Section 9.06 of the Master Declaration. The semi-annual payment was initiated on November 1, 2001 and will continue thereafter.

1. When an account is not paid within ninety (90) days of the **BILLING DATE**, a demand letter is sent to the owner by certified mail allowing thirty (30) days to make full payment. A \$25 charge and late fees are automatically debited to the account.
2. If full payment is not received within the thirty (30) day period, the following action is taken:
 - A. A lien is prepared and recorded against the property, and a \$200 lien charge is charged to the owner.
 - B. All owner/guest cards and amenity privileges are revoked. Revoked amenity privileges shall not be reinstated until such time as the account is current and the lien has been released.
 - C. The Credit Bureau of Blaine County is automatically notified through the Blaine County Recorder's office.
 - D. All voting rights are suspended until the account is current and the lien has been released.
3. If full payment is not received, including all lien charges and other fees, within thirty (30) days following the filing of the lien, foreclosure proceedings or other legal actions will be initiated. All associated legal fees will be charged to the owner.
4. Notwithstanding the contrary provisions of paragraphs 1, 2 and 3, above, in the event of the commencement of a proceeding to foreclose a lien which would be superior to any lien filed against the property by the Association, the Association may immediately file a lien against the property and initiate foreclosure or other proceedings of its own.

There are **NO EXCEPTIONS** to this policy.
Everyone will be treated equally.
There are no payment plans.

Incorporated with our Collection Policy, the Board of Directors has approved the following billing policy:

BILLING DATE	DUE DATE	SEMI-ANNUAL PERIOD	DATE LATE CHARGES BEGIN & DEMAND LETTER SENT
October 1 April 1	November 30 May 31	November thru April May thru October	January 1 July 1

Accounts are due the last day of the first month of the semi-annual period. All balances not paid within thirty (30) days of the **DUE DATE** will be subject to a 1-3/4% per month late charge, for an effective annual rate of 21%.

NOTE: There will be a \$25 charge for all returned checks.

Original Rule No. 2 adopted 9-23-1993
Amended 10/05/2001
Amended 2/13/2006
Amended 7/15/2010
Amended 7-19-2011



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 3

AN ELKHORN RULE PURSUANT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Consistent with the requirements of Article VI, Section 6.06, and Article IX, Section 9.06, of the Master Declaration, and as set forth in that certain Resolution of the Board of Directors passed and approved at the Board of Directors' meeting conducted January 2, 1985, it is hereby provided that the interest rate to be assessed upon regular and special assessments of the Sun Valley Elkhorn Association, Inc., which are past due shall be 21%, simple interest.



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 4

MAILING PROCEDURES

It is the responsibility of the property owners of the Sun Valley Elkhorn Association to provide the appropriate official address or addresses to which notices shall be sent by the Sun Valley Elkhorn Association of the purpose of citing them for violation, for billing and for like purposes. Delivery to an outdated or improper address shall not render the notice ineffective unless the proper address had, in fact, been timely provided to the Sun Valley Elkhorn Association.

For service of process for any reason, for any notice or decision, or any other from the Sun Valley Elkhorn Association or any Board or Committee thereof, such notice or service shall be sent by ordinary United States mail at the address of record with the Sun Valley Elkhorn Association provided by the owner. Such service shall be complete 7 days after the document is deposited postage prepaid in the United States mail. When such notice is given by mail, it may be given by regular mail and such notice when served by regular mail shall be considered sufficient notice.



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 5

COMMERCIAL VEHICLE PARKING

Pursuant to Section 3.16 of the Master Declaration and notwithstanding any other provision of said Master Declaration, by this rule it is Sun Valley Elkhorn Association policy that commercial vehicles, such as, but not limited to trucks, buses, utility or recreational vans or carts, etc., used in Elkhorn commercial operations by the Elkhorn Resort, may be parked in the parking located to the west of the hotel and adjacent to the Elkhorn ski lift, commonly known as the West Hotel Parking Lot and the presence of such vehicles in said lot shall be deemed, pursuant to Section 3.16 of the Master Declaration, not to be a violation of said Declaration.

Further, vehicles as allowed under Master Declaration Section 3.13 may display commercial signage and park in public and/or private parking areas pursuant to the following:

- Limit one commercial vehicle per Elkhorn property.
- Said commercial vehicle must be the primary means of transportation for the vehicle owner.
- Size, content and display of signage may be subject to SVEA Board review and approval.



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 6

ANIMAL CONTROL

Pursuant to Section 3.05 of the Master Declaration, and in the interest of promoting responsible pet ownership and care, the following rule is adopted by the Sun Valley Elkhorn Association Board of Directors effective September 24, 1992:

Animal Control

1. Pets shall not be permitted on Sun Valley Elkhorn Association property except in accordance with the City of Sun Valley's Animal Control Ordinance.
2. Owners or their agents shall control their pets at all times so as not to constitute a nuisance.
3. Owners or their agents shall not permit their pets to trespass on private property in Elkhorn.
4. Owners or their agents shall immediately clean up after their pets.
5. Any violation by an Association member of the Sun Valley Animal Control Ordinance shall constitute a violation of this rule.

Enforcement

Violation of this rule shall be initially determined by the Violation Hearing Board. Owners allegedly violating this rule shall be notified, pursuant to the SVEA Violation process, and have the right to appeal the Violation Hearing Board's decision to the Sun Valley Elkhorn Association Board of Directors. Penalties may include a special assessment of up to \$10 per each occurrence and/or loss of use of Elkhorn amenities.

Amended 9-25-15



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 7

SUSPENSION OF VOTING RIGHTS

Be it resolved that pursuant to Article VI, Section 6.04H of the Master Declaration any owner who is not fully paid and current for all regular and special assessments and any interest penalties, charges, fees, etc., attendant to their property whether for Master Association, Subassociations, Architectural Design Committee or other amounts owed, said owner shall be denied the right to vote in any regular or special meeting of the Sun Valley Elkhorn Association until all amounts owed are fully paid and current.



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 8 POSTED POOL RULES

1. No alcohol
2. No running
3. No pets
4. No glass containers in pool area
5. All persons must take a shower before entering the pool
6. Any person having an infectious or communicable disease or an open wound will not be allowed in the pool
7. Proper swim attire is required
8. Swimming is allowed in designated areas
9. No floatation devices allowed
10. No rafts, tubes, balls, or boats allowed in pool
11. No throwing of objects or rough play allowed
12. Diving is allowed only in designated areas
13. One person at a time on the diving board
14. One bounce only on the diving board
15. No swimming in diving tank while divers are using boards
16. Divers must swim to their respective sides of pool and climb out
17. Non-swimmers must remain where they can stand in the water
18. No standing or hanging on ropes
19. No swinging or playing on step or ladder railings
20. Excessive spitting, spouting of water, blowing the nose, etc., into the pool is prohibited
21. No climbing on guard towers
22. No trespassing when pool is closed
23. No sun bathing near the edge of the pool
24. Persons under 13 must be accompanied by an adult in Jacuzzi and sauna
25. No one under the age of 7 shall be allowed in the pool area unless attended by a responsible individual. In addition, no one shall go outside the roped-in, shallow end area unless he or she swims a minimum of 25 yards.



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE NO. 9

POSTED TENNIS COURT REGULATIONS

1. All players must check in at the tennis shop with proper identification
2. Proper tennis attire and shoes are required at all times
3. Shirts must be worn at all times
4. Un-sportsmanlike conduct and profanity will not be tolerated
5. No food or glass containers on the courts
6. No pets are allowed on the tennis courts and tennis area
7. No skateboards, rollerblades or bicycles
8. No smoking
9. No running shoes

