

Sun Valley Elkhorn Association



**Rules
&
Regulations**

AMENITY RULES AND REGULATIONS
Table of Contents

ELKHORN POLICY Amenities Rules and Regulations-----	1
ELKHORN RULE NO. 2 Collection Policy-----	5
ELKHORN RULE NO. 3 Interest Rates-----	6
ELKHORN RULE NO. 4 Mailing Procedures-----	7
ELKHORN RULE NO. 5 Commercial Vehicle Parking-----	8
ELKHORN RULE NO. 6 Animal Control-----	9
ELKHORN RULE NO. 7 Suspension of Voting Rights-----	10
ELKHORN RULE NO. 8 Posted Pool Rules-----	11
ELKHORN RULE NO. 9 Tennis Court Regulations-----	12
ELKHORN RULE NO.10 No Motorized Vehicles on Open Space-----	13



SUN VALLEY ELKHORN

Association, Inc.

AMENITY CARD POLICIES GENERAL RULES

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

1) **ACCESSING AMENITIES:** Access to amenities, without charge, shall be limited to owners, authorized family members and their resident guests. Personal non-resident guests accompanied by property owners shall be charged a \$5.00 amenity access fee. All guests who accompany a long-term tenant shall be charged a \$5.00 amenity access fee. Public access at all amenity locations for programs, lessons and clinics shall be charged a \$5.00 amenity access fee in addition to published program, lesson, and clinics fees. Public access is only permitted during authorized programs, lessons and clinics approved by SVEA, or, when accompanied by a valid cardholder. Access for all guest classifications, charges and fees as described herein are subject to change from time to time as may be deemed appropriate by the board of directors.

- a) Resident guests shall include any non-owner who physically resides in Elkhorn.
- b) Property owners must pre-register their resident guests before access to the amenities is granted without incurring the \$5.00 per guest amenity access fee.
- c) Personal non-resident guests shall be defined as any personal guest of an owner or resident who does not reside in Elkhorn. Owners and residents shall accompany and remain with non-resident guests at all times while guests are within the Elkhorn amenities. Other than Sun Valley Elkhorn Association sponsored activities, Elkhorn amenities shall not be used for commercial and/or for-profit use by any individual(s) or entities, or for any other entertainment purpose, including but not limited to private tennis and swim lessons not expressly authorized by the Sun Valley Elkhorn Association.
- d) All guests of a long-term tenant, emergency workers, VIP, employees, or short-term tenant, that does not possess an individual amenity card shall be charged a \$5.00 amenity access fee per person per visit at all amenity locations.

OWNERS, GUESTS, AND AMENITY CARDS

2) **ISSUING AMENITY CARD:** Amenity cards shall be issued under the following guidelines.

- a) Deed Owners, Spouses and their children shall each be issued Owner/Family Member Amenity Cards.

- b) Resident guests, Long-term Tenant, Short-term Rental Guests shall be issued amenity cards in accordance with their classification. Such amenity cards shall be issued at the direction of the property 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 amenity cards shall be issued only after the person to whom the card is to be issued shall have properly and adequately identified him/herself. Adequate identification shall consist of a driver's license or other form of ID, which shall include a picture of the person being identified.
 - d) For additional information concerning the issuance of amenity cards, see the Amenity Card Guidelines contained in Section 8 of these Rules and Regulations.
- 3) **AMENITY ACCESS FEES:** Personal non-resident guests shall be admitted to Elkhorn amenities only when accompanied by a valid amenity card holder, and upon the payment of the \$5.00 amenity access fee. Personal non-resident guests of a valid card holder shall not require, nor will they be issued a temporary amenity card. Personal non-resident guests shall be charged an amenity access fee of \$5.00 per person per access.
- 4) **VALID CARD HOLDERS SPONSORING GUESTS:** Property Owner, Elkhorn residents and other Valid Cardholders must remain at all times on the premises with their non-resident guests while their guests use the Elkhorn amenities. All non-resident guests using the Elkhorn amenities must vacate the premises when their Elkhorn resident sponsor is no longer available to accompany them.
- 5) **NUMBER OF GUESTS:** Valid card holders are allowed a limited number of personal non-resident guests. The number of personal non-resident guests shall be limited to no more than five (5) guests for the pools, and three (3) guests for tennis and pickleball. Property Owners shall generally be limited to the same maximum number of non-resident guests accessing pools and racquet sports amenities as indicated herein; however, property owners may request additional guest access for special events in which they will personally be in attendance after receiving approval from SVEA Administrative Staff and/or the Board of Directors.
- 6) **RENTAL PROPERTY AMENITY ACCESS AND FEES:** Sun Valley Elkhorn Association property owners renting their Elkhorn property, on a long or short-term basis, shall pay "Annual Rental Access Dues" of six hundred dollars (\$600.00). Upon payment of the Annual Rental Access Dues, property owners shall continue to enjoy full use and access to all Elkhorn amenities whether or not they personally reside in Elkhorn. Family members and personal guests of property owners who rent their Elkhorn property, on a short or long-term basis, shall not have access to amenities unless accompanied by the property owner and pay the amenity access fee of \$5.00 per person, unless all parties reside in Elkhorn at the time of amenity access and are eligible for a guest pass.
- 7) **ACCESS, FEES, CHARGES AND POLICIES:** Sun Valley Elkhorn Association amenity cards and use policies, fees and charges as described herein are established at the discretion of the Sun Valley Elkhorn Association Board of Directors and may be amended without notice from time to time as deemed necessary and prudent by the Board of Directors.

8) **AMENITY CARDS:** Amenity cards shall be issued to all persons entitled to receive them who are over the age of eight (8) years. Exceptions to this may be made by the SVEA General Manager where substantial cause is shown. There shall be a \$10 replacement charge for all lost

cards **within three (3) years of the original issue date.** 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 cards shall be valid for a term of eight (8) years. Owner family member amenity cards shall be valid for no more than 3 years. Upon reaching the age of 24, owner family members shall be issued an amenity card valid for no more than one (1) year.

Owners who rent their residence, upon payment of the Annual Rental Access Dues, can request temporary guest cards to be issued to guests by writing, emailing, or calling the Sun Valley Elkhorn Association and indicating to whom and for what period a temporary card shall be issued. Owners may designate, upon approval by SVEA, a property management agent to issue temporary cards in cases where the owner does not personally manage the rental of his/her own residence. Any property management agent who issues a temporary card to anyone other than a bona fide resident guest shall immediately have the privilege of issuing temporary cards revoked. If access to the amenity card system is revoked, all resident guests for that owners account shall be required to obtain amenity passes from the SVEA administrative office and may be subject to a \$5.00 per card issuance fee. Guests shall present an authorization form or lease agreement from the property owner validating their resident guest status to obtain temporary amenity cards.

Owners cards shall be issued to all bona fide property owners and family members who are listed as such by virtue of having a deed to Elkhorn property issued in their name(s) and becoming property owners as defined within the Master Declaration. Elkhorn members who own multiple properties will be issued only one amenity card.

9) **CORPORATIONS, FAMILY TRUSTS AND BUSINESS ENTITIES:** Properties owned by corporations (Inc., LLC's, Etc.) shall be entitled to have the President, Chairman or Managing Partner of the corporation designate who the owners/shareholders of the corporation are and who is therefore entitled to obtain owner/family cards based on corporate ownership type. Corporations established for the purpose of engaging in rental activity, or subsequently engage in rental activity, shall be classified as a rental property owner and subject to annual "Rental Amenity Access Dues". Timeshare corporations, unless engaging in rental activity, shall be classified as a property owner; however, no owner amenity card shall be issued on the property. Access for timeshare members to SVEA amenities will be allowed on a temporary card basis only. Timeshares shall have a property manager who will issue temporary amenity passes to its members. SVEA will charge timeshare owners \$5.00 per person for issuing amenity passes to its members. Timeshares engaging in rental activity will be required to pay annual "Rental Amenity Access Dues" for access to amenities by its members. Lodging establishments shall be classified as rental property and will be subject to "Rental Amenity Access Dues. Corporations conducting daily general business within Elkhorn, shall be classified as a long-term tenant, allowing one (1) person access and all guests/others charged an amenity access fee. Family Trusts entities shall be classified as property owners for the purpose of allowing access to

recreational amenities unless the Family Trust engages in rental activity. Family Trusts engaging in rental activity shall be subject to annual "Rental Amenity Access Dues" and classified as a short or long-term based on the type of rental activity. All qualifying Corporate entities, or more particularly its members/shareholders eligible for long-term amenity access, shall be issued owner/family member type cards not to exceed one (1) year in duration.

10) **DISPUTE RESOLUTION:** Any dispute with respect to the issuance of owner cards shall be resolved by the Sun Valley Elkhorn Association General Manager. An appeal of the General Manager's decision may be submitted to the Board of Directors of the Sun Valley Elkhorn Association. The decision of the Board of Directors shall be final. The procedure (notices, time, form, content, appeals, etc.) to be followed in cases where amenity card issuance is appealed shall be in compliance with the procedures as established for THE "Violation Appeals" process within the governing documents and Board approved policies of the Sun Valley Elkhorn Association.

11) **FORM AND TERMS OF PAYMENT:** Amenity Access Fees may be paid using cash, credit card or personal check. A returned check fee of \$35 will be applied to the owner's account. No refunds will be issued. Owner may not charge the amenity access fee to their account at this time.



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

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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.



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 – AMENDED

POOL AND HOT TUB RULES

For Your Health

- All persons must take a shower before entering the pool
- No one with an infectious disease or open wound will be allowed in the pool
- Proper swim attire is required
- Swim diapers are required for children who are 3 years or younger
- Spitting, spouting of water, blowing the nose, etc., into the pool is prohibited
- No smoking
- No pets

For Your Safety

- No alcohol or glass containers in pool area
- No running, rough play, throwing objects, playing “holding breath” games or long underwater swims
- No climbing on guard towers, hanging on ropes, or swinging or playing on steps or ladders
- No flotation devices, rafts, tubes, balls, boats, torpedoes, or mermaid tails
- Evacuating the pool and deck area during electrical storms is mandatory
- No sunbathing near the edge of the pool

Diving

- Diving is allowed only in designated area; no diving off sides of pool
- One person at a time on the diving board
- One bounce only on the diving board
- No swimming in diving tank while divers are using board
- Divers must swim to the side and climb out after diving

General Rules

- No one under age 7 shall be allowed in the pool area without suitable adult supervision
- Non-swimmers must remain in water that is not above their shoulders in depth
- No one shall go outside the roped in shallow end area unless he or she has the ability to swim a minimum of 25 yards
- Swimming is allowed in designated areas only
- No trespassing when the pool is closed

Hot Tub Rules: As recommended by the American Red Cross and the CDC

- No one under the age of 5 will be allowed in the hot tub
- No one under age 14 shall be allowed in hot tub and sauna without adult supervision



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



SUN VALLEY ELKHORN

Association, Inc.

ELKHORN RULE #10

NO MOTORIZED VEHICLES ON OPEN SPACE

Pursuant to Section 5.04 and 6.06 of the Master Declaration and in the interest of promoting compatible open space recreational uses, the following rule, effective September 25, 2000, is adopted by the Sun Valley Elkhorn Association Board of Directors:

No Motorized Vehicles on Open Space

Motor vehicles shall not be permitted on Sun Valley Elkhorn Association Open Space property except with prior written consent for limited approved purposes.

Enforcement

The Violation Hearing Board shall initially determine violation of this rule. An owner allegedly violating this rule shall be notified 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 \$50 a day for each day the violation continues and/or loss of use of Elkhorn amenities.

