

MEMORANDUM

TO: Board of Trustees

THROUGH: Indra Winquest, District General Manager

FROM: Shelia Leijon, Superintendent of Parks and Rec

SUBJECT: Review, Discuss and Possibly Set a Public Hearing Date (April 12, 2023) for Ordinance 7 **and** Review, Discuss and Possibly Provide Feedback on Draft Redline Ordinance 7 Revisions as Provided by Staff (Requesting Staff Member: Director of Parks & Recreation Shelia Leijon)

RELATED STRATEGIC PLAN INITIATIVE(S): Long Range Principle #1 – Service
Long Range Principle #3 – Finance
Long Range Principle #6 - Communication
Long Range Principle #7 – Governance

RELATED DISTRICT POLICIES, PRACTICES, RESOLUTIONS OR ORDINANCES Ordinance 7 - Resolution No. 1894

DATE: February 8, 2023

I. RECOMMENDATION

That the Board of Trustees review, discuss and possibly make a motion to set a public hearing date for April 12, 2023 to review changes to Ordinance 7 and provide feedback of a draft redline of Ordinance 7.

II. BACKGROUND

In 2021, General Manager Winquest and a committee comprised of 10 committed residents set out to update and revise Ordinance 7. Ordinance 7 establishes the rates, rules and regulations for the Incline Village General Improvement District's recreation privileges, recreation passes and recreation punch cards. Resolution No. 1894 was adopted on May 26, 2022.

Article XI Paragraph 111 states - *“The Director of Parks and Recreation and the General Manager shall set up systems to collect and shall collect data electronically and otherwise, and make reports available to the Board of Trustees as to the impact of the changes in this Ordinance on or before March 1 of each year, commencing on March 1, 2023, at a public meeting, so that the policies and procedures set forth in this Ordinance 7 effective June 1, 2022 can be reviewed.*

Thereafter, each year, on or about March 1, the policies and procedures set forth in this Ordinance 7, effective dated June 1, 2022, will be reviewed by the General Manager and Director of Parks and Recreation, with the Board, which review shall include detailed usage information that shall be tracked electronically.”

III. BID RESULTS

Not applicable

IV. FINANCIAL IMPACT AND BUDGET

Not applicable

V. ALTERNATIVES

Not applicable

VI. COMMENTS

Not applicable

VII. DISTRICT IMPROVEMENT, COST REDUCTION, RETURN ON INVESTMENT OR PRODUCTIVITY ENHANCEMENT

Not applicable

VIII. BUSINESS IMPACT

This item is not a “rule” within the meaning of Nevada Revised Statutes, Chapter 237, and does not require a Business Impact Statement.

IX. ATTACHMENTS

1. Ordinance 7 - 2022 Clean Copy 01 30 2023
2. Ordinance 7 - 2022 Redline 01 30 2023 SL

X. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

See attached redline



ORDINANCE NO. 7

**RECREATION PASSES AND RECREATION PUNCH CARDS ORDINANCE
AN ORDINANCE ESTABLISHING RATES, RULES
AND REGULATIONS FOR IVGID RECREATION PASSES AND
RECREATION PUNCH CARDS BY THE
INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**

As Adopted on May 26, 2022
Resolution No. 1894

ORDINANCE NO. 7

An Ordinance Establishing Rates, Rules and Regulations for IVGID Recreation Passes and Recreation Punch Cards by the Incline Village General Improvement District

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Be it ordained by the Board of Trustees of the Incline Village General Improvement District, Washoe County, Nevada, as follows:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This Ordinance shall be known and may be cited as the "Incline Village General Improvement District Recreation Pass Ordinance."
2. Words and Phrases. For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; all words in the masculine or feminine shall include the masculine, feminine, and gender neutral. Capitalized words are defined in Article II, Definitions, below.
3. Separability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held to be unconstitutional, invalid, illegal, void or unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.
4. Posting. The adoption or any revision of this Ordinance shall be entered in the minutes of the Board and certified copies hereof shall be posted in three (3) public places in the District for ten (10) days following its passage.

ARTICLE II. DEFINITIONS

When used in this Ordinance, the following terms shall have the meanings defined below:

5. Affinity signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other.
6. Agent means the person designated by an Owner to represent the Owner in processing paperwork executed by the Owner and physically receiving

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any IVGID Recreation Passes and Recreation Punch Cards on behalf of Owner and his/her/its Tenants and Assignees pertaining to the Assignment of Recreation Privileges. Agents cannot sign documents on behalf of Owners, Tenants or Assignees wherein Owners, Tenants or Assignees either: (a) make representations to the District or (b) agree to indemnify the District, release the District or to assume risks as individuals or entities. Agents cannot use any Cards issued for a Parcel owned by any other Owner or for the Agent's own use.

7. Alleged Violator means a person accused of misconduct by the District.
8. Application means the District's form used to apply for Recreation Privileges.
9. Assignment means the execution of a District Assignment of Recreation Privileges form and related documents assigning Recreation Privileges to a Parcel Owner's Family Member identified on the Family Tree in Exhibit A, to a Tenant, or to an authorized recipient from an Owner which is an Entity or for a Parcel with multiple owners.
10. Assignor means the Owner who is assigning Recreation Privileges to a Tenant or a Family Tree Member. A Tenant, a Family Tree Member, and an Assignee cannot assign Recreation Privileges to another person or Entity and cannot be an Assignor. Assignee means the individual receiving an Assignment of Recreation Privileges from an Owner.
11. Beach Access means the rights and privileges of Owners to use and access Incline Beach, Burnt Cedar Beach, Ski Beach and Hermit Beach, including but not limited to the privilege to launch watercraft at Ski Beach, and to provide admission for Tenants and Guests, as granted to Owners of Parcels identified in the Beach Deed made June 4, 1968, conveying the Beaches to Incline Village General Improvement District and granting easements to Owners. The Beaches are restricted access Beaches and the original Beach Deed states in pertinent part, among other things, that the beaches are "for the use of property owners and their tenants . . . and as the Board of Trustees . . . may determine, the guests of such property owners." Beach Access is separate and distinct from other Recreation Privileges, and has additional rules, regulations, and restrictions as set forth in Article VII below.

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12. Beaches means Incline Beach, Burnt Cedar Beach, Ski Beach and Hermit Beach.
13. Beach Deed means that certain Deed made June 4, 1968, recorded in Book 324 at pages 192-194 in the books and records of Washoe County, a copy of which is attached hereto as Exhibit B.
14. Beach Facility Fee means the amount determined by the Board of Trustees to fund the IVGID beach properties for operations, capital improvements and debt service, which is assessed to a Parcel with Beach Access, and is paid as part of Washoe County property tax bill.
15. Board means the Board of Trustees of the Incline Village General Improvement District.
16. Card means a Recreation Punch Card or an IVGID Recreation Pass. Additional Card means an Additional Recreation Punch Card or an Additional IVGID Recreation Pass issued as set forth in Paragraph 104.
17. Commercial Tenant means a lessee who is an individual, trust, or corporation, partnership, limited liability company, or similar entity who/which rents, or leases, a commercial Parcel located within the District for the purposes of conducting business or commercial activity, for a term of six (6) months or more. A commercial Tenant with a Lease for less than six (6) months is not entitled to receive IVGID Recreation Pass(es) or Recreation Punch Cards. A commercial Tenant must present a written lease agreement in the name of the commercial Tenant, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease. Notwithstanding the foregoing, if a commercial Tenant's lease terminates, the Owner must immediately notify the District and the IVGID Recreation Pass(es) and Recreation Punch Card(s) must immediately be returned to the District for cancellation, upon notification of termination of tenancy.
18. Commercial Use of Beaches means using the Beaches for a commercial purpose or for compensation, and is strictly prohibited. This does not apply to a written contract between the District and a third party to provide services or work at the Beaches, that has been approved by the Board.
19. Consanguinity means a blood relationship.

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20. County means Washoe County, Nevada.
21. Director of Parks and Recreation means the person appointed as the department head of the Parks and Recreation Department.
22. District means the Incline Village General Improvement District (acting through its duly authorized officers or employees within the scope of their respective duties).
23. Domestic Partnership is a form of legal union available to both homosexual and heterosexual couples in Nevada and other states of the United States, where: (i) both parties (each a Domestic Partner) are at least 18 years old; (ii) both Domestic Partners share a common residence; (iii) neither Domestic Partner is currently in a marriage or domestic partnership or substantially equivalent relationship with another person; and (iv) both Domestic Partners are legally capable of consenting to the Domestic Partnership; and (v) Domestic Partners residing in Nevada shall have filed a Domestic Partnership registration with the Office of the Nevada Secretary of State pursuant to NRS 122A.100. Domestic Partners residing in other states shall have filed a registration as Domestic Partners in that state of residence.
24. Entity means an Owner which is not a natural person.
25. Facility Fee means the amount determined by the Board of Trustees to cover the total of the Beach Facility Fee plus the Recreation Fee (which covers the budget for operations, capital improvements and debt service) which is assessed to each Parcel for Recreation Facilities other than the Beaches, and is paid as part of the Washoe County property tax bill.
26. Family Tree means a social unit consisting of people related to the Owner by marriage, to the extent of the first and second degrees of consanguinity and affinity, including parents, children, grandparents, grandchildren, brothers and sisters, and their spouses, and Domestic Partners and children of Domestic Partners, as set forth on Exhibit A and incorporated here at by this reference. Persons listed on the Family Tree are eligible to receive an Assignment of IVGID Recreation Passes and Recreation Privileges, as more fully set forth below.

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27. General Manager means the person appointed by the Board of Trustees as the General Manager of the District.
28. Guest for Recreation Facilities other than the Beaches means any person invited by an Owner of a Parcel to use District owned Recreation Facilities other than the Beaches.
29. Guest for Beach Access means any person invited by an Owner of a Parcel with Beach Access (as defined in the deed conveying the Beaches to Incline Village General Improvement District on June 4, 1968) to use the District owned Beaches. An Owner and the Owner's Guests can use the Beaches for recreation purposes only and cannot sell access to the Beaches or receive compensation for access to the Beaches.
30. IVGID Recreation Pass means the non-transferable photo identification pass issued by the District for free access to District Beaches for those Parcels which have Beach Access, and for hourly, daily, and seasonal discounts at other District-owned Recreation Facilities. An "Additional IVGID Recreation Pass" is issued as set forth in Paragraph 104.
31. Occupants of Hotels and Motels means any person occupying a room within a hotel and/or motel within the District boundaries as of June 4, 1968 and the hotel/motel is duly licensed by all required agencies within the State of Nevada. Occupants of Hotels and Motels shall pay an Occupant Beach Access Fee for Beach Access as set by the District from time to time.
32. Owner means any person or Entity owning fee title to a Parcel within the District, or portion thereof, or any person or Entity in whose name the legal title to the Parcel appears, in whole or in part, by deed duly recorded in the County Recorder's office, or any person exercising acts of ownership over the Parcel for the Owner as executor, administrator, guardian or trustee of the Owner. In the case of multiple ownership of a single Parcel or ownership of a Parcel by an Entity, a Parcel shall be entitled to receive only the maximum number of IVGID Recreation Passes and Recreation Punch Cards for Privileges allocated to a single Parcel. In the case of a single Parcel with multiple Owners, or in the case of Entity ownership, the multiple Owners or the Entity shall designate to the District one (1) individual in writing to direct the District with respect to the issuing of the IVGID Recreation Passes and Recreation Punch Cards.

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33. Parcel means: (i) a dwelling unit, (ii) a single plot of land within the District, with or without a residential or commercial building on it, but if it has no building, it must be a buildable lot, except as set forth in Article X, or (iii) a multi-family Parcel that contains more than one dwelling unit; AND the Parcel must be on the District Recreation Roll, and assessed and pay a Recreation Fee. For Beach Access, the Recreation Fee assessed and paid must include a Beach Facility Fee.
34. Pass Holder means an individual who has been issued an IVGID Recreation Pass or an individual in possession of a Recreation Punch Card.
35. Recreation and Recreation Facility means any leisure or sports facility, program, or service owned, operated or provided by the District, including, but not limited to, Beaches, parks, playgrounds, athletic fields, trails, Nordic and alpine ski areas, golf courses, recreation centers, tennis courts, pickle ball courts, swimming pools, sports leagues, contests, events, classes, and special events. Notwithstanding the inclusion of "Beaches" within the definition of "Recreation", admission to, access to and use of the Beaches is further restricted to persons with Beach Access as set forth in the Beach Deed and Article VII of this Ordinance.
36. Recreation Punch Card means the card for Recreation Privileges issued by the District to eligible Owners for use by the Owner, the Owner's Tenants and Guests of the Owner, that can be used to pay some or all of access fees to various District Recreation Facilities and bears a dollar face value established by the Board each fiscal year. A Tenant or a Guest of an Owner may use a Recreation Punch Card for access to Recreation Facilities, with or without the accompanying Owner, as more fully described in this Ordinance. An "Additional Recreation Punch Card" is issued as set forth in Paragraph 104.
37. Recreation Fee means the annual Recreation Standby and Service Charge assessed by the District to support recreation services, programs and facilities.
38. Recreation Privilege(s) means any privileges of recreation access or special rates afforded to IVGID Recreation Pass Holders or Recreation Punch Card Holders, including the privilege to provide admission for

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Guests, as provided for in this Ordinance 7. Beach Access Recreation Privileges are specifically limited as set forth in Article VII below.

39. Resident means any: (i) Owner or Tenant of a residential Parcel (including a buildable lot) that is located within the boundaries of the District as constituted by law, or (ii) Owner or Tenant of a commercial Parcel (including a buildable lot) that is located within the boundaries of the District, who resides within the District for purposes of voting within the District, and (iii) A Tenant must have a lease of a Parcel located within the District with a term of six (6) months or longer.
40. Residential Tenant means a lessee who is an individual, trust, corporation, partnership, or limited liability company (or similar entity) who/which rents or leases for six (6) months or more, a residence on a Parcel located within the boundaries of the District, as defined above for the purposes of living in same, and is therefore eligible to receive an IVGID Recreation Pass to be issued for a minimum of a six (6) month period. A Residential Tenant with a Lease for less than six (6) months is not deemed to be a Resident for any purpose under the Ordinance, and is not entitled to receive an IVGID Recreation Pass or Recreation Punch Card. A Residential Tenant must present a written lease agreement in the name of the Residential Tenant, or with the Residential Tenant listed as one of the persons authorized to live at the Parcel, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease. Notwithstanding the foregoing, if a Residential Tenant ceases to be a Resident of a Parcel within the boundaries of the District, the Owner must immediately notify the District and the IVGID Recreation Pass and Recreation Punch Card must immediately be returned to the District. The District will immediately cancel the IVGID Recreation Pass and Recreation Punch Card in the name of a former Residential Tenant, upon notification of termination of tenancy.
41. Tenant means a Residential Tenant or a Commercial Tenant who/which is a lessee of Parcel (with a valid lease) within the District for a lease term of six (6) months or longer. For a Tenant to have Beach Access, the Parcel leased by the Tenant must have Beach Access. Tenants cannot make an Assignment of Recreation Privileges, including but not limited to pursuant to the Family Tree, Exhibit A.

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42. Unbuildable lot is a classification that is reflected for a parcel in the records of the Washoe County Assessor Property Data for a given Assessor Parcel Number, per Washoe County Land Use Code Sections 160 and 170.

ARTICLE III. RECREATION PRIVILEGE ELIGIBILITY

43. Eligible Parcels. Each District Parcel which is assessed and has paid in full the current Recreation Fee, is eligible to receive Recreation Privileges as set forth in this Ordinance. Notwithstanding the foregoing sentence, only Parcels which were located within the District as of June 4, 1968, and which are assessed by the District and have paid and continue to pay a Recreation Fee which includes a Beach Facility Fee, are eligible to receive an IVGID Recreation Pass or Recreation Punch Card with Beach Access.
44. Fees Kept Current. All property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and prior years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee must be paid by October 1 of the year billed in order to continue receiving Recreation Privileges.
45. Tenant Eligibility. All Tenants of Parcels located within the boundaries of the District, who are Residents, with a Lease of six (6) months or more, are eligible to receive an Assignment of Recreation Privileges, IVGID Recreation Passes and Recreation Punch Cards available to the Parcel that they are renting, provided that they have proof of residency and tenancy and upon the execution of the District Assignment documents as described in Article IV below. An IVGID Recreation Pass and/or a Recreation Punch Card shall be issued to a Tenant for a period of no longer than the term of the lease. If a Tenant is under the age of eighteen (18) an IVGID Recreation Pass can only be issued for the term of the lease or three (3) years, whichever is less.
46. Available Recreation Privileges. Every eligible Parcel may receive any combination of up to five (5) IVGID Recreation Passes or Recreation Punch Cards. Also, each eligible Parcel may purchase Additional IVGID Recreation Passes and or Additional Recreation Punch Cards as set forth in Paragraph 104. Only Parcels with Beach Access may receive Cards or Additional Cards with Beach Access.

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ARTICLE IV. APPLICATION PROCEDURES

47. Application. Application for Recreation Privileges must pertain to a specific, eligible Parcel. An application will be accepted when: (a) filed on the Application Form provided by the District; (b) accompanied by proof of ownership as set forth in Paragraph 49 below; (c) signed by an Owner of the Parcel; and (d) if in the name of other than the Owner, accompanied also by an Assignment form and such other documents as are required by the District for the Assignment. The form(s) must be filed with the District's Parks and Recreation office, in person, by fax, by email or digitally, or by mail, prior to any issue of Recreation Privileges as provided by this Ordinance.

48. Application and Designation/Assignment if Parcel has Multiple Owners or if the Parcel is in the name of an Entity. If title to a Parcel is held in the name of multiple owners (excluding husband and wife, or husband, wife and adult child(ren) living together) or in the event of ownership of a Parcel by an Entity, a duly authorized District form entitled "Authorization to Designate/Assign Recreation Privileges" must be on file with the District. This form will designate one (1) individual to instruct the District as to the identity of persons and the type of Cards to be issued by the District in connection with the Parcel. The form will be valid for a period of one year, or until a new form is duly executed and delivered to the District, whichever is later, or until the Parcel is sold or transferred, and may be relied upon by the District in issuing Cards and assigning Recreation Privileges. The District will only assign Recreation Privileges and Cards as directed by the individual designated as the authorized person for the Parcel on the District form entitled "Authorization to Designate/Assign Recreation Privileges".

49. Proof of Ownership. Proof of ownership shall be made by presentation of a government issued photo identification together with one of the following forms:
 - a. Written copy of legal deed of title to the Parcel; or
 - b. Written confirmation of ownership of the Parcel from the County Assessor's office.
 - c. In case of ownership or tenancy of a Parcel by an Entity, such documents as are required by the District to prove that the individual

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identified in the Assignment to receive the Recreation Privileges and Cards is a person authorized by Ordinance 7 to receive Recreation Privileges and Cards. For example, in the case of a corporation or limited liability company, the documents may be copies of shares or certificates of ownership, duly authorized minutes or other documents acceptable to the District.

50. Proof of Residence. Proof of residence shall be made by submitting a written copy of a legal lease signed by Owner and Tenant, or authorized Agent, along with written certification on the IVGID Assignment form signed by the Owner representing that the Assignee is a Tenant, together with one or more of the following forms:
 - a. Valid Nevada Driver's License indicating current street address within the District.
 - b. Verifiable copies of a current utility (phone, electric, water and sewer, etc.) bill in Assignee's name or written certification by the person named on the Lease that the Assignee is a co-tenant.
 - c. All confirmation must be by written document. Written documents need not be certified except for those signed by Owner; however, the District may require further confirmation of uncertified documents.
51. Proof of Tenancy, including Commercial Tenancy. Proof of tenancy, including commercial tenancy shall be made with the submittal of (i) a written copy of legal lease signed by the Owner, or authorized Agent, and Tenant for a period of six (6) months or longer; and (ii) copy of a current utility bill (phone, electric, water or sewer, etc.) in Tenant's name; and (iii) proof that the individual to receive the Recreation Privilege is a Resident for both an IVGID Recreation Pass and a Recreation Punch Card); and (iv) in the case of an Entity, proof that the individual holds one of the positions eligible for Assignment (i.e., a Principal or owner of the Entity who is a Resident or a corporate officer who is a Resident). Confirmation must be by written document. Written documents need not be certified; however, the District may require further confirmation of uncertified documents.
52. Proof for Individuals under Family Tree. The District has a separate list of documents required to be submitted to prove Affinity and Consanguinity under the Family Tree, and which shall be available to the public, which list

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may be modified from time to time as the District reasonably believes is necessary.

53. Proof for Domestic Partner and Child of a Domestic Partner. The District has a separate list of documents required to be submitted to prove a Domestic Partner relationship and a child of a Domestic Partner relationship, which shall be available to the public at the District Recreation Desk. The list may be modified from time to time as the District reasonably believes is necessary, but will include but not be limited to, a fully signed IVGID form Declaration of Domestic Partnership, and a copy of a duly filed registration of domestic partnership with the State of Nevada or another state.
54. Application Acceptance. Application will not be accepted on any Parcel if another valid Application already exists on that Parcel. Any Application will expire with a change of ownership, residency or tenancy upon proof of such change to the satisfaction of the District in its sole discretion, and cancellation of the prior IVGID Recreation Passes, Recreation Punch Cards and prior rights. Notwithstanding the foregoing statement, in the case of a change in tenancy, a change in rights for Tenants can only be made every six (6) months, for District administrative purposes and convenience.
55. Application Approval. Upon review and verification of the completeness and accuracy of the Application by the District, the Director of Parks and Recreation, or the Director's designee, shall approve the Application. It is the Applicant's responsibility to provide the District with all information required for approval, including but not limited to the Owner's signature, as required by District forms.
56. Application Amendment. To update information on the Application, except for Parcels with multiple owners, an approved Application may be amended by any verified Owner of the Parcel, whether or not that Owner signed or submitted the original Application form.

ARTICLE V. ASSIGNMENT OF PRIVILEGES

57. Assignment Procedures. Assignment of Recreation Privileges will be accepted when filed on the District Assignment Form and when accompanied by an approved Application, or when an approved

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Application is already on file but the Application and Cards issued thereunder have been cancelled, and when signed by any Owner listed on the Application. The Assignment form must be filed with the District's Recreation office, in person, by fax, by email, by digital signature, or by mail, and the District may rely upon a copy of the Owner's signature when an original Owner's original signature is not supplied. When there is an Assignment of Recreation Privileges, the Owner as Assignor and the Assignee must agree to be jointly and severally liable to the District for any sums of money Assignee owes the District related to the use of Recreation Facilities, damage to Recreation Facilities and persons and property of other persons, fees or sums owed for the use of all District-owned meeting facilities and Recreation Venues, and any fines. All Assignments must be for a minimum of six (6) months. If an individual assigned an IVGID Recreation Pass ceases to be a Tenant or otherwise becomes ineligible to have an IVGID Recreation Pass or Recreation Punch Card, the Owner is responsible for and shall immediately advise the District so that the District can cancel the Recreation Privileges, and the IVGID Recreation Pass and Recreation Punch Card must be immediately returned by the Tenant or Owner to the District. Even if an Assignment is cancelled in less than 6 months, another Card cannot be issued until the six-month period from issuance of the Card has passed, for District administrative purposes and convenience

58. Agent Designation. Any Owner listed on an approved application may designate an Agent by filing and executing an Agent Authorization Form, for processing paperwork and for accepting IVGID Recreation Passes and Recreation Punch Cards. However, the Owner must sign the Assignment and the Application, and thereby agree to be jointly and severally responsible for all fees, fines, and monies owed to the District by each of the Owner's Tenant(s), Assignee(s) and Guest(s) and for all damages and loss caused to the District and others by the Assignee. An Owner may only designate one Agent. The District Agent form must be filed with the District's Parks and Recreation office, in person, by fax, by email, by digital signature or by mail. Upon review and verification of the Agent form by the District, the Director of Parks and Recreation, or the Director's designee, shall approve the form. It is the Owner's responsibility to provide the District with all information required for approval. For clarity, the Owner is responsible for all acts of the Agent of the Owner and for all acts of each Assignee and Guest, and for all representations by the Agent and the Assignee(s) to the District.

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59. Assignment Acceptance by District. An Assignment will not be accepted by the District, on any Parcel, if another valid and outstanding Assignment already exists on that Parcel. An Assignment will expire with a change of ownership, where no party listed as Assignor on the application continues as an Owner of the Parcel. The Assignment form must be signed by the Owner, not by an Agent on behalf of an Owner.
60. Privileges Assignable - Residential Parcels. Every eligible residential Parcel may receive any combination of up to five (5) Cards that are IVGID Recreation Passes and/or Recreation Punch Cards. An IVGID Recreation Pass may be assigned to any Owner's eligible family member as set forth on the Family Tree, Exhibit A hereto, or to a Tenant who/which also qualifies under this Ordinance. A Recreation Punch Card may be assigned to an Owner's Tenant. Tenants and Assignees (including family members under the Family Tree) cannot further assign to family members under the Family Tree.
61. Privileges Assignable – Commercial Parcels. Every eligible commercial Parcel may receive any combination of up to five (5) cards that are IVGID Recreation Passes and/or Recreation Punch Cards. An IVGID Recreation Pass may be assigned to: (i) any individual Owner's family member as set forth on the Family Tree at Exhibit A, (ii) if the Tenant is an Entity, to a principal or owner of the Entity who is a Resident, or (iii) to a Tenant's corporate officer who is a Resident. Tenants and Assignees (including family members under the Family Tree) cannot further assign to family members under the Family Tree.
62. Assignment Approval. Upon review and verification of the Assignment by the District, the Director of Parks and Recreation, or the Director's designee, shall approve the Assignment. It is the Owner's responsibility to provide the District with all information required for approval, either from the Owner directly or the Owner's Agent, but the Owner is ultimately responsible for the accuracy and truthfulness of all information and representations provided.
63. Assignment Amendments. To update information, the Assignment may be amended, subject to the limitations set forth in Paragraph 48 in the case of multiple Owners of a Parcel or if a Parcel is owned by an Entity. Provided, however, that any Owner listed on the approved application or a designated

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Agent of any listed Owner may add names of persons to be assigned Recreation Privileges, to the extent additional privileges are available, so long as the Owner agrees to remain responsible, and so long as no changes are made to add individuals to get Recreation Privileges in less than six (6) month intervals.

ARTICLE VI. IVGID RECREATION PASS (ADDITIONAL SPECIAL PROVISIONS CONCERNING BEACH ACCESS AND BEACH ACCESS PRIVILEGES ARE DESCRIBED IN ARTICLE VII BELOW)

64. An IVGID Recreation Pass, subject to the other conditions and restrictions of this Ordinance, provides the Pass Holder:
- a. reduced season pass rates, at District-owned ski, and tennis facilities; and
 - b. reduced daily rates at District-owned golf, ski and tennis facilities; and
 - c. reduced yearly, quarterly, monthly, or weekly membership rates at District-owned Recreation Center; and reduced rates on various recreation programs and services
 - d. reduced daily rates at the District-owned Recreation Center; and
 - e. reduced rates for the rental of the Chateau, Aspen Grove Community Building, Diamond Peak Ski Lodge, Recreation Center, and District-owned athletic fields; and
 - f. watercraft launching access at the District-owned watercraft ramp to Pass Holders with Beach Access, for a fee; and
 - g. The ability to bring Guest(s) to District-owned Beaches for a fee, when accompanying an IVGID Recreation Pass Holder with Beach Access, only as set forth in Article VII; and
 - h. any other Recreation Privileges determined by the Board.
65. Term of IVGID Recreation Pass Issuance. The IVGID Recreation Pass of any person will be limited to a term of not less than six (6) months or more than five (5) years. If no term is specified, the minimum six-month term shall apply. In the case of a Tenant, in any event, the maximum term of issuance of an IVGID Recreation Pass will be the length of the lease or five years, whichever is less, except that for individuals under eighteen (18) years of age, an IVGID Recreation Pass must be re-issued with a new photograph at least every three (3) years

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66. IVGID Recreation Pass Expiration. An IVGID Recreation Pass expires when:
- a. the stated expiration date has been exceeded; or
 - b. the Parcel changes ownership, in which case the former Owner must return his/her/its IVGID Recreation Passes to the District; or
 - c. the IVGID Recreation Pass is withdrawn or reassigned to another individual by the Owner or his Agent; or
 - d. payment of the District Recreation Fee is delinquent, or
 - e. the IVGID Recreation Pass is voided pursuant to this Ordinance; or
 - f. the lease of a Tenant expires or terminates, with or without notice to IVGID from the Owner, or
 - g. in the event a Card is issued on the basis of a Domestic Partnership, if the Domestic Partnership is terminated or the couple ceases to live together, or
 - h. in the event a Card is issued on the basis of Affinity with an Owner or spouse of an Owner, if the marital relationship of the Assignee ends or is terminated or the couple ceases to live together so that there is no longer Affinity, or
 - i. in the event the IVGID Recreation Pass is issued to a person under eighteen years of age, the pass will expire and must be reissued with a new photograph at least every three (3) years.
67. No Ability to Transfer IVGID Recreation Passes. All IVGID Recreation Passes shall be issued for the sole use of the Pass Holder and are non-transferable. If an IVGID Recreation Pass is transferred, lent, given, sold, offered or used by a person other than the individual identified on the IVGID Recreation Pass, the violation of this Paragraph 67 will result in immediate sanctions against the offending Owner, including but not limited to, in the case of knowing or willful violation of this Ordinance, up to the immediate loss of the IVGID Recreation Pass and the Pass Holder, and loss of all of their IVGID Recreation Privileges for a period of up to two (2) years, from the date the IVGID Recreation Pass is cancelled by the District, as determined by the General Manager in his sole and absolute discretion.
68. Responsibilities of IVGID Recreation Pass Holder. It is the responsibility of the IVGID Recreation Pass Holder to:
- a. renew his/her IVGID Recreation Pass on or before the expiration date shown on the pass;

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- b. report lost, stolen, or destroyed IVGID Recreation Pass(es) to the District;
 - c. return all valid IVGID Recreation Passes when eligibility to use passes has expired or when asked by the District to surrender the passes;
 - d. be responsible for the conduct of his/her Occupants, Guests and Assignees, and to inform Occupants, Guests and Assignees and assure compliance by the IVGID Recreation Pass Holder and his/her Occupants, Guests and Assignees with all rules and regulations of the Recreation Facilities, and be responsible for any liability, loss or damages resulting from all such individual's use of the District's Recreation Facilities, or presence in, or at, or use of the Recreation Facilities.
 - e. be responsible to secure his/her IVGID Recreation Pass and never allow or authorize another individual to use it for any purpose whatsoever.
69. Lost/Stolen IVGID Recreation Pass. A charge per Card, in such amount as the District shall set in a Schedule of Fees from time to time, will be assessed to replace any IVGID Recreation Pass or Recreation Punch Card that is lost or stolen prior to its date of expiration.
70. Reassignment Fee. Reassignment of IVGID Recreation Passes and Recreation Punch Cards will not be allowed within the initial six months of pass issuance except for the following conditions: (a) the Parcel on which the pass is issued changes title; or (b) the Pass Holder is deceased. In the event of a reassignment where the issued passes are not returned, there will be a charge per card, in such amount as the District shall set in a Schedule of Fees from time to time, assessed to the Owner. New IVGID Recreation Passes and Recreation Punch Cards will not be issued for any other individuals unless this fee is paid or the IVGID Recreation Passes of the prior Pass Holder are returned.
71. Ownership Transfer Fee. A charge per Card, in such amount as the District shall set in a Schedule of Fees from time to time, will be assessed to the new Owner of a Parcel if the IVGID Recreation Passes issued on the Parcel are not returned to the District when a Parcel changes ownership. New Recreation Punch Cards will be issued to a new Owner as requested by the new Owner, but the old Cards must be returned to the District or there will be a charge for failure to return the old Cards.

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ARTICLE VII. BEACH ACCESS PRIVILEGES SPECIAL RULES

72. It is the intent of the District to adopt provisions under this Article VII to comply with the Beach Deed made June 4, 1968, including but not limited to page 1 line 28 – page 2, line 7, which states that the Beaches “*shall be held, maintained and used by grantee, its successors and assigns, only for the purposes of recreation by, and for the benefit of, property owners and their tenants...and as the Board of Trustee of said District may determine, the guests of such property owners....*” Further, the Beach Deed provides that “the Board of Trustees shall have the authority to control, regulate, maintain and improve said property”. Therefore, rules and implementation of rules and regulations of the Beaches will be reviewed by the Board from time to time, separate and apart from review of the entire Ordinance 7, to assure such reasonable compliance and efficient operations and maintenance.
73. IVGID Recreation Pass Holders with Beach Access have unlimited access to the Beaches for themselves and may bring up to 15 Guest(s) per Parcel to the Beach per day, if the IVGID Recreation Pass Holder accompanies the Guest(s) to the Beach entrance gate at time of entry and pays the applicable Guest Beach Access fee. An Owner with Beach Access may give a Recreation Punch Card(s) to the Owner’s Guests who may then have Beach Access up to the total dollar credit then remaining on the Recreation Punch Card, and the Owner need not accompany such Guests to the Beach. The applicable Guest Beach Access fee must be paid for each Guest accessing the Beaches, either by payment by credit card for Guests accompanying an IVGID Picture Pass Holder, or with a Recreation Punch Card with a sufficient balance to cover the cost of each Guest Beach Access fee.
74. Access to Beaches under the Beach Deed. Persons who do not have an IVGID Recreation Pass with Beach Access in their name and with their photograph, may only access the Beaches if they are in possession of a Recreation Punch Card with Beach Access, with sufficient remaining funds on the Recreation Punch Card to pay their Beach Guest access fee or if they are Guests accompanying an Owner with an IVGID Recreation Pass with Beach Access at the entrance gate, and in compliance with the provisions of this Articles VII and IX governing Guest Access to the

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Beaches. The Beaches are not open to the public and are restricted access facilities.

75. It is further the intent of the District to adopt the following provisions under this Article VII to avoid or limit over-crowding at the Beaches both to further the intent of the Beach Deed and for public safety and convenience of the District:
- a. Unless accompanied by an IVGID Recreation Pass Holder with Beach Access who purchases a Guest entrance, a Guest can only access the Beaches with a valid Recreation Punch Card with Beach Access that has the applicable value remaining on the Recreation Punch Card to cover the total cost of entrance to the Beaches for each Guest accompanying the Recreation Punch Card.
 - b. An IVGID Recreation Pass Holder with Beach Access can use his/her IVGID Recreation Pass to bring a maximum of 15 Guests per Parcel to the Beach per day.
 - c. An individual with an Additional IVGID Recreation Pass may NOT bring Guests to the Beaches with an Additional IVGID Recreation Pass, issued under Paragraph 104. Additional IVGID Recreation Passes issued under Paragraph 104 shall be marked with language stating that it does not allow the Pass Holder to bring Guests to the Beaches.
 - d. IVGID Recreation Pass and Recreation Punch Card Holders must bring their IVGID Recreation Pass or Recreation Punch Card or a copy of the IVGID Picture Pass or Recreation Punch Card stored on their mobile electronic device to the Beaches on their person in order to obtain access to the Beaches.
 - e. If an IVGID Picture Pass Holder desires to bring more than 15 Guests per parcel to the Beach per day, this must be pre-authorized in advance in writing by the District, pursuant to its written procedures for Group Beach Reservations, and the authorization is only valid on the specific day that is approved by the District.
76. Occupants of Hotels & Motels shall be provided access to the Beaches, if any, consistent with the terms of the Beach Deed and through a District

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verification and administration process. This process, at a minimum, shall include the payment of an Hotel/Motel Occupant fee and include a reasonable limitation on the maximum number of Hotel/Motel Occupant to be provided access per Hotel/Motel. Access shall be limited to occupants of the Hotel or Motel during the time that they are occupants, and not before check-in or after check-out from the hotel.

77. Parcels that were annexed to the District after June 4, 1968, are NOT eligible for Beach Access, per deed restrictions listed on the Beach Deed, among other reasons.
78. Commercial Use of the Beaches. Commercial Use of the Beaches is prohibited. Commercial Use of the Beaches, includes but is not limited to offering of Beach Access or Privileges to use the Beaches to customers or to any person for remuneration or offering Beach Access or Privileges to use the Beaches as an inducement to a potential customer by a business or a business enterprise. Notwithstanding this provision, limited contracts for the provision of food and beverage, and services may be executed between the District and third-party vendors for the benefit of the District, Owners and Tenants, each to be approved by the Board.
79. Watercraft launching by a commercial enterprise at Ski Beach or any other of the District's restricted access Beaches. Watercraft launching by a commercial enterprise at Ski Beach or any other of the District's restricted access Beaches is prohibited **except** as follows: (i) Commercial watercraft owners who are IVGID Recreation Pass Holders with Beach Access or Recreation Punch Card Holders with Beach Access are allowed to launch watercrafts for their own personal recreation use. (ii) If an IVGID Recreation Pass Holder with Beach Access or a Recreation Punch Card Holder with Beach Access owns a watercraft which is stored at a commercial business, and requests that the commercial business bring the watercraft to the Beach and launch it for the recreational use of the owner of the watercraft who is an IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access, or if the commercial business picks up the IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access in the water, this is deemed a permissible non-commercial activity, for the benefit of the IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access, not a commercial use for the commercial watercraft business. (iii) If a commercial business brings a watercraft to pick up its

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customer who is an IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access, and who is paying the business to rent the watercraft hourly or daily for the IVGID Recreation Pass Holder with Beach Access's or district's Recreation Punch Card Holder with Beach Access's recreational use, this is deemed a permissible non-commercial recreation activity for the benefit of the Pass Holders with Beach Access, not a commercial use for the commercial watercraft business.

80. Marketing of Beach Access is prohibited. No IVGID Recreation Pass Holder with Beach Access shall market or authorize the marketing of Beach Access for any commercial purpose or in connection with offering anything for sale, lease, license or valuable consideration to the IVGID Recreation Pass Holder with Beach Access.

ARTICLE VIII. RECREATION PUNCH CARD

81. A Recreation Punch Card provides the Pass Holder with a face value of Recreation Privileges, determined by the Board, which may be applied toward:
 - a. The Guest rate for daily Beach Access, daily watercraft and jet ski launching; and
 - b. the difference between the Pass Holder rate and the non-Pass Holder rate for daily access to the District-owned golf, ski, recreation center, and tennis facilities; and
 - c. the difference between the Pass Holder rate and the non-Pass Holder rate for any other recreation use fee or rental fee as may be determined by the Board.
 - d. When a Recreation Punch Card is used for Beach Access, the balance of funds on the Recreation Punch Card will be applied to the Guest Fee, until the balance of funds on the Recreation Punch Card is used up, at which time the Recreation Punch Card cannot be used for Beach Access or for access or any other purpose at any other Recreation Facility or Recreation Venue.

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82. Expiration Date. Recreation Punch Cards shall have a term of one year beginning on June 1. All Recreation Punch Cards expire on the 31st day of May following the date of issuance, regardless of when issued during the course of that year. All Recreation Punch Cards expire and will not provide access to the Beaches or to any Recreation Facility, after the balance of the funds on the Recreation Punch Card for the fiscal year have been expended. The unused balance on Recreation Punch Cards expires when the Recreation Punch Card expires on May 31 of each year.
83. Transferability.
- a. Recreation Punch Cards are issued against the Parcel and are only transferable to a Guest of the Owner to whom the Recreation Punch Card was issued. Recreation Punch Cards cannot be given to or transferred to any person other than a Guest of the specific Parcel Owner to whom the Recreation Punch Card was issued. Recreation Punch Cards cannot be given to or transferred to other Parcel Owners to use for their Guests or used for purposes of other Parcel Owners, and such use will constitute misconduct under Paragraphs 99 and 100, subject to sanctions as set forth in this Ordinance. Owners cannot ask Owners of other Parcels to transfer or give them Recreation Punch Cards issued on another Parcel. Recreation Punch Cards are numbered and tied to a specific Parcel and the Parcel Owner to whom the Recreation Punch Card is tied is responsible for the actions and inactions of his/her/its Guests, as more fully discussed in Article XI, Paragraph 99.
 - b. Transfer of Parcel. To the extent that a Parcel is transferred, and the prior Owner has acquired Recreation Punch Cards from the District, those Recreation Punch Cards will be invalidated regardless of the balance remaining prior to the issuance of any Recreation Punch Cards to the new Parcel Owner.
84. Replacement. Recreation Punch Cards will not be replaced if lost, stolen, or destroyed, and if the dollar value on the Recreation Punch Card has been expended, it will not be refilled or useable further.
85. Responsibilities of Recreation Punch Card Holder. It is the responsibility of the Recreation Punch Card Holder to:

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- a. report lost, stolen or destroyed Recreation Punch Card(s) to the District;
 - b. return all valid Recreation Punch Cards when eligibility to use the Recreation Punch Card has expired or when asked by the District to surrender the Recreation Punch Card.
 - c. be responsible for the conduct of his/her Guests and inform Guests and assure compliance by the Recreation Punch Card Holder and his/her Guests with all rules and regulations of the Recreation Facilities, and be responsible for any liability, loss or damages resulting from all such individual's use of the District's Recreation Facilities, or presence in or at, or use of the Recreation Facilities.
 - d. be responsible to secure his/her Recreation Punch Card and never allow another individual to use it, except that a Guest of the Owner may use a Recreation Punch Card, with or without the Owner's presence.
86. Refund. The Recreation Punch Card has no monetary exchange value and therefore cannot be returned to the District for any form of refund or credit.
87. Each Owner or the Owner's Agent is responsible for procuring and distributing Recreation Punch Cards to Guests of the Owner, and the District does not act as a concierge to assist with Guest use or access to Recreation Punch Cards. Each Owner or the Owner's Agent must inform the Guest as to the rules and procedures with respect to the use of Recreation Punch Cards.

ARTICLE IX. GUEST ACCESS

88. District venues have different rate category structures for Guests and different restrictions on the number of Guests and method of Guest access at the various Recreation Facilities. These may change from time to time in the reasonable discretion of the General Manager for all venues except the Beaches.
89. The following provisions regarding Guest Beach Access are approved by the Board:

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- a. A Guest Beach Access fee shall be paid for every Guest entering the Beaches, including each Guest on a watercraft that is/ being launched at the watercraft launch.
- b. Guests can access the Beaches only if they accompany an IVGID Recreation Pass Holder with Beach Access, or if a Guest has a Recreation Punch Card with Beach Access with a dollar balance remaining sufficient to cover the cost of the entire Guest fee for each Guest seeking Beach Access using the Recreation Punch Card.
- c. A maximum of 15 Guests per Parcel may accompany an IVGID Recreation Pass Holder per day.
- d. A holder of an Additional IVGID Recreation Pass or an Additional Recreation Punch Card under Paragraph 104 cannot bring any Guests to the Beaches.
- e. A IVGID Picture Pass Holder may allow a Guest to pay for the Guest's beach access fee by using the Guest's credit card at the beach gate at the time of entry into the Beach.
- f. Group Reservations. To accommodate Owners who desire to bring more than 15 Guests per Parcel on a specific day to the Beaches for a special occasion, the District offers the opportunity for a group reservation. The reservation and approval from the District must be obtained in advance in writing.

ARTICLE X. UNBUILDABLE LOTS

90. Unbuildable lots that do not have Recreation Privileges as of June 1, 2022 will not be eligible to receive any Recreation Privileges, IVGID Recreation Passes or Recreation Punch Cards on and after June 1, 2022.
91. Unbuildable lots that currently have Recreation Privileges as of June 1, 2022 will be grandfathered for purposes of determining eligibility to continue to receive the Recreation Privileges which the unbuildable lot had on June 1, 2022, as allowed in the then current Ordinance 7, for as long as the title to the Parcel does not change and the Owner(s) in whose name title is held as of June 1, 2022 continue to own(s) the unbuildable lot. The unbuildable lot will not continue to have any Recreation Privileges after the

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death of the Owner, or after a gift, sale or other transfer of the unbuildable lot by the Owner to any other owner. Additionally, such unbuildable lot shall continue to have such Recreation Privileges only for so long as the Recreation Fee continues to be assessed and is paid in full.

92. No unbuildable lots may be subdivided after June 1, 2022 to produce additional Parcels that are unbuildable lots that would receive in excess of the five (5) Cards for the single unbuildable lot as it existed as of June 4, 1968. Except as set forth in the Paragraphs 93 and 94, the District will not issue more than five (5) Cards for an unbuildable lot as it existed as of June 4, 1968.
93. Notwithstanding Paragraph 91, if a formerly unbuildable lot is deemed by the County to be a buildable lot, then following construction of a residence or commercial property on the formerly unbuildable lot, that Parcel and each Parcel that it is legally subdivided into, if any, will become eligible for Recreation Privileges.
94. Additionally unbuildable lots that have been subdivided to produce additional Parcels in the past, which additional Parcels of unbuildable lots are currently receiving Recreation Privileges, if any and therefore, in the aggregate are receiving in excess of the 5 Recreation Privileges and Cards that could have been received for the formerly single unbuildable lot, will be grandfathered to continue receiving the same Recreation Privileges and Cards as they are receiving as of June 1, 2022, until the death of the current Owner(s), or the gift, sale or other transfer from the Owner(s) of the Parcel as of June 1, 2022, at which time the right for the unbuildable lot to receive Recreation Privileges will no longer be grand-fathered and will terminate. For clarity, once the current Owner(s) no longer own the unbuildable lot which is receiving Recreation Privileges, the unbuildable lot shall not be eligible for Recreation Privileges, IVGID Recreation Passes or Recreation Punch Cards, except as set forth in Paragraph 92.

ARTICLE XI. GENERAL USE REQUIREMENTS, INCLUDING MISCONDUCT, ASSUMPTION OF RISK, INDEMNITY, AND ADDITIONAL PASSES AND CARDS

95. IVGID Recreation Pass and Recreation Punch Card Ownership. All IVGID Recreation Passes and Recreation Punch Cards are the property of the

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District and must be returned upon request, and/or upon the loss of eligibility by the Pass Holder.

96. Deed Restrictions. For clarity, Parcels annexed to the District after June 4, 1968, are not eligible for District beach access as per deed restrictions listed on the Beach Deed.
97. Assumption of Risk and Indemnity. In consideration of the ability to make assignments to Tenants and others and to bring Guests and persons who are not IVGID Recreation Pass Holders to District Recreational Facilities and Venues, and in consideration of receipt of an IVGID Recreation Pass or Recreation Punch Card, each Owner and IVGID Recreation Pass Holder and Recreation Punch Card Holder must sign an agreement, acknowledging and agreeing that for good and valuable consideration, the receipt and sufficiency of which will be acknowledged, the following on behalf of himself or herself and any Recreation Punch Card Holder obtaining such Punch Card on his/her behalf:
 - a. the IVGID Recreation Pass Holder, Recreation Punch Card Holder and Owner is voluntarily using the Recreation facilities;
 - b. the IVGID Recreation Pass Holder, Recreation Punch Card Holder and Owner assumes all risk of and releases the District from loss or liability from: (i) personal injury to himself/herself and to his/her/its Assignees, Tenants and Guests, and (ii) of loss and damage to, his/her/its personal property, resulting from use of the Recreation Facilities and Recreation Privileges; and
 - c. the IVGID Recreation Pass Holder, Recreation Punch Card Holder and Owner agrees to defend, indemnify and hold the District harmless from and against any and all loss, liability, claims and damage caused by Owner, IVGID Recreation Pass Holder, Recreation Punch Card Holder, or an Assignee, Tenant or Guest of Owner or IVGID Recreation Pass Holder, to the District, to the District's Property and to third parties and their real and personal property, arising out of or caused by actions or inactions of such persons and Entities.
98. Fraudulent Use. It is Fraudulent Use to provide false or misleading information to obtain a Recreation Punch Card or IVGID Recreation Pass,

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or any fraudulent use of such card or pass, including but not limited to, (i) making a false representation that a person falls under the Family Tree when the person does any of the following: (ii) providing false information or documents in connection with the acquisition of an IVGID Recreation Pass or Recreation Punch Card; (iii) an Owner or manager of an Owner, or Agent of an Owner, falsely attesting on an Application that an Applicant allegedly has a valid and enforceable lease, when the Applicant does not have a valid and enforceable lease for in excess of 6 months, or falsely stating that the Applicant lives at the Parcel when the Applicant does not; (iv) making an Assignment of Recreation Privileges to a person who is not authorized to receive such Assignment under this Ordinance 7; (v) obtaining an Additional IVGID Recreation Pass or Additional Recreation Punch Card for persons who are not eligible to receive an Additional IVGID Recreation Pass or Additional Recreation Punch Card. Such fraudulent use will be grounds for voiding one, or more or all Recreation Privileges issued against the Parcel for a period of up to two years. The District reserves the right to pursue any other disciplinary and legal action, as allowed by law. Because fraudulent use is such a serious action with such serious adverse consequences to the District and others, Owners are urged to advise all persons who receive IVGID Recreation Passes or Recreation Punch Cards on an Owner's Parcel, of the serious consequences of taking these prohibited actions.

99. Selling of Recreation Privileges or Allowing Others to Use IVGID Recreation Passes or Allowing Persons Who Are Not Guests of the Owner to Use a Recreation Punch Card Issued to the Owner. Recreation Punch Cards may only be given by an Owner to persons who are Guests of the specific Owner who received the Recreation Punch Card from the District, and cannot be given to the Guests of other Owners or to other Others to give to their Guests, and Guests of an Owner cannot give a Recreation Punch Card to persons who are not Guests of the Owner to whom the Recreation Punch Card has been issued. It is strictly forbidden for any Owner or person to ask another Owner to use the Recreation Punch Cards of another Owner or for an Owner or person to give another Owner or person his/her/its Recreation Punch Card(s) to be used for Guests of another Owner or Person. It is strictly forbidden for any IVGID Recreation Pass Holder, Recreation Punch Card Holder or other individual to sell an Assignment of Recreation Privileges, or to sell individual IVGID Recreation Passes or Recreation Punch Cards. Notwithstanding the preceding sentence, when an IVGID Recreation Pass Holder accompanies a Guest

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at the Beach Gate and the Guest receives access as a Guest not paid for by a Recreation Punch Card, the IVGID Recreation Pass Holder may allow a Guest to pay the District for the Guest's access fee by credit card at the time of entry into the Beach only, and not at any other time, to avoid any appearance of selling of recreation privileges. Any such sales of privileges, passes, or cards or giving or transferring of Recreation Punch Cards from one Owner to another Owner or person to be used for Guest(s) of the other Owner or person is considered to be fraudulent use and will be grounds for voiding one, more or all Recreation Privileges issued against the Parcel or in the case of transfers between Owners, Recreation Privileges issued against both Parcels may be voided, for a period of up to two years. The District reserves the right to pursue any other disciplinary or legal action against the Owner, the IVGID Recreation Pass Holder or the Recreation Punch Card Holder. Because selling and otherwise allowing others to improperly use Recreation Privileges is such a serious action with such serious adverse consequences to the District and others, Owners are urged to advise all persons who receive IVGID Recreation Passes or Recreation Punch Cards on their Parcel, of the serious consequences of taking these prohibited actions.

100. Misconduct. Use of the District's Recreation Facilities by any IVGID Recreation Pass Holder or Recreation Punch Card Holder is a privilege. For misconduct or violation of the provisions of this Ordinance, an IVGID Recreation Pass Holder or Recreation Punch Card Holder may be removed from the Recreation Venues and Facilities and/or his/her Recreation Privileges, including but not limited to the immediate confiscation of the IVGID Recreation Pass or Recreation Punch Card, and/or suspension of Recreation Privileges for any period deemed appropriate by the District including up to two years or those privileges may be revoked, at the District's sole discretion. Misconduct includes but is not limited to:
 - a. failure to abide by any rule, policy, procedure, or regulation established by the District and all such supplemental rules, policies, procedures, or regulations established for each Recreation Facility; or
 - b. violation of any law, violation of any District Ordinance, including this Ordinance 7, or violation of any published District Rule or Regulation for any Recreation Facility, including but not limited to Beach Rules; or
 - c. disorderly and/or abusive behavior; or

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- d. excessive or improper use of alcohol on Recreation Facilities; or
- e. any use of drugs at Recreation Facilities; or
- f. vandalism or any other form of property damage at Recreation Facilities; or
- g. violence, fighting, threats of violence, bringing a gun or knife or other weapon onto a District Recreation Facility; or
- h. fraudulent use as set forth in Paragraph 98 above; or
- i. selling of Recreation Privileges or allowing others to use IVGID Recreation Passes or allowing persons who are not Guests of the Owner to use a Recreation Punch Card issued to the Owner, as set forth in Paragraphs 67 or 99; or
- j. violation of the provisions of Paragraphs 78, 79, or 80 prohibiting commercial use of the Beaches, prohibiting commercial use of the watercraft launch at Ski Beach and prohibiting marketing of the beaches; or
- k. violation of Paragraph 75b by one or more IVGID Picture Pass Holder(s) from the same Parcel bringing in excess of the maximum number of Guests permitted to be brought to the Beach per day per Parcel, by means of multiple entries, by separate entries, or any other methods; or
- l. an individual paying an Owner for the Owner's Recreation Punch Card, or
- m. an Agent violating Paragraph 98 with the knowledge of an Owner; or
- n. in the case where multiple Owners own a Parcel, the knowing filing or knowing attempting to file, of an unauthorized Assignment/ Designation of Recreation Privileges, or the knowing filing an application, by an Owner of a Multiple Owner Parcel or by an Entity, when the person filing the Application is not authorized to do so, in violation of Paragraph 48; or
- o. a Pass Holder who has an Additional IVGID Recreation Pass bringing Guests or attempting to bring Guests to the Beaches using such Additional Card in violation of Paragraph 75c; or
- p. An Owner or Tenant violating any Beach Parking Rule or Regulation in effect at the time of the violation, or knowingly allowing a Guest to do so.
- q. One or more IVGID Recreation Pass Holders from the same Parcel bringing in excess of a total of 15 Guests per Parcel on a given day.

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101. The District may in its sole discretion hold the parent(s), conservator, or guardian of a child who engages in willful misconduct jointly and severally liable for the resulting damage. (NRS 41.470, as amended.)

102. Disciplinary Procedures for Misconduct.
 - a. Incident Report. A District employee shall, in a timely fashion, but in no event no later than 7 days following the incident, submit a written incident report of facts within that employee's own, personal knowledge concerning the alleged misconduct of an Alleged Violator, regardless of whether that Alleged Violator was removed from the premises for that same alleged misconduct.

 - b. Removal. A District employee may request that an Alleged Violator leave District property or District Venues, in circumstances where there is a threat of bodily harm to a person or a risk of property damage to District owned facilities, and/or a persistent refusal to obey Ordinance 7, an applicable law and/or policies, procedures or regulations of the District (circumstances requiring removal). If the Alleged Violator does not voluntarily leave when requested to do so, the District employee will request that the Washoe County Sheriff's Office remove the Alleged Violator from the District's property or a District Venue.
 - (1) Washoe County Sheriff Assistance. The District may request at any time the assistance of the Washoe County Sheriff's Office in maintaining order.
 - (2) Incident Report. The employee(s) involved in the removal shall prepare and file an incident report with the department head of that facility within 48 hours of the occurrence.

 - c. Suspension, Revocation, or Other Disposition.
 - (1) Department Head. Within a reasonable time, but in no event more than seven (7) days following receipt of an incident report, the Director of Parks and Recreation may determine that sufficient evidence of serious misconduct exists, indicating adequate grounds for suspension or revocation of privileges. Upon such an assessment, the Director of Parks and Recreation shall provide the Alleged Violator with written

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notice of the accusation(s) and the possible sanction/penalty which may result. The notice shall also provide the Alleged Violator with the date, time and place at which the Alleged Violator may appear before the Director of Parks and Recreation, to respond to the claims and to explain the Alleged Violator's position concerning the incident.

- (a) Notice. The written notice shall be signed by the Director of Parks and Recreation and mailed, certified return receipt requested, to the District's record address of the Alleged Violator. Attached to the notice shall be a copy of the incident report(s). If the Alleged Violator is a minor, an additional copy of the notice shall be mailed to the parent(s) or person(s) in loco parentis of the Alleged Violator-minor.
- (b) Hearing. Within fifteen (15) business days of mailing the written notice, unless otherwise agreed by the Director of Parks and Recreation and the Alleged Violator, the Director of Parks and Recreation shall hold a hearing to determine the accuracy of the representations contained in the Incident Report and to determine what, if any, further action shall be taken by the District. At this hearing, the employee(s) bringing the charges shall provide evidence and the Alleged Violator shall have opportunity to respond and explain. At the close of the hearing, the Director of Parks and Recreation may render his/her opinion orally or take the matter under submission. The Director of Parks and Recreation shall deliver a written decision concerning the allegations and any resulting suspension or revocation within 10 business days following the hearing.
- (c) Decision. The Director of Parks and Recreation shall - include findings of facts, conclusions of misconduct, and sanction/penalty, if any imposed, in the decision; additionally, the Director of Parks and Recreation shall inform the Alleged Violator in the decision of the Alleged Violator's right to appeal the decision to the District's General Manager. Such disposition shall include, but not be limited to, the following: suspension, revocation,

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- reprimand (oral or written), or a determination of no action of no misconduct.
- (d) Notice of Appeal. In order to avail him/herself of the right to appeal to the General Manager, the Alleged Violator must so inform the General Manager by letter delivered to the District's Administrative Building (located at 893 Southwood Boulevard, Incline Village, NV 89451) within 10 business days of issuance of the written opinion.
- (2) District General Manager. Within twenty (20) business days of the Alleged Violator's notice of appeal letter, the General Manager shall hear the Alleged Violator's appeal. Also, at this hearing shall be the charging employee(s) and the deciding Department Head, to respond to the Alleged Violator's assertions. The General Manager shall render his/her written decision within ten (10) business days of the appellate hearing. In the decision, the General Manager shall uphold, modify, or reverse, in whole or in part, the Department Head's decision. The General Manager shall advise the Alleged Violator in this written decision of the Alleged Violator's right to appeal the General Manager's decision to the District's Board of Trustees. In order to avail him/herself of the right of final appeal to the Board of Trustees, the Alleged Violator must so inform the Board by letter delivered to the District's Administrative Building (located at 893 Southwood Boulevard, Incline Village, NV 89451) within 10 business days of issuance of the written opinion from the General Manager.
 - (3) Board of Trustees. The Board of Trustees shall hear the Alleged Violator's duly agendized appeal at the Board's next regularly scheduled public meeting. (NRS 241.030 (3) (d) Nothing contained in the Chapter 241 shall require that any meeting be closed to the public. This hearing shall be attended by the Director of Parks and Recreation and General Manager, and if requested by the District the District's counsel, to respond to the Alleged Violator's assertions. If the Director of Parks and Recreation and the General Manager cannot attend the next regularly scheduled meeting, the hearing shall be held within thirty (30) days of the District's receipt of the appeal, or the Alleged Violation shall be expunged. The Board shall render its decision at this hearing. By its decision, the Board

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shall uphold, modify, or overturn, in whole or in part, the General Manager's decision. The Board's decision is final.

- d. Right of Representation. The Alleged Violator may enlist the assistance of legal counsel, of the Alleged Violator's choice and at his/her expense, at any and all stages of these proceedings.
 - e. Reservation. Nothing herein shall preclude the District from utilizing any and all legal and/or equitable remedies, instead of or in addition to the present procedure.
103. Other Issuance. Save and except as provided in or required by the provisions of the Beach Deed, this Ordinance does not apply to or discuss the District issuing Recreation Privileges to employees or Board members, in the past, present or future, as approved by the Board of Trustees, from time to time. Such privileges shall be the subject of a separate Board policy or policies or ordinance, approved by the Board. Notwithstanding the foregoing, no Beach Access may be granted to any employee or Board members, past, present or future, that are contrary to or in violation of the Beach Deed.
104. Purchase of Additional IVGID Recreation Passes or Additional Recreation Punch Cards. If any Owner wishes to purchase up to a total of an additional five (5) Cards which may be Additional IVGID Recreation Passes or Additional Recreation Punch Cards or a combination thereof as described in this Paragraph 104., the Owner may do so by paying an additional fee as set by the Board, for each Additional IVGID Recreation Pass or Additional Recreation Punch Card so purchased. The following provisions apply with respect to Additional Cards (referred to in this Ordinance as "*Additional IVGID Recreation Passes and Additional Recreation Punch Cards*"):
- a. Additional IVGID Recreation Passes and Additional Recreation Punch Cards cannot be purchased for Commercial Parcels and their Tenants.
 - b. A maximum of five (5) IVGID Recreation Passes per Parcel can be used to obtain discounts for daily access for the District-owned golf courses. Additional IVGID Recreation Passes and Additional Recreation Punch Cards purchased by Owners in excess of the initial

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five cannot be used to obtain daily discounts at the District-owned golf courses, and will be stamped with language which states this.

- c. Additional IVGID Recreation Passes are valid for a period of one (1) year from the date of purchase, unless they expire on an earlier date as provided in Paragraph 66 hereof.
- d. Out of the available five (5) Additional Cards, a maximum of up to three (3) Additional IVGID Recreation Passes per Parcel may be purchased for eligible Family Members listed within the First Degree of Consanguinity or Affinity on the Family Tree, which is Exhibit A to this Ordinance.
- e. Out of the available five (5) Additional Cards, a maximum of up to three (3) Additional Recreation Punch Cards per Parcel may be purchased for use by an Owner's Guests.
- f. Additional Recreation Punch Cards are valid from the date of purchase until the thirty-first (31st) day of May following the date of purchase and are not transferable to another person or Entity except by an Owner to a Guest of the Owner. The unused balance on an Additional Recreation Punch Card expires when the Recreation Punch Card expires on May 31 of each year.
- g. An application for Additional IVGID Recreation Passes or Additional Recreation Punch Cards must be filed with the District's Parks and Recreation office. The number and relevant information concerning these Additional IVGID Recreation Passes and Recreation Punch Cards shall be separately tracked electronically on an annual basis (by fiscal year) and made available by the District to the Board and to the Public, so that the availability of Additional IVGID Recreation Passes and Additional Recreation Punch Cards can be reviewed annually as to the impact and appropriateness of this provision for the purchase of Additional Passes and card.
- h. Additional IVGID Recreation Passes do not allow any Guests to accompany an Additional IVGID Recreation Pass Holder to the Beaches, and will be stamped with language which states in substance that the Additional IVGID Recreation Pass does not allow Guest Beach Access.

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- i. Additional IVGID Recreation Passes and Recreation Punch Cards cannot be purchased by an Owner of one Parcel for another Parcel owned by the same Owner, or for another Owner, or the purchasing Parcel Owner and the receiving Parcel Owner will both be subject to sanctions as set forth for Misconduct in this Ordinance.
105. Personal Identification. Prior to issuance of any Recreation Privilege, identification of the person receiving the privilege may be required in the form of a valid government issued photo identification card, such as an automobile driver's license.
 106. Administration. The General Manager may from time to time recommend to the Board that the Board of Trustees adopt, amend, or rescind rules consistent with this Ordinance. The General Manager shall hold the final authority to interpret this Ordinance and rules adopted thereunder, subject to Paragraphs 102c(2) and 111, such authority shall include the application of this Ordinance and rules to specific people, Parcels, and circumstances. Except as set forth in Paragraph 111 below, with respect to Beaches and Beach Access, the day- to-day administration of this Ordinance is hereby delegated to the Director of Parks and Recreation; provided however no changes or expansions can be made to this Ordinance, except as approved by the Board of Trustees.

ARTICLE XII. AMENDMENTS

107. Modification of Privileges. The Recreation Privileges issued under this Ordinance shall be modified by the terms of any amendments to this Ordinance subsequently adopted by the Board. Nothing in this Ordinance shall be deemed to limit the Board's discretion to modify the terms of this Ordinance or the application of any such modification to IVGID Recreation Passes, Recreation Punch Cards and Recreation Privileges, including alterations in the terms or expiration dates thereof. Nothing in this Ordinance shall grant any permanent rights or privileges to any person or Parcel or Owner, and all rights and privileges set forth herein are subject to the control of, regulation by, and change by the Board in its sole discretion.
108. Effective Date. The effective date of this Ordinance is June 1, 2022. The terms of this Ordinance applied to all Recreation Privileges that were outstanding on that date.

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109. The Director of Parks and Recreation, after the written approval of the General Manager, is empowered to determine how to administer the application of this Ordinance to existing privileges, except as set forth in Paragraph 111 below with respect to the application of this Ordinance to the Beaches and Beach Access.
110. The Director of Parks and Recreation and the General Manager shall set up systems to collect and shall collect data electronically and otherwise, and make reports available to the Board of Trustees as to the impact of the changes in this Ordinance on or before March 1 of each year, commencing on March 1, 2023, at a public meeting, so that the policies and procedures set forth in this Ordinance 7 effective June 1, 2022 can be reviewed. Thereafter, each year, on or about March 1, the policies and procedures set forth in this Ordinance 7, effective dated June 1, 2022, will be reviewed by the General Manager and Director of Parks and Recreation, with the Board, which review shall include detailed usage information that shall be tracked electronically.
111. The Board shall set policy and direction on Beach Access and Privileges to use the Beach. The General Manager is empowered to administer the application of this Ordinance with respect to Beach Privileges. The General Manager or his/her designee, the Director of Parks and Recreation is empowered to administer the application of this Ordinance to all other Recreation Privileges.

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FAMILY TREE

EXHIBIT A TO ORDINANCE 7

Relationship #	Property Owner		Relationship #	Spouse of Property Owner
0	Owner/Co-Owner	FIRST DEGREE	00	Owner/Co-Owner
1	Mother		8	Mother
2	Mother's Spouse		9	Mother's Spouse
3	Father		10	Father
4	Father's Spouse		11	Father's Spouse
5	Children		12	Children
6	Child's Spouse		13	Child's Spouse
7	Domestic Partner		14	Domestic Partner's Child
15	Grandmother	SECOND DEGREE	25	Grandmother
16	Grandmother's Spouse		26	Grandmother's Spouse
17	Grandfather		27	Grandfather
18	Grandfather's Spouse		28	Grandfather's Spouse
19	Grandchildren		29	Grandchildren
20	Grandchild's Spouse		30	Grandchild's Spouse
21	Sister		31	Sister
22	Sister's Spouse		32	Sister's Spouse
23	Brother		33	Brother
24	Brother's Spouse		34	Brother's Spouse

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BEACH DEED

EXHIBIT B TO ORDINANCE 7



ORDINANCE NO. 7

**RECREATION PASSES AND RECREATION PUNCH CARDS ORDINANCE
AN ORDINANCE ESTABLISHING RATES, RULES
AND REGULATIONS FOR IVGID RECREATION PASSES AND
RECREATION PUNCH CARDS BY THE
INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT**

As Adopted on May 26, 2022
Resolution No. 1894

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Recreation Passes and Recreation Punch Cards by the Incline Village
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An Ordinance Establishing Rates, Rules and Regulations for IVGID Recreation Passes and Recreation Punch Cards by the Incline Village General Improvement District

Be it ordained by the Board of Trustees of the Incline Village General Improvement District, Washoe County, Nevada, as follows:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This Ordinance shall be known and may be cited as the "Incline Village General Improvement District Recreation Pass Ordinance."
2. Words and Phrases. For the purpose of this Ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; all words in the singular number shall include the plural number; all words in the masculine or feminine shall include the masculine, feminine, and gender neutral. Capitalized words are defined in Article II, Definitions, below.
3. Separability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstances is for any reason held to be unconstitutional, invalid, illegal, void or unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this Ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.
4. Posting. The adoption or any revision of this Ordinance shall be entered in the minutes of the Board and certified copies hereof shall be posted in three (3) public places in the District for ten (10) days following its passage.

ARTICLE II. DEFINITIONS

When used in this Ordinance, the following terms shall have the meanings defined below:

5. Affinity signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other.
6. Agent means the person designated by an Owner to represent the Owner in processing paperwork executed by the Owner and physically receiving

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any IVGID Recreation Passes and Recreation Punch Cards on behalf of Owner and his/her/its Tenants and Assignees pertaining to the Assignment of Recreation Privileges. Agents cannot sign documents on behalf of Owners, Tenants or Assignees wherein Owners, Tenants or Assignees either: (a) make representations to the District or (b) agree to indemnify the District, release the District or to assume risks as individuals or entities. Agents cannot use any Cards issued for a Parcel owned by any other Owner or for the Agent's own use.

7. Alleged Violator means a person accused of misconduct by the District.
8. Application means the District's form used to apply for Recreation Privileges.
9. Assignment means the execution of a District Assignment of Recreation Privileges form and related documents assigning Recreation Privileges to a Parcel Owner's Family Member identified on the Family Tree in Exhibit A, to a Tenant, or to an authorized recipient from an Owner which is an Entity or for a Parcel with multiple owners.
10. Assignor means the Owner who is assigning Recreation Privileges to a Tenant or a Family Tree Member. A Tenant, a Family Tree Member, and an Assignee cannot assign Recreation Privileges to another person or Entity and cannot be an Assignor. Assignee means the individual receiving an Assignment of Recreation Privileges from an Owner.
11. Beach Access means the rights and privileges of Owners to use and access Incline Beach, Burnt Cedar Beach, Ski Beach and Hermit Beach, including but not limited to the privilege to launch watercraft at Ski Beach, and to provide admission for Tenants and Guests, as granted to Owners of Parcels identified in the Beach Deed made June 4, 1968, conveying the Beaches to Incline Village General Improvement District and granting easements to Owners. The Beaches are restricted access Beaches and the original Beach Deed states in pertinent part, among other things, that the beaches are "for the use of property owners and their tenants . . . and as the Board of Trustees . . . may determine, the guests of such property owners." Beach Access is separate and distinct from other Recreation Privileges, and has additional rules, regulations, and restrictions as set forth in Article VII below.

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12. Beaches means Incline Beach, Burnt Cedar Beach, Ski Beach and Hermit Beach.
13. Beach Deed means that certain Deed made June 4, 1968, recorded in Book 324 at pages 192-194 in the books and records of Washoe County, a copy of which is attached hereto as Exhibit B.
14. Beach Facility Fee means the amount determined by the Board of Trustees to fund the IVGID beach properties for operations, capital improvements and debt service, which is assessed to a Parcel with Beach Access, and is paid as part of Washoe County property tax bill.
15. Board means the Board of Trustees of the Incline Village General Improvement District.
16. Card means a Recreation Punch Card or an IVGID Recreation Pass. The word "Additional" before the words "IVGID Recreation Pass" or "Recreation Punch Card" means an Additional Recreation Punch Card or an Additional IVGID Recreation Pass issued as set forth in Paragraph 105. The term "Additional Card" means an Additional Recreation Punch Card or an Additional IVGID Recreation Pass issued as set forth in Paragraph 105.
17. Commercial Tenant means a lessee who is an individual, trust, or corporation, partnership, limited liability company, or similar entity who/which rents, or leases, a commercial Parcel located within the District for the purposes of conducting business or commercial activity, for a term of six (6) months or more. A commercial Tenant with a Lease for less than six (6) months is not entitled to receive IVGID Recreation Pass(es) ~~or Recreation Punch Cards~~ or Recreation Privileges. An individual who receives an IVGID Recreation Pass as a Commercial Tenant must be a Resident as defined in Paragraph 40. A commercial Tenant must present a written lease agreement in the name of the commercial Tenant, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease. Notwithstanding the foregoing, if a commercial Tenant's lease terminates, the Owner must immediately notify the District and the IVGID Recreation Pass(es) and Recreation Punch Card(s) must immediately be returned to the District for cancellation, upon notification of termination of tenancy.

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18. Commercial Use of Beaches means using the Beaches for a commercial purpose or for compensation, and is strictly prohibited. This does not apply to a written contract between the District and a third party to provide services or work at the Beaches. Use of the beaches for fundraising is also prohibited.
19. Consanguinity means a blood relationship.
20. County means Washoe County, Nevada.
21. Department Head means the person appointed as the department head of Golf, Parks, Recreation and Ski
22. Director of Parks and Recreation means the person appointed as the department head of the Parks and Recreation Department.
23. District means the Incline Village General Improvement District (acting through its duly authorized officers or employees within the scope of their respective duties).
24. Domestic Partnership is a form of legal union available to both homosexual and heterosexual couples in Nevada and other states of the United States, where: (i) both parties (each a Domestic Partner) are at least 18 years old; (ii) both Domestic Partners share a common residence; (iii) neither Domestic Partner is currently in a marriage or domestic partnership or substantially equivalent relationship with another person; and (iv) both Domestic Partners are legally capable of consenting to the Domestic Partnership; and (v) Domestic Partners residing in Nevada shall have filed a Domestic Partnership registration with the Office of the Nevada Secretary of State pursuant to NRS 122A.100. Domestic Partners residing in other states shall have filed a registration as Domestic Partners in that state of residence.
25. Entity means an Owner which is not a natural person.
26. Facility Fee means the amount determined by the Board of Trustees to cover the total of the Beach Facility Fee plus the Recreation Fee (which covers the budget for operations, capital improvements and debt service)

Commented [LSA2]: Board of Trustees to determine use of the beaches for fundraising events

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which is assessed to each Parcel for Recreation Facilities other than the Beaches, and is paid as part of the Washoe County property tax bill.

27. Family Tree means a social unit consisting of people related to the Owner by marriage, to the extent of the first and second degrees of consanguinity and affinity, including parents, children, grandparents, grandchildren, brothers and sisters, and their spouses, and Domestic Partners and children of Domestic Partners, as set forth on Exhibit A and incorporated here at by this reference. Persons listed on the Family Tree are eligible to receive an Assignment of IVGID Recreation Passes and Recreation Privileges, as more fully set forth below.
28. General Manager means the person appointed by the Board of Trustees as the General Manager of the District.
29. Guest for Recreation Facilities other than the Beaches means any person invited by an Owner of a Parcel to use District owned Recreation Facilities other than the Beaches.
30. Guest for Beach Access means any person invited by an Owner of a Parcel with Beach Access (as defined in the deed conveying the Beaches to Incline Village General Improvement District on June 4, 1968) to use the District owned Beaches. An Owner and the Owner's Guests can use the Beaches for recreation purposes only and cannot sell access to the Beaches or receive compensation for access to the Beaches.
31. IVGID Recreation Pass means the non-transferable photo identification pass issued by the District for free access to District Beaches for those Parcels which have Beach Access, and for hourly, daily, and seasonal discounts at other District-owned Recreation Facilities. An "Additional IVGID Recreation Pass" is issued as set forth in Paragraph 104.
32. Occupants of Hotels and Motels means any person occupying a room within a ~~hotel~~-Hotel and/or ~~motel~~-Motel within the District boundaries as of June 4, 1968, and further provided that such the ~~H~~Hotel/~~motel~~-Motel is must be duly licensed by all required agencies within the State of Nevada and applicable local government entities. Occupants of Hotels and Motels shall pay an Hotel Occupant Beach Access Fee for Beach Access as set by the District from time to time, and comply with the provisions of Paragraph 77.

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33. Owner means any person or Entity owning fee title to a Parcel within the District, or portion thereof, or any person or Entity in whose name the legal title to the Parcel appears, in whole or in part, by deed duly recorded in the County Recorder's office, or any person exercising acts of ownership over the Parcel for the Owner as executor, administrator, guardian or trustee of the Owner. In the case of multiple ownership of a single Parcel or ownership of a Parcel by an Entity, a Parcel shall be entitled to receive only the maximum number of IVGID Recreation Passes and Recreation Punch Cards for Privileges allocated to a single Parcel. In the case of a single Parcel with multiple Owners, or in the case of Entity ownership, the multiple Owners or the Entity shall designate to the District one (1) individual in writing to direct the District with respect to the issuing of the IVGID Recreation Passes and Recreation Punch Cards.
34. Parcel means: (i) a dwelling unit, (ii) a single plot of land within the District, with or without a residential or commercial building on it, but if it has no building, it must be a buildable lot, except as set forth in Article X, or (iii) a multi-family Parcel that contains more than one dwelling unit; AND the Parcel must be on the District Recreation Roll, and assessed and pay a Recreation Fee. For Beach Access, the Recreation Fee assessed and paid must include a Beach Facility Fee.
35. Pass Holder means an individual who has been issued an IVGID Recreation Pass or an individual in possession of a Recreation Punch Card.
36. Recreation and Recreation Facility means any leisure or sports facility, program, or service owned, operated or provided by the District, including, but not limited to, Beaches, parks, playgrounds, athletic fields, trails, Nordic and alpine ski areas, golf courses, recreation centers, tennis courts, pickle ball courts, swimming pools, sports leagues, contests, events, classes, and special events. Notwithstanding the inclusion of "Beaches" within the definition of "Recreation", admission to, access to and use of the Beaches is further restricted to persons with Beach Access as set forth in the Beach Deed and Article VII of this Ordinance.
37. Recreation Punch Card means the card for Recreation Privileges issued by the District to eligible Owners for use by the Owner, the Owner's Tenants and Guests of the Owner, that can be used to pay some or all of access fees to various District Recreation Facilities and bears a dollar face value

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established by the Board each fiscal year. A Tenant or a Guest of an Owner may use a Recreation Punch Card for access to Recreation Facilities, with or without the accompanying Owner, as more fully described in this Ordinance. An "Additional Recreation Punch Card" is issued as set forth in Paragraph 105104.

38. Recreation Fee means the annual Recreation Standby and Service Charge assessed by the District to support recreation services, programs and facilities.
39. Recreation Privilege(s) means any privileges of recreation access or special rates afforded to IVGID Recreation Pass Holders or Recreation Punch Card Holders, including the privilege to provide admission for Guests, as provided for in this Ordinance 7. Beach Access Recreation Privileges are specifically limited as set forth in Article VII below.
40. Resident means any: (i) Owner or Tenant of a residential Parcel (including a buildable lot) that is located within the boundaries of the District as constituted by law, or (ii) Owner or Tenant of a commercial Parcel (including a buildable lot) that is located within the boundaries of the District, who resides within the District for purposes of voting within the District, and (iii) A Tenant must have a lease of a Parcel located within the District with a term of six (6) months or longer.
41. Residential Tenant means a lessee who is an individual, trust, corporation, partnership, or limited liability company (or similar entity) who/which rents or leases for six (6) months or more, a residence on a Parcel located within the boundaries of the District, as defined above for the purposes of living in same, and is therefore eligible to receive an IVGID Recreation Pass to be issued for a minimum of a six (6) month period. A Residential Tenant with a Lease for less than six (6) months is not deemed to be a Resident for any purpose under the Ordinance, and is not entitled to receive an IVGID Recreation Pass, ~~or Recreation Punch Card~~ or Recreation Privileges. ~~A Residential Tenant must present a written lease agreement in the name of the Residential Tenant, or with the Residential Tenant listed as one of the persons authorized to live at the Parcel, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease. Notwithstanding the foregoing, if a Residential Tenant ceases to be a Resident of a Parcel within the boundaries of the District, the Owner must immediately notify the District~~

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~~and the IVGID Recreation Pass and Recreation Punch Card must immediately be returned to the District. The District will immediately cancel the IVGID Recreation Pass and Recreation Punch Card in the name of a former Residential Tenant, upon notification of termination of tenancy. (Referenece Paragraph 46)~~

42. Tenant means a Residential Tenant or a Commercial Tenant who/which is a lessee of Parcel (with a valid lease) within the District for a lease term of six (6) months or longer. For a Tenant to have Beach Access, the Parcel leased by the Tenant must have Beach Access. Tenants cannot make an Assignment of Recreation Privileges, including but not limited ~~to pursuant~~ to the Family Tree, Exhibit A.
43. Unbuildable lot is a classification that is reflected for a parcel in the records of the Washoe County Assessor Property Data for a given Assessor Parcel Number, per Washoe County Land Use Code Sections 160 and 170.

ARTICLE III. RECREATION PRIVILEGE ELIGIBILITY

44. Eligible Parcels. Each District Parcel which is assessed and has paid in full the current Recreation Fee, is eligible to receive Recreation Privileges as set forth in this Ordinance. Notwithstanding the foregoing sentence, only Parcels which were located within the District as of June 4, 1968, and which are assessed by the District and have paid and continue to pay a Recreation Fee which includes a Beach Facility Fee, are eligible to receive an IVGID Recreation Pass or Recreation Punch Card with Beach Access.
45. ~~Fees Kept Current. All property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and all prior tax years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee, which is paid as part of the Washoe County real property tax bill for each parcel, must be paid timely and maintained current. If fees are not paid timely and the parcel is deemed delinquent due to non-payment, the right to Recreation Privileges shall be terminated immediately, resulting in the cancellation of all IVGID Recreation Passes and Recreation Punch Cards. Parcel owners shall have the responsibility to reinstate eligibility by providing documentation, to the satisfaction of the District, that all taxes, assessments and Receptions fees have been brought current.~~ ~~Fees Kept Current. All property taxes, special assessments and Recreation Fees on a Parcel must be paid for the current and prior~~

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~~years to maintain the Parcel's eligibility for Recreation Privileges. The District Recreation Fee must be paid by October 1 of the year billed in order to continue receiving Recreation Privileges.~~

46. Tenant Eligibility. All Tenants of Parcels located within the boundaries of the District, who are Residents, with a Lease of six (6) months or more, are eligible to receive an Assignment of Recreation Privileges, IVGID Recreation Passes and Recreation Punch Cards available to the Parcel that they are renting, provided that they have proof of residency and tenancy and upon the execution of the District Assignment documents as described in Article IV below. An IVGID Recreation Pass and/or a Recreation Punch Card shall be issued to a Tenant for a period of no longer than the term of the lease or five (5) years whichever is less. A Residential Tenant must present a written lease agreement in the name of the Residential Tenant, or with the Residential Tenant listed as one of the persons authorized to live at the Parcel, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease, and such other documents as set forth in District policies. A Commercial Tenant must present a written lease agreement in the name of the Commercial Tenant, proof that the individual receiving an IVGID Recreation Pass as a Commercial Tenant is a Resident, and an IVGID Assignment form signed by the Owner attesting to the fact that the lease is a valid and enforceable lease, and such other documents as set forth in District policies. If a Tenant is under the age of eighteen (18) an IVGID Recreation Pass can only be issued for the term of the lease or three (3) years, whichever is less.
47. Available Recreation Privileges. Every eligible Parcel may receive any combination of up to five (5) IVGID Recreation Passes or Recreation Punch Cards. Also, each eligible Parcel may purchase Additional IVGID Recreation Passes and or Additional Recreation Punch Cards as set forth in Paragraph ~~105.104~~. Only Parcels with Beach Access may receive Cards or Additional Cards with Beach Access.

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ARTICLE IV. APPLICATION PROCEDURES

48. Application. Application for Recreation Privileges must pertain to a specific, eligible Parcel. An application will be accepted when: (a) filed on the Application Form provided by the District; (b) accompanied by proof of ownership as set forth in Paragraph 49.50 below; (c) signed by an Owner of the Parcel; and (d) if in the name of other than the Owner, accompanied also by an Assignment form and such other documents as are required by the District for the Assignment. The form(s) must be filed with the District's Parks and Recreation office, in person, by fax, by email or digitally, or by mail, prior to any issue of Recreation Privileges as provided by this Ordinance.
49. Application and Designation/Assignment if Parcel has Multiple Owners or if the Parcel is in the name of an Entity. If title to a Parcel is held in the name of multiple owners (excluding husband and wife, or husband, wife and adult child(ren) living together) or in the event of ownership of a Parcel by an Entity, a duly authorized District form entitled "Authorization to Designate/Assign Recreation Privileges" must be on file with the District. This form will designate one (1) individual to instruct the District as to the identity of persons and the type of Cards to be issued by the District in connection with the Parcel. The form will be valid for a period of one year, or until a new form is duly executed and delivered to the District, whichever is later, or until the Parcel is sold or transferred, and may be relied upon by the District in issuing Cards and assigning Recreation Privileges. The District will only assign Recreation Privileges and Cards as directed by the individual designated as the authorized person for the Parcel on the District form entitled "Authorization to Designate/Assign Recreation Privileges".
50. Proof of Ownership. Proof of ownership shall be made by presentation of a government issued photo identification together with one of the following forms:
- a. Written copy of legal deed of title to the Parcel; or
 - b. Written confirmation of ownership of the Parcel from the County Assessor's office.
 - c. In case of ownership or tenancy of a Parcel by an Entity, such documents as are required by the District to prove that the individual

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identified in the Assignment to receive the Recreation Privileges and Cards is a person authorized by Ordinance 7 to receive Recreation Privileges and Cards. For example, in the case of a corporation or limited liability company, the documents may be copies of shares or certificates of ownership, duly authorized minutes or other documents acceptable to the District.

51. Proof of Residence. Proof of residence shall be made by submitting a written copy of a legal lease signed by Owner and Tenant, or authorized Agent, along with written certification on the IVGID Assignment form signed by the Owner representing that the Assignee is a Tenant, together with one or more of the following forms:
 - a. Valid Nevada Driver's License indicating current street address within the District.
 - b. Verifiable copies of a current utility (phone, electric, water and sewer, etc.) bill in Assignee's name or written certification by the person named on the Lease that the Assignee is a co-tenant.
 - c. All confirmation must be by written document. Written documents need not be certified except for those signed by Owner; however, the District may require further confirmation of uncertified documents.
52. Proof of Tenancy, including Commercial Tenancy. Proof of tenancy, including commercial tenancy shall be made with the submittal of (i) a written copy of legal lease signed by the Owner, or authorized Agent, and Tenant for a period of six (6) months or longer; and (ii) copy of a current utility bill (phone, electric, water or sewer, etc.) in Tenant's name; and (iii) proof that the individual to receive the Recreation Privilege is a Resident for both an IVGID Recreation Pass and a Recreation Punch Card); and (iv) in the case of an Entity, proof that the individual holds one of the positions eligible for Assignment (i.e., a Principal or owner of the Entity who is a Resident or a corporate officer who is a Resident). Confirmation must be by written document. Written documents need not be certified; however, the District may require further confirmation of uncertified documents.
53. Proof for Individuals under Family Tree. The District has a separate list of documents required to be submitted to prove Affinity and Consanguinity under the Family Tree, and which ~~shall be~~ is available to the public, which

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~~list~~ may be modified from time to time as the District reasonably believes is necessary.

54. Proof for Domestic Partner and Child of a Domestic Partner. The District has a separate list of documents required to be submitted to prove a Domestic Partner relationship and a child of a Domestic Partner relationship, which ~~shall be~~ is available to the public at the District Recreation Desk. The list may be modified from time to time as the District reasonably believes is necessary, but will include but not be limited to, a ~~fully signed IVGID form Declaration~~ Nevada State issued Certificate of Domestic Partnership, ~~and or~~ a copy of a duly filed registration of domestic partnership ~~with the State of Nevada or from~~ another state. (NRS122A)
55. Application Acceptance. Application will not be accepted on any Parcel if another valid Application already exists on that Parcel. Any Application will expire with a change of ownership, residency or tenancy upon proof of such change to the satisfaction of the District in its sole discretion, and cancellation of the prior IVGID Recreation Passes, Recreation Punch Cards and prior rights. Notwithstanding the foregoing statement, in the case of a change in tenancy, a change in rights for Tenants can only be made every six (6) months, for District administrative purposes and convenience.
56. Application Approval. Upon review and verification of the completeness and accuracy of the Application by the District, the Director of Parks and Recreation, or the Director's designee, shall approve the Application. It is the Applicant's responsibility to provide the District with all information required for approval, including but not limited to the Owner's signature, as required by District forms.
57. Application Amendment. To update information on the Application, except for Parcels with multiple owners, an approved Application may be amended by any verified Owner of the Parcel, whether or not that Owner signed or submitted the original Application form.

ARTICLE V. ASSIGNMENT OF PRIVILEGES

58. Assignment Procedures. Assignment of Recreation Privileges will be accepted when filed on the District Assignment Form and when accompanied by an approved Application, or when an approved

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Application is already on file but the Application and Cards issued thereunder have been cancelled, and when signed by any Owner listed on the Application. The Assignment form must be filed with the District's Recreation office, in person, by fax, by email, by digital signature, or by mail, and the District may rely upon a copy of the Owner's signature when an original Owner's original signature is not supplied. When there is an Assignment of Recreation Privileges, the Owner as Assignor and the Assignee must agree to be jointly and severally liable to the District for any sums of money Assignee owes the District related to the use of Recreation Facilities, damage to Recreation Facilities and persons and property of other persons, fees or sums owed for the use of all District-owned meeting facilities and Recreation Venues, and any fines. All Assignments must be for a minimum of six (6) months. If an individual assigned an IVGID Recreation Pass ceases to be a Tenant or otherwise becomes ineligible to have an IVGID Recreation Pass or Recreation Punch Card, the Owner is responsible for and shall immediately advise the District so that the District can cancel the Recreation Privileges, and the IVGID Recreation Pass and Recreation Punch Card must be immediately returned by the Tenant or Owner to the District. Even if an Assignment is cancelled in less than 6 months, another Card cannot be issued until the six-month period from issuance of the Card has passed, for District administrative purposes and convenience

59. Agent Designation. Any Owner listed on an approved application may designate an Agent by filing and executing an Agent Authorization Form, for processing paperwork and for accepting IVGID Recreation Passes and Recreation Punch Cards. However, the Owner must sign the Assignment and the Application, and thereby agree to be jointly and severally responsible for all fees, fines, and monies owed to the District by each of the Owner's Tenant(s), Assignee(s) and Guest(s) and for all damages and loss caused to the District and others by the Assignee. An Owner may only designate one Agent. The District Agent form must be filed with the District's Parks and Recreation office, in person, by fax, by email, by digital signature or by mail. Upon review and verification of the Agent form by the District, the Director of Parks and Recreation, or the Director's designee, shall approve the form. It is the Owner's responsibility to provide the District with all information required for approval. For clarity, the Owner is responsible for all acts of the Agent of the Owner and for all acts of each Assignee and Guest, and for all representations by the Agent and the Assignee(s) to the District.

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60. Assignment Acceptance by District. An Assignment will not be accepted by the District, on any Parcel, if another valid and outstanding Assignment already exists on that Parcel. An Assignment will expire with a change of ownership, where no party listed as Assignor on the application continues as an Owner of the Parcel. The Assignment form must be signed by the Owner, not by an Agent on behalf of an Owner.
61. Privileges Assignable - Residential Parcels. Every eligible residential Parcel may receive any combination of up to five (5) Cards that are IVGID Recreation Passes and/or Recreation Punch Cards. An IVGID Recreation Pass may be assigned to any Owner's eligible family member as set forth on the Family Tree, Exhibit A hereto, or to a Tenant who/which also qualifies under this Ordinance. A Recreation Punch Card may be assigned to an Owner's Tenant. Tenants and Assignees (including family members under the Family Tree) cannot further assign to family members under the Family Tree.
62. Privileges Assignable – Commercial Parcels. Every eligible commercial Parcel may receive any combination of up to five (5) cards that are IVGID Recreation Passes and/or Recreation Punch Cards. An IVGID Recreation Pass may be assigned to: (i) any individual Owner's family member as set forth on the Family Tree at Exhibit A, (ii) if the Tenant is an Entity, to a principal or owner of the Entity who is a Resident, or (iii) to a Tenant's corporate officer who is a Resident. Tenants and Assignees (including family members under the Family Tree) cannot further assign to family members under the Family Tree.
63. Assignment Approval. Upon review and verification of the Assignment by the District, the Director of Parks and Recreation, or the Director's designee, shall approve the Assignment. It is the Owner's responsibility to provide the District with all information required for approval, either from the Owner directly or the Owner's Agent, but the Owner is ultimately responsible for the accuracy and truthfulness of all information and representations provided.
64. Assignment Amendments. To update information, the Assignment may be amended, subject to the limitations set forth in Paragraph 48 in the case of multiple Owners of a Parcel or if a Parcel is owned by an Entity. Provided, however, that any Owner listed on the approved application or a designated

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Agent of any listed Owner may add names of persons to be assigned Recreation Privileges, to the extent ~~that: (i) a~~Additional privileges are available ~~for a parcel and so long as such person(s) is/are eligible to give and receive an Assignment under this Ordinance, and (ii);~~ so long as the Owner agrees to remain responsible, and ~~(iii)~~ so long as no changes are made to add individuals to get Recreation Privileges in less than six (6) month intervals.

ARTICLE VI. IVGID RECREATION PASS (ADDITIONAL SPECIAL PROVISIONS CONCERNING BEACH ACCESS AND BEACH ACCESS PRIVILEGES ARE DESCRIBED IN ARTICLE VII BELOW)

65. An IVGID Recreation Pass, subject to the other conditions and restrictions of this Ordinance, provides the Pass Holder:
- a. reduced season pass rates, at District-owned ski, and tennis facilities; and
 - b. reduced daily rates at District-owned golf, ski and tennis facilities; and
 - c. reduced yearly, quarterly, monthly, or weekly membership rates at District-owned Recreation Center; and reduced rates on various recreation programs and services
 - d. reduced daily rates at the District-owned Recreation Center; and
 - e. reduced rates for the rental of the Chateau, Aspen Grove Community Building, Diamond Peak Ski Lodge, Recreation Center, and District-owned athletic fields; and
 - f. watercraft launching access at the District-owned watercraft ramp to Pass Holders with Beach Access, for a fee; and
 - g. The ability to bring Guest(s) to District-owned Beaches for a fee, when accompanying an IVGID Recreation Pass Holder with Beach Access, only as set forth in Article VII; and
 - h. any other Recreation Privileges determined by the Board.
66. Term of IVGID Recreation Pass Issuance. The IVGID Recreation Pass of any person will be limited to a term of not less than six (6) months or more than five (5) years. If no term is specified, the minimum six-month term shall apply. In the case of a Tenant, in any event, the maximum term of issuance of an IVGID Recreation Pass will be the length of the lease or five years, whichever is less, except that for individuals under eighteen (18) years of

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age, an IVGID Recreation Pass must be re-issued with a new photograph at least every three (3) years

67. IVGID Recreation Pass Expiration. An IVGID Recreation Pass expires when:
- a. the stated expiration date has been exceeded; or
 - b. the Parcel changes ownership, in which case the former Owner must return his/her/its IVGID Recreation Passes to the District; or
 - c. the IVGID Recreation Pass is withdrawn or reassigned to another individual by the Owner or his Agent; or
 - d. payment of the District Recreation Fee is delinquent, or
 - e. the IVGID Recreation Pass is voided pursuant to this Ordinance; or
 - f. the lease of a Tenant expires or terminates, with or without notice to IVGID from the Owner, or
 - g. in the event a Card is issued on the basis of a Domestic Partnership, if the Domestic Partnership is terminated or the couple ceases to live together, or
 - h. in the event a Card is issued on the basis of Affinity with an Owner or spouse of an Owner, if the marital relationship of the Assignee ends or is terminated or the couple ceases to live together so that there is no longer Affinity, or
 - i. in the event the IVGID Recreation Pass is issued to a person under eighteen years of age, the pass will expire and must be reissued with a new photograph at least every three (3) years.
68. No Ability to Transfer IVGID Recreation Passes. All IVGID Recreation Passes shall be issued for the sole use of the Pass Holder and are non-transferable. If an IVGID Recreation Pass is transferred, lent, given, sold, offered or used by a person other than the individual identified on the IVGID Recreation Pass, the violation of this Paragraph ~~67-68~~ will result in immediate sanctions against the offending Owner, including but not limited to, in the case of knowing or willful violation of this Ordinance, up to the immediate loss of the IVGID Recreation Pass and the Pass Holder, and loss of all of their IVGID Recreation Privileges for a period of up to two (2) years, from the date the IVGID Recreation Pass is cancelled by the District, as determined by the General Manager in his sole and absolute discretion.
69. Responsibilities of IVGID Recreation Pass Holder. It is the responsibility of the IVGID Recreation Pass Holder to:

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- a. renew his/her IVGID Recreation Pass on or before the expiration date shown on the pass;
 - b. report lost, stolen, or destroyed IVGID Recreation Pass(es) to the District;
 - c. return all valid IVGID Recreation Passes when eligibility to use passes has expired or when asked by the District to surrender the passes; [\(reference: Paragraph 101 – Misconduct\)](#)
 - d. be responsible for the conduct of his/her Occupants, Guests and Assignees, and to inform Occupants, Guests and Assignees and assure compliance by the IVGID Recreation Pass Holder and his/her Occupants, Guests and Assignees with all rules and regulations of the Recreation Facilities, and be responsible for any liability, loss or damages resulting from all such individual's use of the District's Recreation Facilities, or presence in, or at, or use of the Recreation Facilities.
 - e. be responsible to secure his/her IVGID Recreation Pass and never allow or authorize another individual to use it for any purpose whatsoever.
70. Lost/Stolen IVGID Recreation Pass. A charge per Card, in such amount as the District shall set in a Schedule of Fees from time to time, will be assessed to replace any IVGID Recreation Pass or Recreation Punch Card that is lost or stolen prior to its date of expiration.
71. Reassignment Fee. Reassignment of IVGID Recreation Passes and Recreation Punch Cards will not be allowed within the initial six months of pass issuance except for the following conditions: (a) the Parcel on which the pass is issued changes title; or (b) the Pass Holder is deceased. In the event of a reassignment where the issued passes are not returned, there will be a charge per card, in such amount as the District shall set in a Schedule of Fees from time to time, assessed to the Owner. New IVGID Recreation Passes and Recreation Punch Cards will not be issued for any other individuals unless this fee is paid or the IVGID Recreation Passes of the prior Pass Holder are returned.
72. Ownership Transfer Fee. A charge per Card, in such amount as the District shall set in a Schedule of Fees from time to time, will be assessed to the new Owner of a Parcel if the IVGID Recreation Passes issued on the Parcel are not returned to the District when a Parcel changes ownership. New

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Recreation Punch Cards will be issued to a new Owner as requested by the new Owner, but the old Cards must be returned to the District or there will be a charge for failure to return the old Cards.

ARTICLE VII. BEACH ACCESS PRIVILEGES SPECIAL RULES

73. It is the intent of the District to adopt provisions under this Article VII to comply with the Beach Deed made June 4, 1968, including but not limited to page 1 line 28 – page 2, line 7, which states that the Beaches “*shall be held, maintained and used by grantee, its successors and assigns, only for the purposes of recreation by, and for the benefit of, property owners and their tenants...and as the Board of Trustee of said District may determine, the guests of such property owners....*” Further, the Beach Deed provides that “the Board of Trustees shall have the authority to control, regulate, maintain and improve said property”. Therefore, rules and implementation of rules and regulations of the Beaches will be reviewed by the Board from time to time, separate and apart from review of the entire Ordinance 7, to assure such reasonable compliance and efficient operations and maintenance.
74. IVGID Recreation Pass Holders with Beach Access have unlimited access to the Beaches for themselves and may bring up to 15 Guest(s) per Parcel to the Beach per day, if the IVGID Recreation Pass Holder accompanies the Guest(s) to the Beach entrance gate at time of entry and pays the applicable Guest Beach Access fee. An Owner with Beach Access may give a Recreation Punch Card(s) to the Owner’s Guests who may then have Beach Access up to the total dollar credit then remaining on the Recreation Punch Card, and the Owner need not accompany such Guests to the Beach. The applicable Guest Beach Access fee must be paid for each Guest accessing the Beaches, either by payment by credit card for Guests accompanying an IVGID Picture Pass Holder, or with a Recreation Punch Card with a sufficient balance to cover the cost of each Guest Beach Access fee.
75. Access to Beaches under the Beach Deed. Persons who do not have an IVGID Recreation Pass with Beach Access in their name and with their photograph, may only access the Beaches if they are in possession of a Recreation Punch Card with Beach Access, with sufficient remaining funds on the Recreation Punch Card to pay their Beach Guest access fee or if they are Guests accompanying an Owner with an IVGID Recreation Pass

Commented [LSA3]: Discussion on guests and tracking process. Recommendation; 3 guest per original 5 Recreation Passes with Beach access, thus limiting to 15 per parcel

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with Beach Access at the entrance gate, and in compliance with the provisions of this Articles VII and IX governing Guest Access to the Beaches. The Beaches are not open to the public and are restricted access facilities.

76. It is further the intent of the District to adopt the following provisions under this Article VII to avoid or limit over-crowding at the Beaches both to further the intent of the Beach Deed and for public safety and convenience of the District:
- a. Unless accompanied by an IVGID Recreation Pass Holder with Beach Access who purchases a Guest entrance, a Guest can only access the Beaches with a valid Recreation Punch Card with Beach Access that has the applicable value remaining on the Recreation Punch Card to cover the total cost of entrance to the Beaches for each Guest ~~accompanying the Recreation Punch Card.~~
 - b. An IVGID Recreation Pass Holder with Beach Access can use his/her IVGID Recreation Pass to bring a maximum of 15 Guests per Parcel to the Beach per day.
 - c. An individual with an Additional IVGID Recreation Pass may NOT bring Guests to the Beaches with an Additional IVGID Recreation Pass, issued under Paragraph ~~404~~105. Additional IVGID Recreation Passes issued under Paragraph ~~404-105~~ shall be marked with language stating that it does not allow the Pass Holder to bring Guests to the Beaches.
 - d. IVGID Recreation Pass and Recreation Punch Card Holders must bring their IVGID Recreation Pass or Recreation Punch Card or a copy of the IVGID Picture Pass or Recreation Punch Card stored on their mobile electronic device to the Beaches on their person in order to obtain access to the Beaches.
 - e. If an IVGID ~~Picture Pass Parcel~~ -Holder desires to bring more than 15 Guests per parcel to the Beach per day, this must be pre-authorized in advance in writing by the District, pursuant to its written procedures for Group Beach Reservations, and the authorization is only valid on the specific day that is approved by the District.

Commented [LSA4]: Discussion on number of guests

Commented [LSA5]: Discussion

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77. Occupants of Hotels & Motels shall be provided access to the Beaches, if any, consistent with the terms of the Beach Deed and through a District verification and administration process. This process, at a minimum, shall include the payment of ~~an~~ Hotel/Motel Occupant fee and include a reasonable limitation on the maximum number of Hotel/Motel Occupant to be provided access per Hotel/Motel. Access shall be limited to occupants of the Hotel or Motel during the time that they are occupants, and not before check-in or after check-out from the ~~H~~Hotel/Motel.
78. ~~Parcels that were annexed to the District after June 4, 1968, are NOT eligible for Beach Access, per deed restrictions listed on the Beach Deed, among other reasons. Parcels that were not eligible for Beach Access, as the District was constituted as of June 4, 1968, are not eligible for Beach Access.~~
79. Commercial Use of the Beaches. Commercial Use of the Beaches is prohibited. Commercial Use of the Beaches, includes but is not limited to offering of Beach Access or Privileges to use the Beaches to customers or to any person for remuneration or offering Beach Access or Privileges to use the Beaches as an inducement to a potential customer by a business or a business enterprise. Notwithstanding this provision, limited contracts for the provision of food and beverage, and services may be executed between the District and third-party vendors for the benefit of the District, Owners and Tenants, ~~each to be approved by the Board.~~
80. Watercraft launching by a commercial enterprise at Ski Beach or any other of the District's restricted access Beaches. Watercraft launching by a commercial enterprise at Ski Beach or any other of the District's restricted access Beaches is prohibited **except** as follows: (i) Commercial watercraft owners who are IVGID Recreation Pass Holders with Beach Access or Recreation Punch Card Holders with Beach Access are allowed to launch watercrafts for their own personal recreation use. (ii) If an IVGID Recreation Pass Holder with Beach Access or a Recreation Punch Card Holder with Beach Access owns a watercraft which is stored at a commercial business, and requests that the commercial business bring the watercraft to the Beach and launch it for the recreational use of the owner of the watercraft who is an IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access, or if the commercial business picks up the IVGID Recreation Pass Holder with Beach Access or Recreation

Commented [LSA6]: Board Discussion on Non-profit Fundraisers

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Punch Card Holder with Beach Access in the water, this is deemed a permissible non-commercial activity, for the benefit of the IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access, not a commercial use for the commercial watercraft business. (iii) If a commercial business brings a watercraft to pick up its customer who is an IVGID Recreation Pass Holder with Beach Access or Recreation Punch Card Holder with Beach Access, and who is paying the business to rent the watercraft hourly or daily for the IVGID Recreation Pass Holder with Beach Access's or district's Recreation Punch Card Holder with Beach Access's recreational use, this is deemed a permissible non-commercial recreation activity for the benefit of the Pass Holders with Beach Access, not a commercial use for the commercial watercraft business.

81. Marketing of Beach Access is prohibited. No IVGID Recreation Pass Holder with Beach Access shall market or authorize the marketing of Beach Access for any commercial purpose or in connection with offering anything for sale, lease, license or valuable consideration to the IVGID Recreation Pass Holder with Beach Access.

ARTICLE VIII. RECREATION PUNCH CARD

82. A Recreation Punch Card provides the Pass Holder with a face value of Recreation Privileges, determined by the Board, which may be applied toward:
 - a. The Guest rate for daily Beach Access, daily watercraft and jet ski launching; and
 - b. the difference between the Pass Holder rate and the non-Pass Holder rate for daily access to the District-owned golf, ski, recreation center, and tennis facilities; and
 - c. the difference between the Pass Holder rate and the non-Pass Holder rate for any other recreation use fee or rental fee as may be determined by the Board.
 - d. When a Recreation Punch Card is used for Beach Access, the balance of funds on the Recreation Punch Card will be applied to the Guest Beach Access Fee, until the balance of funds on the

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Recreation Punch Card is used up, at which time the Recreation Punch Card cannot be used for Beach Access or for access or any other purpose at any other Recreation Facility or Recreation Venue.

83. Expiration Date. Recreation Punch Cards shall have a term of one year beginning on June 1. All Recreation Punch Cards expire on the 31st day of May following the date of issuance, regardless of when issued during the course of that year. All Recreation Punch Cards expire and will not provide access to the Beaches or to any Recreation Facility or Recreation Privilege, after the balance of the funds on the Recreation Punch Card for the fiscal year have been expended. The unused balance on Recreation Punch Cards expires when the Recreation Punch Card expires on May 31 of each year.
84. Transferability.
 - a. Recreation Punch Cards are issued against the Parcel and are only transferable to a Guest of the Owner to whom the Recreation Punch Card was issued. Recreation Punch Cards cannot be given to or transferred to any person other than a Guest of the specific Parcel Owner to whom the Recreation Punch Card was issued. Recreation Punch Cards cannot be given to or transferred to other Parcel Owners to use for their Guests or used for purposes of other Parcel Owners, and such use will constitute misconduct under Paragraphs 99 and 100, subject to sanctions as set forth in this Ordinance. Owners cannot ask Owners of other Parcels to transfer or give them Recreation Punch Cards issued on another Parcel. Recreation Punch Cards are numbered and tied to a specific Parcel and the Parcel Owner to whom the Recreation Punch Card is tied is responsible for the actions and inactions of his/her/its Guests, as more fully discussed in Article XI, Paragraph 99100.
 - b. Transfer of Parcel. To the extent that a Parcel is transferred, and the prior Owner has acquired Recreation Punch Cards from the District, those Recreation Punch Cards will be invalidated regardless of the balance remaining prior to the issuance of any Recreation Punch Cards to the new Parcel Owner.

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85. Replacement. Recreation Punch Cards will not be replaced if lost, stolen, or destroyed, and if the dollar value on the Recreation Punch Card has been expended, it will not be refilled or useable further.
86. Responsibilities of Recreation Punch Card Holder. It is the responsibility of the Recreation Punch Card Holder to:
- a. report lost, stolen or destroyed Recreation Punch Card(s) to the District;
 - b. return all valid Recreation Punch Cards when eligibility to use the Recreation Punch Card has expired or when asked by the District to surrender the Recreation Punch Card.
 - c. be responsible for the conduct of his/her Guests and inform Guests and assure compliance by the Recreation Punch Card Holder and his/her Guests with all rules and regulations of the Recreation Facilities, and be responsible for any liability, loss or damages resulting from all such individual's use of the District's Recreation Facilities, or presence in or at, or use of the Recreation Facilities.
 - d. be responsible to secure his/her Recreation Punch Card and never allow another individual to use it, except that a Guest of the Owner may use a Recreation Punch Card, with or without the Owner's presence.
87. Refund. The Recreation Punch Card has no monetary exchange value and therefore cannot be returned to the District for any form of refund or credit.
88. Each Owner or the Owner's Agent is responsible for procuring and distributing Recreation Punch Cards to Guests of the Owner, and the District does not act as a concierge to assist with Guest use or access to Recreation Punch Cards. Each Owner or the Owner's Agent must inform the Guest as to the rules and procedures with respect to the use of Recreation Punch Cards.

ARTICLE IX. GUEST ACCESS

89. District venues have different rate category structures for Guests and different restrictions on the number of Guests and method of Guest access

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at the various Recreation Facilities. These may change from time to time in the reasonable discretion of the General Manager for all venues except the Beaches.

90. The following provisions regarding Guest Beach Access are approved by the Board:
- a. A Guest Beach Access fee shall be paid for every Guest entering the Beaches, including each Guest on a watercraft that is/ being launched at the watercraft launch.
 - b. Guests can access the Beaches only if they accompany an IVGID Recreation Pass Holder with Beach Access, or if a Guest has a Recreation Punch Card with Beach Access with a dollar balance remaining sufficient to cover the cost of the entire Guest fee for each Guest seeking Beach Access using the Recreation Punch Card.
 - c. A maximum of 15 Guests per Parcel may accompany an IVGID Recreation Pass Holder per day.
 - d. A holder of an Additional IVGID Recreation Pass or an Additional Recreation Punch Card under Paragraph 104 cannot bring any Guests to the Beaches.
 - e. A IVGID Picture Pass Holder may allow a Guest to pay for the Guest's beach access fee by using the Guest's credit card at the beach gate at the time of entry into the Beach.
 - f. Group Reservations. To accommodate Owners who desire to bring more than 15 Guests per Parcel on a specific day to the Beaches for a special occasion, the District offers the opportunity for a group reservation. The reservation and approval from the District must be obtained in advance in writing.

ARTICLE X. UNBUILDABLE LOTS

91. Unbuildable lots that do not have Recreation Privileges as of June 1, 2022 will not be eligible to receive any Recreation Privileges, IVGID Recreation Passes or Recreation Punch Cards on and after June 1, 2022.

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92. Unbuildable lots that currently have Recreation Privileges as of June 1, 2022 will be grandfathered for purposes of determining eligibility to continue to receive the Recreation Privileges which the unbuildable lot had on June 1, 2022, as allowed in the then current Ordinance 7, for as long as the title to the Parcel does not change and the Owner(s) in whose name title is held as of June 1, 2022 continue to own(s) the unbuildable lot. The unbuildable lot will not continue to have any Recreation Privileges after the death of the Owner, or after a gift, sale or other transfer of the unbuildable lot by the Owner to any other owner. Additionally, such unbuildable lot shall continue to have such Recreation Privileges only for so long as the Recreation Fee continues to be assessed and is paid in full.
93. No unbuildable lots may be subdivided after June 1, 2022 to produce additional Parcels that are unbuildable lots that would receive in excess of the five (5) Cards for the single unbuildable lot as it existed as of June 4, 1968. Except as set forth in the Paragraphs 93 and 94, the District will not issue more than five (5) Cards for an unbuildable lot as it existed as of June 4, 1968.
94. Notwithstanding Paragraph 91, if a formerly unbuildable lot is deemed by the County to be a buildable lot, then following construction of a residence or commercial property on the formerly unbuildable lot, that Parcel and each Parcel that it is legally subdivided into, if any, will become eligible for Recreation Privileges.
95. Additionally unbuildable lots that have been subdivided to produce additional Parcels in the past, which additional Parcels of unbuildable lots are currently receiving Recreation Privileges, if any and therefore, in the aggregate are receiving in excess of the 5 Recreation Privileges and Cards that could have been received for the formerly single unbuildable lot, will be grandfathered to continue receiving the same Recreation Privileges and Cards as they are receiving as of June 1, 2022, until the death of the current Owner(s), or the gift, sale or other transfer from the Owner(s) of the Parcel as of June 1, 2022, at which time the right for the unbuildable lot to receive Recreation Privileges will no longer be grand-fathered and will terminate. For clarity, once the current Owner(s) no longer own the unbuildable lot which is receiving Recreation Privileges, the unbuildable lot shall not be eligible for Recreation Privileges, IVGID Recreation Passes or Recreation Punch Cards, except as set forth in Paragraph 92.

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**ARTICLE XI. GENERAL USE REQUIREMENTS, INCLUDING MISCONDUCT,
ASSUMPTION OF RISK, INDEMNITY, AND ADDITIONAL PASSES AND
CARDS**

96. IVGID Recreation Pass and Recreation Punch Card Ownership. All IVGID Recreation Passes and Recreation Punch Cards are the property of the District and must be returned upon request, and/or upon the loss of eligibility by the Pass Holder.
97. Deed Restrictions. For clarity, Parcels annexed to the District after June 4, 1968, are not eligible for District beach access as per deed restrictions listed on the Beach Deed.
98. Assumption of Risk and Indemnity. In consideration of the ability to make assignments to Tenants and others and to bring Guests and persons who are not IVGID Recreation Pass Holders to District Recreational Facilities and Venues, and in consideration of receipt of an IVGID Recreation Pass or Recreation Punch Card, each Owner and IVGID Recreation Pass Holder and Recreation Punch Card Holder must sign an agreement, acknowledging and agreeing that for good and valuable consideration, the receipt and sufficiency of which will be acknowledged, the following on behalf of himself or herself and any Recreation Punch Card Holder obtaining such Punch Card on his/her behalf:
 - a. the IVGID Recreation Pass Holder, Recreation Punch Card Holder and Owner is voluntarily using the Recreation facilities;
 - b. the IVGID Recreation Pass Holder, Recreation Punch Card Holder and Owner assumes all risk of and releases the District from loss or liability from: (i) personal injury to himself/herself and to his/her/its Assignees, Tenants and Guests, and (ii) of loss and damage to, his/her/its personal property, resulting from use of the Recreation Facilities and Recreation Privileges; and
 - c. the IVGID Recreation Pass Holder, Recreation Punch Card Holder and Owner agrees to defend, indemnify and hold the District harmless from and against any and all loss, liability, claims and damage caused by Owner, IVGID Recreation Pass Holder, Recreation Punch Card Holder, or an Assignee, Tenant or Guest of Owner or IVGID Recreation Pass Holder, to the District, to the

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District's Property and to third parties and their real and personal property, arising out of or caused by actions or inactions of such persons and Entities.

99. **Fraudulent Use.** It is Fraudulent Use to provide false or misleading information to obtain a Recreation Punch Card or IVGID Recreation Pass, or any fraudulent use of such card or pass, including but not limited to, (i) making a false representation that a person falls under the Family Tree when the person does any of the following; (ii) providing false information or documents in connection with the acquisition of an IVGID Recreation Pass or Recreation Punch Card; (iii) an Owner or manager of an Owner, or Agent of an Owner, falsely attesting on an Application that an Applicant allegedly has a valid and enforceable lease, when the Applicant does not have a valid and enforceable lease for in excess of 6 months, or falsely stating that the Applicant lives at the Parcel when the Applicant does not; (iv) making an Assignment of Recreation Privileges to a person who is not authorized to receive such Assignment under this Ordinance 7; (v) obtaining an Additional IVGID Recreation Pass or Additional Recreation Punch Card for persons who are not eligible to receive an Additional IVGID Recreation Pass or Additional Recreation Punch Card. Such fraudulent use will be grounds for voiding one, or more or all Recreation Privileges issued against the Parcel for a period of up to two years. The District reserves the right to pursue any other disciplinary and legal action, as allowed by law. Because fraudulent use is such a serious action with such serious adverse consequences to the District and others, Owners are urged to advise all persons who receive IVGID Recreation Passes or Recreation Punch Cards on an Owner's Parcel, of the serious consequences of taking these prohibited actions.
- 100 **Selling of Recreation Privileges or Allowing Others to Use IVGID Recreation Passes or Allowing Persons Who Are Not Guests of the Owner to Use a Recreation Punch Card Issued to the Owner.** Recreation Punch Cards may only be given by an Owner to persons who are Guests of the specific Owner who received the Recreation Punch Card from the District, and cannot be given to the Guests of other Owners or to other Others to give to their Guests, and Guests of an Owner cannot give a Recreation Punch Card to persons who are not Guests of the Owner to whom the Recreation Punch Card has been issued. It is strictly forbidden for any Owner or person to ask another Owner to use the Recreation Punch Cards of another Owner or for an Owner or person to give another Owner or

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person his/her/its Recreation Punch Card(s) to be used for Guests of another Owner or Person. It is strictly forbidden for any IVGID Recreation Pass Holder, Recreation Punch Card Holder or other individual to sell an Assignment of Recreation Privileges, or to sell individual IVGID Recreation Passes or Recreation Punch Cards. Notwithstanding the preceding sentence, when an IVGID Recreation Pass Holder accompanies a Guest at the Beach Gate and the Guest receives access as a Guest not paid for by a Recreation Punch Card, the IVGID Recreation Pass Holder may allow a Guest to pay the District for the Guest's access fee by credit card at the time of entry into the Beach only, and not at any other time, to avoid any appearance of selling of recreation privileges. Any such sales of privileges, passes, or cards or giving or transferring of Recreation Punch Cards from one Owner to another Owner or person to be used for Guest(s) of the other Owner or person is considered to be fraudulent use and will be grounds for voiding one, more or all Recreation Privileges issued against the Parcel or in the case of transfers between Owners, Recreation Privileges issued against both Parcels may be voided, for a period of up to two years. The District reserves the right to pursue any other disciplinary or legal action against the Owner, the IVGID Recreation Pass Holder or the Recreation Punch Card Holder. Because selling and otherwise allowing others to improperly use Recreation Privileges is such a serious action with such serious adverse consequences to the District and others, Owners are urged to advise all persons who receive IVGID Recreation Passes or Recreation Punch Cards on their Parcel, of the serious consequences of taking these prohibited actions.

101. Misconduct. Use of the District's Recreation Facilities by any IVGID Recreation Pass Holder or Recreation Punch Card Holder is a privilege. For misconduct or violation of the provisions of this Ordinance, an IVGID Recreation Pass Holder or Recreation Punch Card Holder may be removed from the Recreation Venues and Facilities and/or his/her Recreation Privileges, including but not limited to the immediate confiscation of the IVGID Recreation Pass or Recreation Punch Card, and/or suspension of Recreation Privileges for any period deemed appropriate by the District ~~including up to two years or those privileges may be revoked~~, at the District's sole discretion. Misconduct includes but is not limited to:
 - a. failure to abide by any rule, policy, procedure, or regulation established by the District and all such supplemental rules, policies,

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- procedures, or regulations established for each Recreation Facility;
or
- b. violation of any law, violation of any District Ordinance, including this Ordinance 7, or violation of any published District Rule or Regulation for any Recreation Facility, including but not limited to Beach Rules;
or
 - c. disorderly and/or abusive behavior; or
 - d. excessive or improper use of alcohol on Recreation Facilities; or
 - e. any use of **illegal** drugs at Recreation Facilities; or
 - f. vandalism or any other form of property damage at Recreation Facilities; or
 - g. violence, fighting, threats of violence, bringing a gun or knife or other weapon onto a District Recreation Facility; or
 - h. fraudulent use as set forth in Paragraph 98 above; or
 - i. selling of Recreation Privileges or allowing others to use IVGID Recreation Passes or allowing persons who are not Guests of the Owner to use a Recreation Punch Card issued to the Owner, as set forth in Paragraphs 67 or 99; or
 - j. violation of the provisions of Paragraphs 78, 79, or 80 prohibiting commercial use of the Beaches, prohibiting commercial use of the watercraft launch at Ski Beach and prohibiting marketing of the beaches; or
 - k. violation of Paragraph 75b by one or more IVGID Picture Pass Holder(s) from the same Parcel bringing in excess of the maximum number of Guests permitted to be brought to the Beach per day per Parcel, by means of multiple entries, by separate entries, or any other methods; or
 - l. an individual paying an Owner for the Owner's Recreation Punch Card, or
 - m. an Agent violating Paragraph 98 with the knowledge of an Owner; or
 - n. in the case where multiple Owners own a Parcel, the knowing filing or knowing attempting to file, of an unauthorized Assignment/ Designation of Recreation Privileges, or the knowing filing an application, by an Owner of a Multiple Owner Parcel or by an Entity, when the person filing the Application is not authorized to do so, in violation of Paragraph 48; or
 - o. a Pass Holder who has an Additional IVGID Recreation Pass bringing Guests or attempting to bring Guests to the Beaches using such Additional Card in violation of Paragraph 75c; or

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- p. An Owner or Tenant violating any Beach Parking Rule or Regulation in effect at the time of the violation, or knowingly allowing a Guest to do so.
 - q. One or more IVGID Recreation Pass Holders from the same Parcel bringing in excess of a total of 15 Guests per Parcel on a given day.
102. The District may in its sole discretion hold the parent(s), conservator, or guardian of a child who engages in willful misconduct jointly and severally liable for the resulting damage. (NRS 41.470, as amended.) Reference: Paragraphs 69.c. and 69.d.
103. Disciplinary Procedures for Misconduct.
- a. Incident Report. A District employee shall, in a timely fashion, but in no event no later than 7-ten (10) business days following the incident, submit a written incident report of facts within that employee's own, personal knowledge concerning the alleged misconduct of an Alleged Violator, regardless of whether that Alleged Violator was removed from the premises for that same alleged misconduct. This incident report shall be submitted in accordance with direction of the Department Head.
 - b. Removal. A District employee may request that an Alleged Violator leave District property or District Venues, in circumstances where there is a threat of bodily harm to a person or a risk of property damage to District owned facilities, and/or a persistent refusal to obey Ordinance 7, an applicable law and/or policies, procedures or regulations of the District (circumstances requiring removal). If the Alleged Violator does not voluntarily leave when requested to do so, the District employee will request that the Washoe County Sheriff's Office remove the Alleged Violator from the District's property or a District Venue.
 - (1) Washoe County Sheriff Assistance. The District may request at any time the assistance of the Washoe County Sheriff's Office in maintaining order.
 - (2) Incident Report. The employee(s) involved in the removal shall prepare and file an incident report with the department head of that facility within 48-hours- two (2) business days of the occurrence.

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- c. Suspension, Revocation, or Other Disposition.
- (1) Department Head. Within a reasonable time, but in no event more than ~~seven (7)~~ twenty (20) Business days following receipt of an incident report, ~~the Director of Parks and Recreation Department Head in consultation with Risk Management and/or Human Resources as needed~~ may determine that sufficient evidence of serious misconduct exists, indicating adequate grounds for suspension or revocation of privileges. Upon such an assessment, the ~~Director of Parks and Recreation Department Head~~ shall provide the Alleged Violator with written notice of the accusation(s) and the possible sanction/penalty which may result. The notice shall also provide the Alleged Violator with the date, time and place at which the Alleged Violator may appear before the ~~Director of Parks and Recreation Department Head~~, to respond to the claims and to explain the Alleged Violator's position concerning the incident.
- (a) Notice. The written notice shall be signed by the ~~Director of Parks and Recreation Department Head~~ and mailed, certified return receipt requested, to the District's record address of the Alleged Violator. An email may be sent, as a courtesy, to either the Alleged Violator and/or Owner. A copy of the written notice will also be sent to the Owner when the Alleged Violator is different from the Owner. Attached to the notice shall be a copy of the incident report(s). If the Alleged Violator is a minor, an additional copy of the notice shall be mailed to the parent(s) or person(s) in loco parentis of the Alleged Violator-minor.
- (b) Hearing. Within ~~fifteen (15)~~ twenty (20) business days of mailing the written notice, unless otherwise agreed by the ~~Director of Parks and Recreation Department Head~~ and the Alleged Violator, the ~~Director of Parks and Recreation Department Head~~ shall hold a hearing to determine the accuracy of the representations contained in the Incident Report and to determine what, if any, further action shall be taken by the District. At this

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hearing, the employee(s) bringing the charges shall provide evidence and the Alleged Violator shall have opportunity to respond and explain. At the close of the hearing, ~~the Director of Parks and Recreation Department Head~~ may render his/her opinion orally or take the matter under submission. The ~~Director of Parks and Recreation Department Head~~ shall deliver a written decision concerning the allegations and any resulting suspension or revocation within 10 business days following the hearing.

- (c) Decision. The ~~Director of Parks and Recreation Department Head~~ shall include findings of facts, conclusions of misconduct, and sanction/penalty, if any imposed, in the decision; additionally, the ~~Director of Parks and Recreation Department Head~~ shall inform the Alleged Violator in the decision of the Alleged Violator's right to appeal the decision to the District's General Manager. Such disposition shall include, but not be limited to, the following: suspension, revocation, reprimand (oral or written), or a determination of no action of no misconduct.
- (d) Notice of Appeal. In order to avail him/herself of the right to appeal to the General Manager, the Alleged Violator must so inform the General Manager by letter delivered to the District's Administrative Building (located at 893 Southwood Boulevard, Incline Village, NV 89451) within 10 business days of issuance of the written opinion.
- (2) District General Manager. Within twenty (20) business days of the Alleged Violator's notice of appeal letter, the General Manager shall hear the Alleged Violator's appeal. Also, at this hearing shall be the ~~charging employee(s) and the~~ deciding Department Head, to respond to the Alleged Violator's assertions. The General Manager shall render his/her written decision within ten (10) business days of the appellate hearing. In the decision, the General Manager shall uphold, modify, or reverse, in whole or in part, the Department Head's decision. The General Manager shall advise the Alleged Violator in this written decision of the Alleged Violator's right to appeal the General Manager's decision to the District's Board of Trustees. In order to avail him/herself of the right of final

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appeal to the Board of Trustees, the Alleged Violator must so inform the Board by letter delivered to the District's Administrative Building (located at 893 Southwood Boulevard, Incline Village, NV 89451) within 10 business days of issuance of the written opinion from the General Manager.

- (3) Board of Trustees. The Board of Trustees shall hear the Alleged Violator's duly agendized appeal at the Board's next regularly scheduled public meeting. (NRS 241.030 (3) (d) Nothing contained in the Chapter 241 shall require that any meeting be closed to the public. This hearing shall be attended by the ~~Director of Parks and Recreation~~ Department Head and General Manager, and if requested by the District the District's counsel, to respond to the Alleged Violator's assertions. If the ~~Director of Parks and Recreation~~ Department Head and the General Manager cannot attend the next regularly scheduled meeting, the hearing shall be held within thirty (30) days of the District's receipt of the appeal, or the Alleged Violation shall be expunged. The Board shall render its decision at this hearing. By its decision, the Board shall uphold, modify, or overturn, in whole or in part, the General Manager's decision. The Board's decision is final.

- d. Right of Representation. The Alleged Violator may enlist the assistance of legal counsel, of the Alleged Violator's choice and at his/her expense, at any and all stages of these proceedings.
- e. Reservation. Nothing herein shall preclude the District from utilizing any and all legal and/or equitable remedies, instead of or in addition to the present procedure.

104. Other Issuance. Save and except as provided in or required by the provisions of the Beach Deed, this Ordinance does not apply to or discuss the District issuing Recreation Privileges to employees or Board members, in the past, present or future, as approved by the Board of Trustees, from time to time. Such privileges shall be the subject of a separate Board policy or policies or ordinance, approved by the Board. Notwithstanding the foregoing, no Beach Access may be granted to any employee or Board members, past, present or future, that are contrary to or in violation of the Beach Deed.

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105. Purchase of Additional IVGID Recreation Passes or Additional Recreation Punch Cards. If any Owner wishes to purchase up to a total of an additional five (5) Cards which may be Additional IVGID Recreation Passes or Additional Recreation Punch Cards or a combination thereof as described in this Paragraph ~~105-104.~~, the Owner may do so by paying an additional fee as set by the Board, for each Additional IVGID Recreation Pass or Additional Recreation Punch Card so purchased. The following provisions apply with respect to Additional Cards (referred to in this Ordinance as "*Additional IVGID Recreation Passes and Additional Recreation Punch Cards*"):
- a. Additional IVGID Recreation Passes and Additional Recreation Punch Cards cannot be purchased for Commercial Parcels and their Tenants.
 - b. A maximum of five (5) IVGID Recreation Passes per Parcel can be used to obtain discounts for daily access for the District-owned golf courses. Additional IVGID Recreation Passes and Additional Recreation Punch Cards purchased by Owners in excess of the initial five cannot be used to obtain daily discounts at the District-owned golf courses, and will be stamped with language which states this.
 - c. Additional IVGID Recreation Passes are valid for a period of one (1) year from the date of purchase, unless they expire on an earlier date as provided in Paragraph 66 hereof.
 - d. Out of the available five (5) Additional Cards, a maximum of up to three (3) Additional IVGID Recreation Passes per Parcel may be purchased for eligible Family Members listed within the First Degree of Consanguinity or Affinity on the Family Tree, which is Exhibit A to this Ordinance.
 - e. Out of the available five (5) Additional Cards, a maximum of up to three (3) Additional Recreation Punch Cards per Parcel may be purchased for use by an Owner's Guests.
 - f. Additional Recreation Punch Cards are valid from the date of purchase until the thirty-first (31st) day of May following the date of purchase and are not transferable to another person or Entity except

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by an Owner to a Guest of the Owner. The unused balance on an Additional Recreation Punch Card expires when the Recreation Punch Card expires on May 31 of each year.

- g. An application for Additional IVGID Recreation Passes or Additional Recreation Punch Cards must be filed with the District's Parks and Recreation office. The number and relevant information concerning these Additional IVGID Recreation Passes and Recreation Punch Cards shall be separately tracked electronically on an annual basis (by fiscal year) and made available by the District to the Board and to the Public, so that the availability of Additional IVGID Recreation Passes and Additional Recreation Punch Cards can be reviewed annually as to the impact and appropriateness of this provision for the purchase of Additional Passes and card.
 - h. Additional IVGID Recreation Passes do not allow any Guests to accompany an Additional IVGID Recreation Pass Holder to the Beaches, and will be stamped with language which states in substance that the Additional IVGID Recreation Pass does not allow Guest Beach Access.
 - i. Additional IVGID Recreation Passes and Recreation Punch Cards cannot be purchased by an Owner of one Parcel for another Parcel owned by the same Owner, or for another Owner, or the purchasing Parcel Owner and the receiving Parcel Owner will both be subject to sanctions as set forth for Misconduct in this Ordinance.
106. Personal Identification. Prior to issuance of any Recreation Privilege, identification of the person receiving the privilege may be required in the form of a valid government issued photo identification card, such as an automobile driver's license.
107. Administration. The General Manager may from time to time recommend to the Board that the Board of Trustees adopt, amend, or rescind rules consistent with this Ordinance. The General Manager shall hold the final authority to interpret this Ordinance and rules adopted thereunder, subject to Paragraphs 102c(2) and 111, such authority shall include the application of this Ordinance and rules to specific people, Parcels, and circumstances. Except as set forth in Paragraph 111 below, with respect to Beaches and Beach Access, the day- to-day administration of this Ordinance is hereby

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delegated to the Director of Parks and Recreation; provided however no changes or expansions can be made to this Ordinance, except as approved by the Board of Trustees.

ARTICLE XII. AMENDMENTS

108. Modification of Privileges. The Recreation Privileges issued under this Ordinance shall be modified by the terms of any amendments to this Ordinance subsequently adopted by the Board. Nothing in this Ordinance shall be deemed to limit the Board's discretion to modify the terms of this Ordinance or the application of any such modification to IVGID Recreation Passes, Recreation Punch Cards and Recreation Privileges, including alterations in the terms or expiration dates thereof. Nothing in this Ordinance shall grant any permanent rights or privileges to any person or Parcel or Owner, and all rights and privileges set forth herein are subject to the control of, regulation by, and change by the Board in its sole discretion.
109. Effective Date. The effective date of this Ordinance is June 1, 2022. The terms of this Ordinance applied to all Recreation Privileges that were outstanding on that date.
110. The Director of Parks and Recreation, after the written approval of the General Manager, is empowered to determine how to administer the application of this Ordinance to existing privileges, except as set forth in Paragraph 111 below with respect to the application of this Ordinance to the Beaches and Beach Access.
111. The Director of Parks and Recreation and the General Manager shall set up systems to collect and shall collect data electronically and otherwise, and make reports available to the Board of Trustees as to the impact of the changes in this Ordinance on or before March 1 of each year, commencing on March 1, 2023, at a public meeting, so that the policies and procedures set forth in this Ordinance 7 effective June 1, 2022 can be reviewed. Thereafter, each year, on or about March 1, the policies and procedures set forth in this Ordinance 7, effective dated June 1, 2022, will be reviewed by the General Manager and Director of Parks and Recreation, with the Board, which review shall include detailed usage information that shall be tracked electronically.

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112. The Board shall set policy and direction on Beach Access and Privileges to use the Beach. The General Manager is responsible for and empowered to administer the application of this Ordinance with respect to Beach Privileges. The General Manager or his/her designee, the Director of Parks and Recreation is responsible for and empowered to administer the application of this Ordinance to all other Recreation Privileges.

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FAMILY TREE

EXHIBIT A TO ORDINANCE 7

Relationship #	Property Owner		Relationship #	Spouse of Property Owner
0	Owner/Co-Owner	FIRST DEGREE	00	Owner/Co-Owner
1	Mother		8	Mother
2	Mother's Spouse		9	Mother's Spouse
3	Father		10	Father
4	Father's Spouse		11	Father's Spouse
5	Children		12	Children
6	Child's Spouse		13	Child's Spouse
7	Domestic Partner		14	Domestic Partner's Child
15	Grandmother	SECOND DEGREE	25	Grandmother
16	Grandmother's Spouse		26	Grandmother's Spouse
17	Grandfather		27	Grandfather
18	Grandfather's Spouse		28	Grandfather's Spouse
19	Grandchildren		29	Grandchildren
20	Grandchild's Spouse		30	Grandchild's Spouse
21	Sister		31	Sister
22	Sister's Spouse		32	Sister's Spouse
23	Brother		33	Brother
24	Brother's Spouse		34	Brother's Spouse

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BEACH DEED

EXHIBIT B TO ORDINANCE 7

18713
 2377-2378-00

DEED

THIS INDENTURE, made this 10th day of June, 1968,
 between VILLAGE DEVELOPMENT CO., formerly known as CRYSTAL BAY
 DEVELOPMENT CO., a Nevada corporation, party of the first part,
 (hereinafter referred to as "Grantor"), and INCLINE VILLAGE
 GENERAL IMPROVEMENT DISTRICT, a quasi-municipal corporation organized
 and existing pursuant to the provisions of the General Improvement
 District Law, Chapter 316, Nevada Revised Statutes, party of the
 second part (hereinafter referred to as "Grantee").

W I T N E S S E T H:

That the said party of the first part, for and in con-
 sideration of the sum of TEN DOLLARS (\$10.00), lawful money of
 the United States, to it in hand paid by the said party of the
 second part, the receipt whereof is hereby acknowledged, does
 by these presents grant, bargain, sell and convey unto the said
 party of the second part, and to its successors and assigns, all
 that certain lot, piece or parcel of land situate in the County
 of Washoe, State of Nevada, more particularly described in Exhibit
 "A" attached hereto.

TOGETHER with all and singular the tenements, heredita-
 ments and appurtenances thereunto belonging, or in anywise apper-
 taining and the reversion and reversions, remainder and remainders,
 rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises,
 together with the appurtenances, unto the said party of the second
 part, and to its successors and assigns forever.

It is hereby covenanted and agreed that the real property
 above described, and any and all improvements now or hereafter
 located thereon, shall be held, maintained and used by grantee,

J.C.

BOOK 324 PAGE 182

Not a valid form of this statute in use in Nevada since 1969.