

**Shongum Lake Property Owners' Association**

**By-Laws**

**Amended March 2008**

**Article I - Name**

- 1-1 The name of this organization shall be the Shongum Lake Property Owners' Association (AAssociation@).

**Article II - Purpose**

- 2-1 The primary purpose of this Association is to provide a community effort in all social and recreational matters concerning all or part of the membership.

**Article III - Membership**

- 3-1 Membership in this Association shall be open to (a) property owners whose deed gives them license to use Shongum Lake, or (b) their renters or lessees, and (c) the families of the following who have been granted nontransferable memberships: Ellery Allin, Edward Brill, Andrew Connell, Charles Hamberger, Herb Smith, Frank Thorburn.
- 3-2 Membership shall be contingent upon payment of initiation fees, annual dues and assessments when due and in compliance with the rules and regulations of the Association. Failure to maintain membership will necessitate payment of the current year's initiation fee upon renewal of membership. At the discretion of the Executive Council, dues may be waived and full membership may continue if temporary transfers or extenuating circumstances occur. Renters or lessees from members in good standing shall not be required to pay the initiation fee. Renters or lessees from eligible non-member property owners shall be required to pay the initiation fee.
- 3-3 Those eligible may be admitted to membership by payment to the Treasurer of the required initiation fee and the appropriate dues and assessments.

- 3-4 The Executive Council may permit additional memberships in the Association in an amount not to exceed five (5) per year subject to the following:

- a) The property owner must execute a deed with a license to use Shongum Lake and its facilities which requires that the property owner pay full membership dues and in the event that the property owner fails to do so, the outstanding dues shall constitute a lien on the property and the member shall also pay counsel fees incurred to collect the dues and the Association may exercise any other appropriate legal remedy; and
- b) The property owner must be located within the Township of Randolph and within approximately one mile of Shongum Lake; and
- c) Any such property owner seeking to acquire the license to use Shongum Lake and its facilities, shall pay a minimum sum of twenty (20) times the then current dues together with initiation fees.

**Article IV - Voting - General Membership**

- 4-1 Each family shall be entitled to one vote. Renters or lessees from members shall not be entitled to vote.
- 4-2 Proxy votes will be permitted provided the written authorization is in the possession of a member in good standing prior to the meeting at which the vote is to be cast and provided the member in good standing registers the proxy vote(s) with the Recording Secretary prior to the start of the meeting. In no case shall one member vote more than two (2) proxy votes and in each case the name of the member authorized to vote the proxy must appear on the proxy.
- 4-3 Ten percent (10%) of the eligible membership shall constitute a quorum at any meeting. In the event a quorum be not present approximately 30 minutes after the time appointed for a meeting, a second meeting shall be held 7 days from the date of the original meeting or the earliest convenient date at the time and place set for the original meeting. At the

second meeting, 5% of the eligible membership shall now constitute a quorum. Proxy votes shall not be used to constitute a quorum at a meeting.

- 4-4 Unless otherwise noted herein, a majority of the votes cast shall carry on all matters considered by the Association.
- 4-5 Eligible voting membership is based upon membership in good standing as defined in Article III.

#### **Article V - Executive Council**

- 5-1 The Executive Council shall consist of seven members who shall govern the Association and conduct the Association's business within the framework of, and according to, the rules of these By-Laws.
- 5-2 The Executive Council shall annually elect its own President and Vice-President from the membership of the Executive Council.
- 5-3 The Treasurer and Secretary shall be members of the Association. They shall be appointed by the President but be persons other than the President and must be approved by the Council. These offices of the Association need not be elected members of the Council. They shall sit on the Council at the invitation of the President.
- 5-4 Two or more members of the Executive Council may petition, in writing, the President to hold an Executive Council meeting. The President shall hold, or cause the Vice-President to hold this meeting within (10) days of receipt of the Petition.
- 5-5 The Executive Council may impose reasonable rules and regulations upon the general membership as to the use of the Association's facilities. The membership may petition in writing the Executive Council to hold a General Membership Meeting to contest such changes as defined in Article 10-5.

#### **Article VI - Voting - Executive Council**

- 6-1 All decisions made by the Executive Council shall be by majority vote. All decisions made at an Executive Council meeting shall be made with a minimum of three voting members present.
- 6-2 At least three affirmative votes are required to carry any motions at an Executive Council meeting except as defined in Article XVIII.
- 6-3 Voting shall be restricted to the seven Council members.

#### **Article VII - Dues, Initiation Fees and Assessments**

- 7-1 The Executive Council shall make a recommendation to the Association at the annual budget meeting concerning dues, boat registration and initiation fees for the following year. The initiation fee shall, in general, be equal to approximately one year's dues for transfer of membership or as provided in section 7-8.
- 7-2 Any eligible family moving into a house whose deed entitles it to membership in the Association shall pay the proper initiation fee (as defined at the last prior Annual Budget Meeting) and the required dues and assessments which will allow use of the Association's facilities, in accordance with the conditions listed below.
  - a) premises occupied on or before July 31 of the then current fiscal year: payment of 100% of the then current year's dues.
  - b) premises occupied between August 1 and including the conclusion of the Labor Day weekend of the then current fiscal year: payment of 50% of the then current year's dues.
  - c) premises occupied after the conclusion of the Labor Day weekend shall require payment of the then current initiation fee to become an Association member.
- 7-3 The fiscal year is April 1 to March 31.
- 7-4 Annual dues are payable on or before April 30 of each year. Late payment shall cause a penalty to be charged an amount that shall be

specified at the time of the adoption of the last prior Annual Budget but which shall be not less than \$25.

- 7-5 The Executive Council shall determine whether the late charge penalty shall be invoked by the Association or whether extenuation circumstances shall require special action. Extenuating circumstances may include temporary transfers, serious illness, etc.
- 7-6 The Executive Council shall rule on all matters pertaining to fiscal obligations of new members, defined as those eligible members who are paying their initiation fee during the present fiscal year.
- 7-7 Any member who has paid the current year's dues and leaves the Association, by moving from a home with a deeded license to use Shongum Lake, shall be entitled to a refund of the dues in accordance to the conditions listed below:
  - a) premises vacated on or before April 30 of the then current fiscal year: 100% of the then current year's dues.
  - b) premises vacated between May 1 and including July 31 of the then current fiscal year: 50% of the then current year's dues.
- 7-8 Notwithstanding any provisions hereof to the contrary and in addition to all other fees and charges otherwise payable pursuant to these by-laws, anyone eligible for membership in the Association pursuant to Article III hereof who has been eligible for membership who shall a) apply for membership or, b) renewal of a heretofore expired membership or, c) who shall have acquired property from a grantor who shall have been eligible for membership, or d) who acquires property which has deeded lake rights or, e) otherwise was or became eligible for membership shall as a prerequisite to admission or reinstatement of prior membership pay, in addition to all initiation fees, a \$200 administrative fee, dues and other charges of all (100%) capital or special assessments as may have been imposed upon the general membership of the Association during said period of eligibility and 30 percent of all operating dues which shall have been chargeable during said period of eligibility back to and including 1985.
- 7-9 Sustaining Membership. Any family eligible for membership shall

continue on the membership rolls by payment of all (100%) assessments (including the capital assessment in the annual dues) and 30% of operating dues levied in any fiscal year. Said family while paying this sustaining membership fee shall not be entitled to any rights of membership including but not limited to use of the Association facilities or voting in Association matters.

- 7-10 Limited Membership. Any property owner eligible for membership in the Association with a maximum of two (2) permanent residents in the household may continue on the membership rolls upon payment of all (100%) capital assessments and 60% of operating dues levied in any fiscal year together with any special assessment. Said family shall be afforded all rights of membership including voting but shall be limited to a maximum of two (2) adult badges for use of Association facilities.
- 7-11 Special Capital Assessments. The General Membership may levy special capital assessments against all properties eligible for membership in the Association to defray the cost of expenditures made, expenditures to be made, services rendered or services to be rendered for the benefit of the Association in excess of assessments provided for in the annual budget. The Association may take any action to enforce or collect the assessment as permitted by law.

#### **Article VIII - Budget**

- 8-1 The Annual Budget must be approved by a simple majority of the votes cast at the Annual Budget Meeting.
- 8-2 The Annual Budget shall consist of an Operating Budget and a Capital Budget. For a given year, the "regular assessments" referred to in section 7-8 shall equal the Capital Budget, less any allocated transfer from savings, divided by the anticipated membership.
- 8-3 The Operating Budget and the Capital Budget shall each contain a Contingency Line. Each Contingency Line shall equal 10% of the total of the remaining lines within its respective budget.
- 8-4 In addition, the Executive Council shall be empowered to approve payment of expenditures covered in the contingency fund portion of the

yearly existing budget in the amount not to exceed \$5,000 per each expenditure. Expenditures in excess of \$5,000 not covered by the budget must be approved by a meeting of the general membership.

### **Article IX - Elections**

- 9-1 The President shall select a Nominating Committee, which shall present a slate of candidates to the general membership at least one week prior to the Annual Election Meeting.
- 9-2 No limit shall be placed on the number of candidates, except that the number of candidates shall exceed the number of elective offices by at least one. Nominations of candidates may also be made from the floor at the Annual Election Meeting.
- 9-3 Three Council members shall be elected during annual election meetings held in odd number years (e.g. 73-75-77, etc.). Four Council members shall be elected during annual election meetings held in even number years (e.g., 74-76-78, etc.). The term of office for Council members shall be approximately 2 years, from election date to the annual election meeting 2 years thereafter.
- 9-4 Any unexpired term of a member of the Executive Council shall be filled by an appointee of the President with the advice and consent of the Executive Council. In the event the President's office is vacated, the Vice-President shall appoint a member to the Council.  
  
The appointee shall fill the unexpired term of the former Council member. He shall hold all rights and privileges of a duly elected member of the Executive Council. The Vice-President shall succeed to the office of the President and the Executive Council shall elect a new Vice-President to take his place. In the event that the President and the Vice-President resign leaving the Association leaderless the next Senior member of the remaining members of the council shall automatically be temporary President and shall, as soon as possible, initiate a Council meeting to see that a new President and a new Vice-President are elected.
- 9-5 All candidates shall be placed on a common ballot, and election to office

shall be based on the number of votes cast for each candidate. If three Councilmen are to be elected, the three candidates who receive the highest number of votes, on an individual basis, shall be declared the elected members of the Council. Similarly, if four are to be elected, the four candidates who receives the most votes shall be declared elected. This policy applies regardless of the number of elected offices to be filled. In the event of ties, a runoff election shall be held for those nominees for whom an equal number of votes have been cast if necessary to secure the election of the prospective candidate.

### **Article X - Meetings - General Membership**

- 10-1 The Annual Election Meeting shall be held on the last Thursday in September or the nearest acceptable date thereto as determined by the Executive Council.
- 10-2 The Annual Budget Meeting shall be held on the first Thursday in February or the nearest acceptable date thereto as determined by the Executive Council.
- 10-3 Special meetings may be called at the discretion of the Executive Council, provided the agenda for the special meeting is submitted to the membership at least one week prior to the meeting.
- 10-4 The President shall preside at each meeting. In his absence, the Vice-President shall preside and in the absence of the Vice-President, some other member of the Executive Council shall preside and such other member shall be designated by the President or Vice-President.
- 10-5 The General membership may petition in writing the Executive Council to hold a General Membership Meeting. Signatures of ten percent (10%) of the total registered voting membership are needed to meet this requirement.

### **Article XI - Committees**

- 11-1 The President shall designate committees to be responsible to the

Executive Council for specific functions.

- 11-2 Each committee shall comply with the spirit of these by-laws in the selection of its chairman and members.
- 11-3 The President shall have the right to change committee chairmen and/or members whenever necessary.
- 11-4 The President shall be an ex-officio member of all committees. The liaison member of the Executive Council shall an official member of his assigned committees.
- 11-5 A majority vote of all committee members shall hold on all matters before each committee.
- 11-6 Committees which may exist each year shall be called Standing Committees and shall consist of:
  - a) Beach/Beach Maintenance/Lifeguard/Security Committee
  - b) Boating Committee
  - c) Clubhouse Committee
  - d) Finance Committee
  - e) Lake Conservation Committee
  - f) Long Range Planning Committee
  - g) Membership Committee
  - h) Social Committee
  - i) Swim Team Committee

#### COMMITTEE FUNCTIONS

- Beach/Beach Maintenance/Lifeguard/Security
- Hire personnel who maintain supervision of the swimming area and instruction program and insure water safety.
  - Maintenance and improvement of the beach/parking area and facilities.
  - Establish and administer security about those properties defined within the confined of the association budget that should be protected from vandalism.

- Finance- Maintain cognizance of, advise on, audit annually the financial accounts of the Association and provide an annual profit and loss projection and cash flow statement at the autumn general membership meeting. The finance function will ensure that all payroll and annual tax returns are filed on a timely basis.
- Membership- Welcome any new members to the association, prepare brochure to inform new people on our association's affairs and community interests, maintain up-to-date membership files and badges and supply new members with copies of By-Laws.
- Events- Plan and administer the association's social events throughout the year.
- Boating- Administer and maintain the boating facilities, organize boating events.
- Long Range Planning- Study and make recommendations concerning the disposition, improvement, and growth of association facilities
- Conservation- Administer program to maintain and enhance the quality of our environs that effect the quality of our environs that effect the contents of Shongum Lake (this includes weed and algae control and water testing in Shongum Lake).
- Clubhouse- Establish and maintain the Shongum Lake clubhouse for social, recreational and business activities that are pursuant to the goals of the Association.
- Swim Team- Administer the functions necessary to the independent development of a competitive swim team at Shongum Lake.
- Civic Affairs- To maintain close communications with the municipal government insofar as the township development affecting Shongum Lake is concerned.

**Article XII - Parliamentary Authority**

12-1 The rules contained in Robert's Rules of Order shall govern this Association in all cases to which they are applicable and in which they are not inconsistent with the Constitution and By-Laws of the Association.

**Article XIII - Method of Amending These By-Laws**

13-1 These By-Laws may be amended by a two-thirds affirmative vote of the votes cast at a meeting, provided that notice of the proposed change has been given to the membership one week in advance of the meeting.

**Article XIV through Article XX - Rules and Regulations**

**Article XIV**

14-1 Articles XIV and subsequent shall contain rules, regulations and procedures adopted by the membership for the expressed purpose of holding valid from year to year. As such, these articles are not subjected to restrictions imposed by Article XIII and may be altered by a simple majority and without prior written notice. However, Articles II through XIII take precedence over Articles XIV and subsequent when conflicts may occur.

**Article XV - Beach Rules**

15-1 WHO MAY USE THE BEACH:

(1) Association members and their guests. No person eligible for membership in the Association and not a member in good standing may be a guest of another member. The member is responsible for their guests conduct while using Shongum Lake. Any guest of Shongum Lake must be accompanied by a badge holding member of the Association.

(2) Adult guests ineligible for membership can visit our lake 3 days per season at no cost. For the 4<sup>th</sup> and subsequent days, a \$5.50 fee per person (all ages) per day will be charged. For extended

overnight guests (i.e. more than 3 nights) the rate is \$1.00 per person per day. No guest fee will be imposed on weekday visits by guests 16 years of age or younger. Dependent minors of families eligible for membership are not allowed as guests.

(3) Guests must obey all standard beach rules including the swimming proficiency test required prior to swimming to the far dock and the rule prohibiting glass of any type on or around the beach area.

(4) Beach guests during the annual SLPOA picnics (Memorial, Independence and Labor Days) are permitted subject to the following limitations, fees and conditions:

a) A maximum of 100 Guest tickets will be available on a first purchased basis for the Memorial and Independence Day parties. Given typically higher Labor Day party attendance, only 50 tickets will be available for that event.

b) Tickets for all Parties will first be available for sale from the Administrative Coordinator/designee at the annual May Swim Team registration. Once the Beach opens, any remaining tickets for subsequent parties may be purchased with payment by check payable to SLPOA from the Beach Director.

c) Fees for tickets purchased one week or more from the scheduled picnic date are as follows:

Adult \$10.00/ticket  
Minors and Seniors (Age 70+) \$ 5.00/ticket

Subject to availability per (A) above, tickets purchased within one week of the scheduled picnic date are as follows:

Adult \$15.00/ticket

Minors and Seniors (Age 70+) \$ 7.50/ticket

Guest tickets are not required for children 2 years of age or younger.

- d) Once purchased, tickets are non-refundable unless the date of the picnic is subsequently changed due to the weather. If the date of the picnic is changed, additional guest tickets will be available for sale on the rescheduled date at the same rate as tickets purchased one week or more preceding the picnic.

15-2 BEACH USE- When lifeguards are on duty, the following rules apply:

- A. Swimming from the Association beach will be limited to the designated swim area under the Lifeguard's control. Anyone swimming outside this area swims at his own risk.
- B. All children under 18 will be required to demonstrate their swimming proficiency to the Lifeguard upon request. Those designated by him as "non-swimmers" will be restricted to designated safe areas.
- C. Obey all instructions of the Lifeguard.
- D. No unattended children under 12 years of age are permitted on the beach. In cases where no adult accompanies the child, the Lifeguard will be the sole judge as to whether the child is properly attended.
- E. Smoking is prohibited at all times on the sand area of the beach.

The following rules apply at all times:

- E. No horseplay in the water, on beach or raft.
- F. No fishing in the swimming area.
- G. No boating in the swimming area.
- H. No animals on the beach.

- I. No littering - clean up before leaving.
- J. No vehicles in the beach area.
- K. No glass containers on the beach.

### 15-3 PRIVATE GATHERINGS AND PARTIES

- (1) Private gatherings sponsored by a member for guests who are not members will be permitted only on weekdays and exclusive of holidays. Friday after 5:00 p.m. will be considered as the weekend. These parties must be registered in advance with the Beach Director or acting Beach Director. All guests will be required to register on the date of the event with the Beach Director or acting Beach Director. The purpose of registration is to enable scheduling of the beach facilities.
- (2) Organized gatherings where all persons are members must also be registered in advance for scheduling purposes.
- (3) Swimming is allowed until night fall or 9:00 PM, whichever is earlier, subject to a lifeguard being on duty.
- (4) Adequate adult supervision is required (no less than 1 adult for each 10 attendees under age 21).
- (5) All beach parties must end by 12 midnight.
- (6) When registering before the party, the adult member must indicate the duration of the party, number of attendees, whether alcohol will be served and number of supervising adults (if applicable).
- (7) Discretion must be used in operating the PA system. The PA system may not be used after 10:00 PM.
- (8) Fires are allowed in the cooking grills or fire containment boxes (available from the Beach Director) only. No fires are allowed except at a lake run event in the beach sand, grass or elsewhere.

(9) Beach rules shall apply unless specified to the contrary under Sec. 15.

### **Article XVI - Boating**

#### **16-1 BOATING AND THE USE OF THE BOATING AREA**

- (1) The boating area will be used solely for boating activities with the exception of such floats and spectator areas as designated for supervised swim team activities.
- (2) All boats docked on the lake must be kept in the boating area except for lakefront property owners who may dock on their own lakefront.
- (3) The Boating Committee shall issue other rules and regulations within the framework and spirit of these By-Laws when necessary.

#### **16-2 BOAT REGISTRATION**

- (1) All boat owners using the lake must register with the Association and obtain Boat Tags.
- (2) Tags must be prominently displayed on each boat.
- (3) Annual Boat Registration fees will be established by the Executive Council for the following categories:
  - a) Association members
  - b) Non-members having a deeded right to use the lake as referenced in Article 3-1.

#### **16-3 POWER CRAFT**

No power craft will be permitted on Shongum Lake regardless of the type of motor or power source.

### **Article XVII - Ice Activities**

- 17-1 Ice fishing is not permitted between the island and the dam.
- 17-2 No hockey permitted in the area cleared for general skating.
- 17-3 Power craft of any sort shall not be permitted on the ice except for snow removal purposes.

### **Article XVIII - Regulation Enforcement**

- 18-1 The Executive Council shall take disciplinary action against any Association member who flagrantly, and persistently, disregards or breaks the Association's rules and regulations and/or damages, destroys or is convicted of stealing Association property or equipment or any other member's property or equipment while the property or equipment is in an Association area.
- 18-2 The maximum action which the Executive Council may take is limited to a three (3) month suspension of the individual offender from the Association's activities.
- 18-3 Any infraction which the Executive Council feels requires a mores serious punishment shall be brought before the general membership for their action.

One infraction felt by the Executive Council to require a more serious punishment is allowing underage drinking at private parties sponsored by members in the clubhouse or at the beach. The disciplinary action for such an infraction is suspension of all membership privileges for the remainder of the fiscal year for the family sponsoring the party.
- 18-4 The following safeguards shall exist for the individual or family against whom action is being taken by the Executive Council.

- A. The individual, or family, must be notified in writing at least one week in advance of the Executive Council meeting at which the action will be taken.
- B. The individual, or family, shall have the right to defend

his/their actions before the Executive Council.

C. Except possibly for an infraction included under Article 18-3, in no case shall a family be penalized for the actions of one of its members.

D. Five (5) of the seven Executive Council members must vote in the affirmative on any action taken. 18-5 The Beach Director shall have the authority to suspend a member's right to use any of the Association's facilities for infractions of the above rules and regulations for a maximum period of two weeks. A report of the suspension must be made to the Executive Council and the Committee Chairperson. The suspended member shall have the right of appeal to the Executive Council and the Executive Council must act on the appeal within 48 hours.

#### **Article XIX - Identification Badges**

19-1 Member families shall be given one badge for each permanent resident of their household.

19-2 Badges must be worn in full view by members and their guests while engaging in any activity in or on any part of Shongum Lake, at any time during the year. The only exception will be when a ticket is required to attend a social function.

19-3 No member, on leaving the Association, may give or sell his membership badges to anyone, except badges may be passed on to renters or lessees (refer to para. 4-1). Badges not passed on to renters or lessees should be returned to the membership chairperson or committee.

19-4 No member shall, or allow anyone on his behalf, to represent himself as the spokesman or representative of the Shongum Lake Property Owner Association without prior written consent thereto from the Executive Council. Please take further notice that violation of the proposed regulation, and all existing regulations, which are Articles XV, XVI and XVII and of the By-Laws of the Shongum Lake Property Owners Association,

subjects violators to disciplinary action pursuant to Article XVIII of the By-Laws which may include upon action of the Executive Council or Beach Director, suspension of membership privileges or by action of the general membership more serious punishment.

#### **Article XX - Firearms**

20-1 The discharge of any firearms in or about the Lake or adjoining property under the jurisdiction of the Association is strictly forbidden.

#### **Article XXI - Association Employees**

21-1 An Executive Council member shall recuse himself or herself on any matter involving the employment by the Association of an immediate family member. No member of the Association shall be permitted to be a member of a Committee of the Association that shall have supervisory responsibility of, employ or consider for employment of a family member.

#### **Article XXII - Reserved**

#### **ARTICLE XXIII-CLUBHOUSE**

23-1 All members (including committees and the Council) must reserve the clubhouse through the Administrative Coordinator.

23-2 Reservation and the use of the clubhouse do not come with beach privileges. If use of the beach is desired, separate arrangements must be made with the Beach Director during the summer or the Council member responsible for the beach during the other times.

23-3 All members (excluding committees and the Council) will pay a daily usage fee plus deposit, the amounts of which are set annually by the Council, when the keys are picked-up.

- a. Separate checks must be made payable to SLOPA and are required for the usage fee and deposit.

- b. Keys must be picked up in advance.
- c. Only adult members may reserve the clubhouse and pick up the keys.

23-4 The person reserving the clubhouse is responsible for any damage or loss of SLPOA property.

23-5 SLPOA property is not to be removed from the clubhouse.

23-6 Keys are to be returned no later than the day after the reservation date. The deposit check will be either returned or destroyed at the member's option after inspection of the premises.

**Article XXIV-POLLUTING**

24-1 Any member seen or found responsible for polluting or littering the lake with trash, rubbish or any other environmentally objectionable material shall be subject to provisions of Article XVIII.