

LOCA

Lake Owassa Community Association

**LAKE OWASSA, SUSSEX COUNTY
NEW JERSEY**

**CONSTITUTION and BY-LAWS
IN EFFECT AS OF MARCH, 2002**

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ARTICLE I. NAME, PURPOSE AND DEFINITIONS

Section 1. This organization shall be known as the Lake Owassa Community Association.

Section 2. General Purposes

- A. This Association shall be representative of all the members of the community association centered around Lake Owassa.
- B. This Association shall have as its broad purpose the promulgating of policy and the direction and control of such community activities as directly affect the peaceful character of the community and the health, comfort, enjoyment and safety of its members.

Section 3. Specific Purposes

- A. This Association shall be constituted the responsible agent for all of its members in the transaction of such business as shall be necessary or desirable for the best interest of the Association and its members.
- B. The establishment of the rules and conditions governing admission to and continuity of membership and the payment of initiation fees, dues and assessments.
- C. The establishment of the rules and conditions governing the use of Lake Owassa, prescribing, granting and limiting the rights of members and others with respect to the use thereof.
- D. The improvement of roads and joint-use property.
- E. The acquisition of such community owned property, both real and personal, as may be necessary for the proper functioning of community activities.

ARTICLE II. MEMBERSHIP

Section 1. Classification and Acceptance

- A. Proprietary
- B. Commercial
- C. Subject to the approval of the Board of Governors, and upon the payment of an initiation fee, which shall be paid by all new members and by the transferee of an existing membership, each property owner of record, meeting the qualifications hereinafter provided for, and each commercial applicant, meeting the qualifications hereinafter provided for, may become respectively a proprietary or commercial member.
- D. Only proprietary members shall have a vote in the Association. There shall be one (1) vote per family or group of co-owners or joint-owners, which may be voted by written proxy submitted to the Secretary at the meeting at which the proxy is to be used. The name of the voting member shall be registered with the Secretary of the Association. Only members in good standing shall have the right to vote.
- E. Proprietary members may vote by proxy. Any proprietary voting member may submit a written proxy on the form provided by the Association, which shall be available upon request from the Secretary and shall be delivered to the Secretary (or acting Secretary) prior to the general or special meeting at which it is to be used. Proxies shall be counted as members in attendance at said meeting in determining whether a quorum is present.
- F. The total membership of this Association shall be limited to 260 proprietary members and such number of commercial members as the Board of Governors shall determine, except that additional memberships beyond 260 may be granted to lake front property, pursuant to Article II, Section 2, Paragraph A.

Section 2. Qualifications for Proprietary

- A. Any person, persons or legal entity being the record owner of property within one thousand (1,000) feet of the shore of Lake

Owassa, except that from June 1, 1959, no new proprietary membership may be granted unless the applicant shall have lake frontage of at least one hundred (100) feet. However, membership may be granted if the lake front plot of land for which the application is made shall have been deeded prior to the aforesaid date for a lesser number of feet. No member shall, in selling or subdividing lake front property after this date, June 1, 1959, retain less than 100 feet of lake front in order to maintain said membership.

- B. All those who are proprietary members as of the original date of the adoption of these by-laws, regardless of the distance of the property from Lake Owassa (September 2, 1950).
- C. Any person, persons or legal entities who do not meet the foregoing requirements shall not be accepted for membership or continue as a proprietary member.
- D. Any person, persons or legal entity shall be restricted and limited to only one proprietary membership with voting privileges. Any proprietary membership purchased by another proprietary member shall have the voting privilege of the acquired membership held in abeyance until said membership is transferred to any person, persons or legal entity which does not have a proprietary membership with voting privileges and is transferred pursuant to Article II, Section 4, Paragraph A of these by-laws.
- E. The term legal entity as used in these by-laws is intended for the purpose of permitting proprietary members to own property eligible for membership in this Association in a partnership or closely-held corporation or any other business form permitted in the state of New Jersey, but the use of such property shall be limited to not more than two (2) families and their "bona fide guests".
- F. In no event and under no circumstances shall membership in this Association be granted to any property which shall be used as and for a club, hotel, apartment house, motel, boarding house, rooming house, or any similar use by whatever name it may be designated, whether the ownership of such property be held by an individual, group, partnership, association or corporation, whether conducted for profit or a non-profit basis

and in all such situations where the property is used under any of the foregoing arrangements, the owner of said property shall not be entitled to be eligible for a membership in this Association.

- G. In the event a membership in this Association is issued to any person, group, partnership or corporation, within the category hereinabove defined in Article II, Section 2, Paragraph E, by reason of the fact that the true designation and use of said property was not disclosed at the time of the making of the application for membership, then the membership so issued shall be revoked by the Board of Governors upon proof that the property is being used for any such prohibited purpose.

- H. If any property which holds a proprietary membership as of the date of the adoption of this amendment is hereafter used in such a manner that it would require a commercial membership, except if it had been granted a commercial membership prior to the date of the adoption of this amendment, then the proprietary membership shall be revoked by following the procedures provided for in these by-laws. Only those commercial memberships in effect as of June 1, 1969 may be continued thereafter. All properties on which there is presently more than one dwelling which is rented or which is used for any purpose other than as a guest house for "bona fide guests" of the proprietary member, in order to continue to hold membership in this Association must secure a commercial membership on or before September 15, 1969. No commercial membership will be issued after September 15, 1969 except that those issued prior thereto may be continued thereafter provided that if any such commercial membership is discontinued by the holder thereof at any time after June 1, 1969 such commercial membership thereafter shall not be reinstated. Any proprietary member who adds a building or uses a building now in existence after September 15, 1969 for such purpose as would have required a commercial membership under the by-laws heretofore in effect on the property for which the said proprietary membership is held shall forfeit the proprietary membership so held upon proof that the property is used for any such prohibited purpose.

Section 3. Qualifications For and Those Required To Secure Commercial

- A. No person, firm or corporation shall maintain or carry on in any manner whatsoever a commercial enterprise, of any kind, involving the use of the waters of Lake Owassa, except upon the following terms and conditions:
1. Such person, firm or corporation shall file an application with the Association upon a form to be supplied by the Secretary of the Association upon request of the applicant.
 2. Such application shall be considered by the Board of Governors of the Association, who shall have the authority to grant or deny the membership applied for, as it shall deem to be for the best interest of the Association, keeping in mind the general purposes of these by-laws, subject to the approval of the general membership of the Association.
 3. If a commercial membership is granted, it shall be for a single year, corresponding to the effective dates of proprietary membership and shall automatically terminate and cease at the end of each membership year.
 4. If the commercial member desires to renew the membership, a new application must be filed each year in the manner hereinabove stated by July 1st of each year and they shall be advised of acceptance or rejection by the Labor Day meeting of the same year.
 5. As of the effective date of the adoption of these by-laws, there are no existing commercial memberships (September 6, 1953).
 6. A commercial membership, when and if granted, shall not include the requisite proprietary membership which each and every property owner must have to be entitled to lake privileges.
 7. Every commercial member shall submit with the application for membership, proof of prepaid liability

insurance in such reasonable amount as may be required by the Board of Governors.

- B. Any person, persons or legal entity within the area eligible for membership engaged in any of the following enterprises or undertakings shall be required to secure a commercial membership (subject to the provisions of Article II, Section 2H.):
 - 1. The owner of two or more dwellings on a single lot or parcel of land which has or is eligible for proprietary membership and one or more of the said dwellings is or are rented or leased on any basis whatsoever. A dwelling includes house, tent, cottage, shack, bungalow, trailer or any other type of habitation.
 - 2. The owner of any multiple dwelling who rents or leases on any basis whatsoever rooms, apartments or living quarters therein.
 - 3. The rental or leasing of watercraft on any basis whatsoever.
- C. No person, firm, corporation or any other business entity engaged in any enterprise or undertaking other than those hereinabove set forth under Article II, Section 3, Paragraph B, shall be eligible to secure a commercial membership involving the use of the waters of Lake Owassa.

Section 4. Rules Applicable to Members

- A. All proprietary memberships are transferable subject to the approval of the Board of Governors and the payment of a transfer or initiation fee as established by the Board of Governors except that no transfer or initiation fee shall be paid upon a transfer of a proprietary membership which is transferred by will, intestacy or gift. In the event the transferee bases the request for transfer of membership upon a will, intestacy or gift, satisfactory proof thereof shall be submitted to the Secretary for review by the Board of Governors. In the event the transferee bases the request for transfer of membership upon a will, intestacy or gift, the transferee shall submit together with the

request for the transfer of membership, to the Secretary, for review by the Board of Governors:

1. A copy of the will together with a copy of the Letters Testamentary; or
 2. Proof of death of the member together with a copy of Letters of Administration; or
 3. An affidavit setting forth the facts upon which the request for transfer of the membership is based indicating that there has been no probate or administration and the relationship of the parties; or
 4. A copy of a Gift Tax Return or an affidavit indicating that a gift has been made setting forth the relationship of the parties and either the original or a copy of the deed by which said transfer was made after the same was recorded.
- B. The membership year shall run from May 1 to April 30 of the following year.
- C. Lake privileges as hereinafter set forth under Article IV are available to members as follows:
1. Proprietary members – themselves, their families and “bona fide guests”. It being understood that no person living within 5,280 feet (which shall be measured by using the most direct route by existing or hereafter officially created roads) of the high water mark of Lake Owassa, whether in a permanent or temporary place of abode or owning any land or any type of dwelling whether temporary or permanent may or shall be a “bona fide guest” of a proprietary member with respect to or so as to permit the proprietary member to extend any lake privileges to such person, including but not limited to boating, swimming and fishing.
 - (a) Such limitation (with respect to who may be “bona fide guests”) does not apply to

- (i) a member of the immediate family of a proprietary member, being specifically limited to father, mother, grandfather, grandmother, son, daughter, grandchildren, son-in-law and daughter-in-law, regardless of their place of residence or abode;
 - (ii) tenant of a proprietary member;
 - (iii) a tenant of a commercial member.
 - (b) In the event a proprietary membership which was the basis of the “bona fide guest” permission is transferred out of the immediate family (as above defined) then the “bona fide guest” privilege of the immediate family, which had previously applied to the members of the immediate family of the transferor, shall cease and terminate effective immediately upon such transfer.
 - (c) Permitting persons other than “bona fide guests” (as above defined) to use a proprietary member’s property as a means of access and ingress to Lake Owassa, or to exercise and use any of the lake privileges of said proprietary member, shall be sufficient grounds for revocation of said membership pursuant to Article II, Section 4, Paragraph D.
2. Commercial members – those persons renting from or acquiring the services of said commercial member.
 3. Only those members who are in good standing shall have the right and enjoyment of lake privileges. Commercial members, in order to pass on said privileges, must be in good standing.
 4. A member in good standing shall be one whose membership dues or assessments have been paid in full and who has complied with these by-laws.
 5. If a proprietary member rents or leases to others, property or dwellings which are the basis of said

proprietary membership, then the following conditions shall apply:

- (a) The proprietary member shall have no lake privileges associated with said membership unless the lease or rental agreement specifically prohibits the tenant from using the lake for any purpose whatsoever. Such a lease must be in writing, signed by the proprietary member and the lessee. A copy of the lease or a statement affirming the restriction, signed by the proprietary member and lessee before a notary public must be submitted to the LOCA Secretary by the proprietary member.
 - (b) If the lessee does have lake privileges, the proprietary member may provide boats for the use of the lessee in conformance with Article IV, Sections 1B, C and D.
 - (c) The voting privileges associated with said proprietary membership shall continue except, as provided in Article II, Section 2D.
- D. Membership, in any category, may be revoked at any time by the Board of Governors, subject to the approval of the General Membership.
- 1. A complaint, in writing, shall be made to the Board of Governors by a member in good standing or by the person policing and patrolling the lake for the Association.
 - 2. On the basis of the said written complaint, the Board of Governors shall determine whether a hearing shall be held.
 - 3. Notice shall be sent to the member at least thirty (30) days prior to the date set for the hearing; said notice shall be sent via Certified Mail, Return Receipt Requested, and ordinary mail to both the summer residence and the year-round residence (as of record with the Secretary) of the member, advising of the date, time and place of said hearing.

4. Said notice shall set forth the charges being made against the member.
5. The person making said charges shall appear in person before the Board.
6. In the event of revocation, no part of the original initiation fee or dues thereafter paid shall be returned.
7. Upon the revocation of a membership, all lake privileges which the said member had been entitled to shall cease forthwith.
8. No membership may be revoked without a hearing as above provided.
9. The defendant may be represented by counsel of his own choosing.
10. Reinstatement may be applied for at any time.

ARTICLE III. INITIATION AND DUES

Section 1. Initiation Fee

- A. Every applicant for proprietary or commercial membership (subject to Article II, Section 2, Paragraph H) shall pay an initiation fee in such amount as shall have been determined by the Board of Governors, subject to the approval of the general membership.
- B. An initiation fee shall be paid only once by any member acquiring a proprietary membership except as provided for in Article III, Section 4.
- C. The initiation fee for any year shall be the same for any person, persons or legal entities applying for membership within any membership classification.
- D. The initiation fee shall accompany the application.
- E. If the applicant is denied membership, the initiation fee shall be returned.
- F. When a proprietary member acquires another proprietary membership as provided for in Article II, Section 2D, a transfer fee shall be paid.

Section 2. Dues for Proprietary Members

- A. Each proprietary member shall pay such sum per year, as dues, as the Board of Governors shall determine subject to approval of the general membership.
- B. Dues shall be due and payable during the month of April of each year.
- C. Upon payment of dues, each such member shall be entitled to all lake privileges and the right to use watercraft in and upon the lake as set forth in Article IV hereafter, except as provided in Article III, Section 4 hereafter.
- D. When a proprietary member acquires another proprietary membership as provided for in Article II, Section 2D, payment of

dues shall be governed by the following:

1. If a proprietary member whose property is not located on the lake acquires another proprietary membership which is located on the lake and the newly acquired property is used solely for the purpose of exercising privileges of lake usage by the proprietary member, the member's immediate family and "bona fide guests", payment of dues for the newly-acquired membership shall be waived until either of the memberships is transferred pursuant to Article II, Section 4A. This exception will apply to only one such acquisition.
 2. Except as provided in (1) one above, dues and assessments must be paid on each proprietary membership.
- E. Failure to pay dues for two consecutive years shall result in the automatic revocation of the membership (for which dues have not been paid) which shall be reinstated only pursuant to the provisions of Article III, Section 4 hereafter. Automatic revocation shall become effective at 11:59 p.m. on April 30 of the second consecutive membership year for which dues were not paid.
- F. Failure to pay dues for the then current year, within 30 days from May 1 of the year for which said dues are payable, or failure to pay an assessment within 30 days from the date established for the payment thereof, shall result in an automatic penalty of \$10.00 to be added to the dues or assessment. If the dues or assessment, together with the penalty, are not paid by the date of the first general membership meeting of the then current membership year, lake privileges shall be automatically suspended as of that date.

Section 3. Dues for Commercial Members

- A. Each commercial member shall pay, in addition to proprietary membership dues, such sum per year as commercial membership dues as the Board of Governors shall determine subject to the approval of the general membership.

- B. All persons entering in and upon the lake upon the basis of dealing with a commercial member shall have lake privileges as set forth in Article IV hereafter.
- C. Each commercial member shall pay to the Association, in addition to the dues fixed pursuant to Article III, Section 3, Paragraph A above, the following:
 - 1. For each dwelling owned or held or used for rental purposes such sum per year as the Board of Governors shall determine subject to the approval of the general membership.
 - 2. For each watercraft owned and held or used for rental purposes such sum per year as the Board of Governors shall determine subject to the approval of the general membership and to be limited to the number of boats owned by the commercial member at the time of issuance of the commercial membership.
- D. The payment of the dues above fixed shall not entitle any commercial member to engage in any other type of enterprise or undertaking beyond the renting of either a dwelling or dwellings, boat or boats; and the use by any commercial member of property in such a manner as to result in people entering in and upon the lake, other than those permitted to do so by these by-laws shall be and is hereby specifically prohibited.
- E. All tenants, rentees or lessees acquiring any lake privileges shall abide by all of the rules, regulations and by-laws of this Association and upon their failure to do so may have their lake privileges revoked upon no less than three (3) days notice after a hearing by the Board of Governors following the procedure insofar as notice, hearing and complainant appearing in person as set forth under Article II, Section 4, Paragraph D above.

Section 4. Reinstatement of Membership

- A. If any proprietary member whose membership has been automatically revoked for failure to pay dues or an assessment desires to be reinstated as a proprietary member, said member shall file a written application therefor which shall be

accompanied by payment of an initiation fee of \$200.00 plus all delinquent dues, assessments and penalties as provided in Article III, Section 2F.

If said member has not otherwise violated the Constitution and the by-laws, the reinstatement shall be automatic. If said member has committed any other violations, then reinstatement shall be determined by the Board of Governors which may impose such other conditions and restrictions as it shall deem necessary for the good and protection of Lake Owassa and the Lake Owassa Community Association.

If the proprietary membership was revoked for non-payment of dues prior to July 1986 and application for reinstatement is submitted before December 31, 1987, total cost of reinstatement shall be the initiation fee of \$200.00 (two hundred dollars). After December 31, 1987, the requirement to pay all delinquent dues shall apply to all such requests for reinstatement, as per first paragraph above.

- B. If a proprietary membership has been revoked for non-payment of dues as provided for in Article III, Section 2E and a new owner of the eligible property applies for reinstatement of the membership, the applicant shall pay an initiation fee of \$200.00 plus all delinquent dues, assessments and penalties up to but not to exceed \$1,000.00. Reinstatement shall be automatic. However, if the previous proprietary membership was revoked for any reason other than failure to pay dues, the Board of Governors may impose such other conditions and restrictions as it shall deem necessary for the good and protection of Lake Owassa and the Lake Owassa Community Association.

If the proprietary membership was revoked for non-payment of dues prior to July 1986 and application for reinstatement is submitted before December 31, 1987, total cost of reinstatement shall be the initiation fee of \$200.00 (two hundred dollars). After December 31, 1987, the paragraph above applies to all such requests for reinstatement.

- C. Every proprietary member conveying or transferring the property for which said proprietary membership is held shall advise the purchaser of the necessity of applying for membership in the

Association and shall also advise the Secretary of the Association that said property is to be or has been conveyed or transferred. Failure to so advise the Secretary may result in the withholding of a proprietary membership in the Association to the purchaser or grantee. This provision shall be prospective only. It shall not apply to any conveyances or transfers which have taken place prior to the adoption hereof.

- D. Any member whose proprietary membership is revoked pursuant to the above may present the matter before the general membership.

ARTICLE IV. LAKE PRIVILEGES, WATERCRAFT PERMITS AND LAKE REGULATIONS

Section 1. Lake Privileges

A. Operation of Motorized Watercraft

1. Hours of Prohibited Operation:

Motorized watercraft shall not be permitted to operate during the following periods of every day:

- (a) Before 8 o'clock a.m.
- (b) After dusk (1/2 hour after sunset).

2. Hours of Restricted Operation:

Motorized watercraft shall be operated at trolling speed during the following periods of every day:

- (a) From 8 o'clock a.m. to 1 o'clock p.m.
- (b) From 6 o'clock p.m. to dusk (1/2 hour after sunset).
- (c) In the cove at all times.

3. Hours of NON-Restricted Operation:

Motorized watercraft may be operated at any safe and legal speed during the following periods of every day:

- (a) From 1 o'clock p.m. to 6 o'clock p.m.

4. Motorized watercraft may be operated at any safe and legal speed from dawn to dusk any day of the week from November 1st to March 31st.

5. There shall be no restrictions in the operation of motorized watercraft by any law enforcement officer

authorized to police and patrol the lake, or any LOCA official conducting official Association business.

6. Electric motors may be operated at any time from dawn to dusk.
- B. No watercraft shall be placed in and upon the lake unless the necessary watercraft permits have been obtained from the Association as hereinafter provided.
- C. No watercraft shall be placed in and upon the lake other than those owned by proprietary members or the holder of a commercial membership.
- D. All members shall be responsible for all watercraft for which they have procured a permit.
- E. All lake privileges including swimming, fishing and boating shall be and are restricted and limited to such persons as shall, under these by-laws, be considered as members or having these privileges by reason of rental from a commercial member or as tenants or "bona fide guests" of a proprietary member.
- F. No inboard motor driven craft shall be used or permitted on the waters of Lake Owassa. This restriction shall not apply to in-board electric motors.
- G. No watercraft propelled by an outboard motor shall be used in or upon the lake if its rated length exceeds sixteen (16) feet. This restriction shall not apply to watercraft termed as "canoes," which may be operated with outboards not exceeding 7-1/2 H.P. Watercraft rated as sixteen (16) feet nominal length, but actually measuring a fraction of a foot more than sixteen (16) feet may be used in or upon the lake, provided the actual overall length measured along the centerline is less than seventeen (17) feet from stem to stern.
- H. No watercraft shall be permitted to operate in and upon the lake with more than one outboard motor attached thereto; and no outboard motor used to propel watercraft in and upon the lake shall exceed 50 H.P., except that those members owning outboard motors exceeding 50 H.P. on the date of adoption of this revised by-law may be permitted by the Board of Governors

to continue to use such motor on a non-conforming basis for the duration of its useful life, at the expiration of which period any motor replacing same shall conform to the horsepower limitations of the then current LOCA by-laws.

Those members owning an outboard motor of more than 50 H.P. shall, within one week after such date of adoption register with the Secretary-Treasurer of LOCA, in writing, the make, model and year, horsepower rating, serial number and date of purchase of said outboard motor.

- I. The use of, operation of or placing of any watercraft, resembling or designated as a racing craft and not for the sole purpose of pleasure boating, fishing or skiing in and upon the waters of Lake Owassa is strictly prohibited.

Section 2. Any person using the waters of Lake Owassa for any purpose, including but not limited to ice skating, swimming, boating and fishing, shall do so at their own risk. The Association shall not and does not assume to undertake to provide any control or responsibility for such person and each such person does assume responsibility for themselves with respect thereto.

Section 3. Watercraft Permits

- A. All watercraft permits are non-transferable from one boat to another or from one owner to another.
- B. Applications for watercraft permits shall be made to the Secretary of the Association on the forms provided by the Association.
- C. Each proprietary member shall be entitled to only one motor propelled watercraft permit in excess of 7-1/2 H.P. and there shall be no limit for any proprietary member on the number of permits below 7-1/2 H.P.
- D. Commercial members shall not be entitled to any motor propelled watercraft permits.
- E. Any or all watercraft permits are revocable by the Board of Governors if, in the judgement of said Board of Governors, the

permit or permits were obtained through misrepresentation or the watercraft is used in violation of any of these rules, conditions and by-laws or of the New Jersey or Federal Laws.

Section 4. Lake Regulations

- A. All watercraft operated on Lake Owassa shall have affixed thereto either a motor propelled or a non-motor propelled permit.
- B. All watercraft permits shall be prominently displayed on the left and right front of the watercraft.
- C. Entering in and upon the lake or any portion thereof by any person who is not a member of this Association in good standing or who is not a "bona fide guest" of a member in good standing or who is not a tenant of a member in good standing or who is not a rentee or lessee of a watercraft from a commercial member in good standing shall be a trespasser and the Association's officer policing and patrolling the lake shall take such action against such person or persons as shall be necessary under the circumstances.
- D. All of the New Jersey Department of Navigation Rules and Regulations are made a part of these by-laws and will be enforced.
- E. No dock, float, pier or any other man-made structure, anchored in or on the lake or attached to shore and extending into the lake, as of the adoption of this amendment shall be built or erected without first securing approval of the application therefor by the Board of Governors. The application shall be in writing, give the exact intended location and the proposed size thereof. This shall not apply to any replacement or repair of any such existing structure, provided such repair or replacement does not change the size or location thereof.
- F. 1. No person, firm, corporation or member of this Association, whether proprietary or commercial, shall

dredge any part or portion of the lake bed, in any manner or by any means, or arrange for or permit anyone else to do so, without having submitted a request to do so to the Board of Governors, in writing, setting forth the extent and purpose thereof. The Board shall consider the application, permit the applicant to appear in person before the Board to explain the reasons for the application and shall make a determination as to whether or not permission to do so should be granted. The applicant shall be advised in writing, of the Board's determination with respect to the application.

2. No person, firm, corporation or member of this Association, whether proprietary or commercial, shall make any changes in the shore line or the lake bottom in any manner or by any means, or arrange for or permit anyone to do so, except when and where such changes are a part of the ordinary regular and usual care and maintenance of said member's lake shore property, without first having submitted a request to do so to the Board of Governors, in writing, setting forth the extent and purpose thereof. The Board shall consider the application, permit the applicant to appear in person before the Board to explain the reasons for the application, and shall make a determination as to whether or not permission to do so should be granted. The applicant shall be advised, in writing, of the Board's determination with respect to the application.
3. No person, firm, corporation or member of this Association, whether proprietary or commercial shall maintain the property for which said membership is held so as to allow or permit any contaminant of any kind, nature or description to drain, flow or discharge, either surface or subsurface into Lake Owassa.

The holder of such membership shall permit any duly designated representative of the Association to enter upon the property covered by said membership to make such tests and examinations as shall be deemed, by the Board of Governors, necessary for the protection of the waters of Lake Owassa.

Any member who or which does not permit the making of such tests or examinations or fails to correct and eliminate any condition found to exist in and upon the membership property which permits contamination of the waters of Lake Owassa shall be subject to revocation of membership pursuant to Article II, Section 4D.

- G. The use of all motor driven vehicles of any kind, nature or description is prohibited on ice or snow formed or accumulated on, in or upon the land and waters belonging to this Association.
- H. Ice fishing shall be permitted subject to the following:
 - 1. A limit of five (5) guests; one guest must carry the proprietary member's membership card.
 - 2. All fishing must be done in strict conformity with all of the rules and regulations of the State of New Jersey governing ice fishing.

ARTICLE V. ENFORCEMENT

Section 1. Retention of Policing and Patrolling Officers

- A. The Board of Governors may secure the services of and retain such person as it shall deem qualified to police and patrol the lake.
- B. Said person shall be paid such salary as shall be fixed by the Board of Governors, subject to approval by the general membership.
- C. The said person so selected shall have all of the qualifications to become a special police officer and shall become and be a member of the Frankford Township Police during the time of his service in policing and patrolling the lake for the Association. The said person so selected shall be permitted to use a motor propelled craft in and upon the lake without limitation as to H.P. of the motor and with respect to the hours during which the said motorized craft may be used.
- D. Said person shall have and is hereby given full power and authority to make and enter such complaints for and on behalf of the Association as shall be necessary before any Court of competent jurisdiction against any person violating these rules, regulations and by-laws or for any violations of any of the rules and regulations or the Statutes of the State of New Jersey or the United States of America.

Section 2. Retention of Attorney

- A. The Board of Governors may retain the services of an attorney for such purposes as the Board shall consider necessary or desirable with respect to the enforcement of these by-laws or such other matters as the Board may determine and the said Board may agree upon the compensation to be paid therefor.

ARTICLE VI. MEETINGS

Section 1. There shall be two general membership regular meetings per year: on the Sunday immediately preceding July 4 or if July 4 is on a Monday, the second Sunday preceding July 4; the other on the Sunday preceding the Labor Day weekend. The place and time of both meetings shall be selected by the Board of Governors and the date of said meetings shall be subject to change as the Board may find necessary.

At least fourteen (14) days written notice of the date, time and place of the meetings shall be given to each member in good standing.

Section 2. Election of officers shall take place at the second regular meeting. Only voting proprietary members in good standing shall be eligible to vote at this election.

Section 3. The order of business at regular meetings shall be:

- A. report of the Secretary,
- B. report of the Treasurer,
- C. report of the Board of Governors,
- D. reports of the Committees,
- E. unfinished business, and
- F. new business.

Section 4. Special meetings may be called at any time by the Board of Governors, or by any twenty-five (25) voting proprietary members. At least fourteen (14) days written notice, setting forth clearly the purpose, time and place of such meeting, must be given to each voting proprietary member.

Section 5. At least twenty-five percent (25%) of the proprietary members in good standing shall be necessary to constitute a quorum.

ARTICLE VII. GOVERNMENT

- Section 1. The management of the Association and its affairs shall be entrusted to a Board of Governors.
- Section 2. Members of the Board of Governors shall consist of the two (2) elected officers, and seven (7) other members; three (3) of whom shall be elected at the next election for a term of three (3) years, two (2) of whom shall be elected at the second election next following the adoption of this amendment and every three (3) years thereafter and the remaining two (2) shall be elected at the election next following for a term of three (3) years.
- Section 3. All members of the Board of Governors shall be Proprietary Members in good standing.
- Section 4. Any vacancy on the Board shall be filled for the unexpired term by a majority vote of the Board of Governors.
- Section 5. The Board of Governors shall appoint a Nominating Committee whose duty it shall be to nominate a list of candidates for the ensuing year, for such offices as are to be filled; however, any other ten (10) voting Proprietary Members may nominate a list of candidates and serve written notice of same at least three (3) weeks prior to the second regular meeting. The Nominating Committee shall make every effort to have all sections of the community represented. All lists of candidates must be in the hands of the Secretary at least three (3) weeks prior to the second regular meeting. Nominations shall be permitted from the floor.
- Section 6. Voting for the Board of Governors shall be by ballot, cast in person or by proxy, written and signed by the voting Proprietary Member. Ballots containing the names of all candidates shall be furnished by the Secretary.
- Section 7. Meetings of the Board of Governors may be called by the President whenever necessary or when six (6) members of the Board request such a meeting.
- Section 8. A quorum of the Board of Governors shall consist of six (6) members of the Board.

- Section 9. In the absence of the President and Vice-President, the Board may designate a member of the Board to act in place of the President.
- Section 10. Upon the completion of his term in good standing, the retiring President shall automatically become a member of the Board of Governors for a term of four (4) years.
- Section 11. If a Board member fails to attend three (3) consecutive regularly scheduled Board meetings for which he was duly notified per Article VIII, Section 4J, his membership on the Board of Governors shall automatically terminate. The created vacancy shall be filled per Article VII, Section 4.

ARTICLE VIII. OFFICERS

Section 1. The Officers of the Association shall consist of a President, Vice-President and Secretary-Treasurer except that Secretary-Treasurer shall not be an elective office and shall be covered and controlled by Article VIII, Section 4, and shall not qualify the holder thereof to be a member of the Board of Governors. The term of office for the President and Vice-President shall be for two (2) years and they shall not succeed themselves in their respective offices for more than one (1) successive term; i.e., may not hold the same office for more than four (4) consecutive years.

Section 2. The President:

- A. shall preside at all regular and special meetings of the Association and Board of Governors.
- B. subject to the approval and ratification of the Board of Governors, shall appoint committees whenever necessary. The President shall be ex-officio a member of all committees.
- C. shall be one of the signators on all checks drawn against Association accounts.
- D. shall not make or enter into any contracts or obligations of any kind on behalf of the Association without the prior approval of either the general membership or the Board of Governors.

Section 3. The Vice-President shall have all the power of the President in case of the absence or disability of the President.

Section 4. The office of Secretary-Treasurer may be held by any person whether a member of the Association or not and shall be selected and appointed by the Board of Governors. The person holding such office shall be paid such sum as shall be fixed by the Board of Governors subject to the approval of the general membership. The Secretary-Treasurer shall:

- A. keep and maintain all of the books and records of the Association;

- B. have custody and control of all of the Association's books and records subject to review and inspection by the officers and attorney for the Association and any other person or persons specially designated by the Board of Governors or the general membership and be responsible for the safe keeping thereof;
- C. attend all general meetings of the Association and all meetings of the Board of Governors;
- D. keep minutes of all such meetings;
- E. be responsible for carrying out all business and correspondence for and on behalf of the Association;
- F. be bonded in the sum of not less than Five Thousand Dollars (\$5,000.00);
- G. serve at the will of the Board of Governors;
- H. be one of the signators to any checks drawn against the Association's bank account; the other signator shall be either the President or Vice-President of the Association;
- I. have no vote either as a member of the Board of Governors or as a member of the Association;
- J. send written notices of all meetings of the Board of Governors to the members of said Board at least ten (10) days prior to the scheduled meeting and if said meeting is a special meeting, the notice shall set forth clearly the purpose for which said meeting is being held;
- K. send written notices of all regular and special meetings of the Association to all proprietary members in good standing at least fourteen (14) days prior to the scheduled meeting. Said notice to contain the date, time and place and if it is a special meeting shall set forth clearly the purpose for which said meeting is being held. If the scheduled meeting is one at which officers and members of the Board of Governors are to be elected, the notice shall also contain a list of the offices to be filled and the name of the candidates for each such office. If any amendments to the by-laws are to be considered at said meeting,

the notice shall contain the section of the by-law to be amended and the proposed amendment;

- L. collect and disburse all monies of the Association, transact its financial business at the direction of the Board of Governors, keep full and accurate accounts of receipts and disbursements in the Association's books, which shall be open to the inspection of the Board of Governors at all times.

ARTICLE IX. COMMITTEES

Section 1. There shall be the following Committees, and such other special Committees as in the opinion of the President may need to be appointed:

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|-----------------------|----------------------|
| A. Membership | G. Water Control |
| B. By-Laws | H. Rules Enforcement |
| C. Public Relations | I. Area Advisors |
| D. Roads & Sanitation | J. LOCA Property |
| E. Recreation | K. Fishing |
| F. Auditing | |

Section 2. Committees shall be appointed by the President, subject to approval and ratification by the Board of Governors.

Section 3. Committees shall submit a report of their activities to the Board of Governors and at regular Association meetings.

Section 4. Committees may be terminated or new Committees formed at the discretion of the Board of Governors.

ARTICLE X. AMENDMENTS

Section 1. Amendments to the Constitution and By-Laws may be adopted by a two-thirds (2/3) vote of the voting Proprietary Members present or voting by proxy at a general membership meeting. Due and sufficient notice of any proposed change shall be made in writing to all Proprietary Members at least fourteen (14) days prior to the general membership meeting at which the proposed amendment is to be acted on. With the notice of the meeting, there shall be a statement setting forth the By-Law article number, the subsection thereof, and any subdivisions which are to be amended, it shall also set forth the exact language which is the present By-Law and then the exact language which is to be used to replace it or change it, add to or remove any of the language of the existing By-Law. If the proposed amendment is being submitted by any one or more Proprietary Members, they shall have the right to secure from the Association's Secretary, the membership mailing list, and it is their obligation to comply with the provisions of Article X with respect to amendments and to advise the Association's Secretary that a proposed amendment to the By-Laws is being submitted by them.