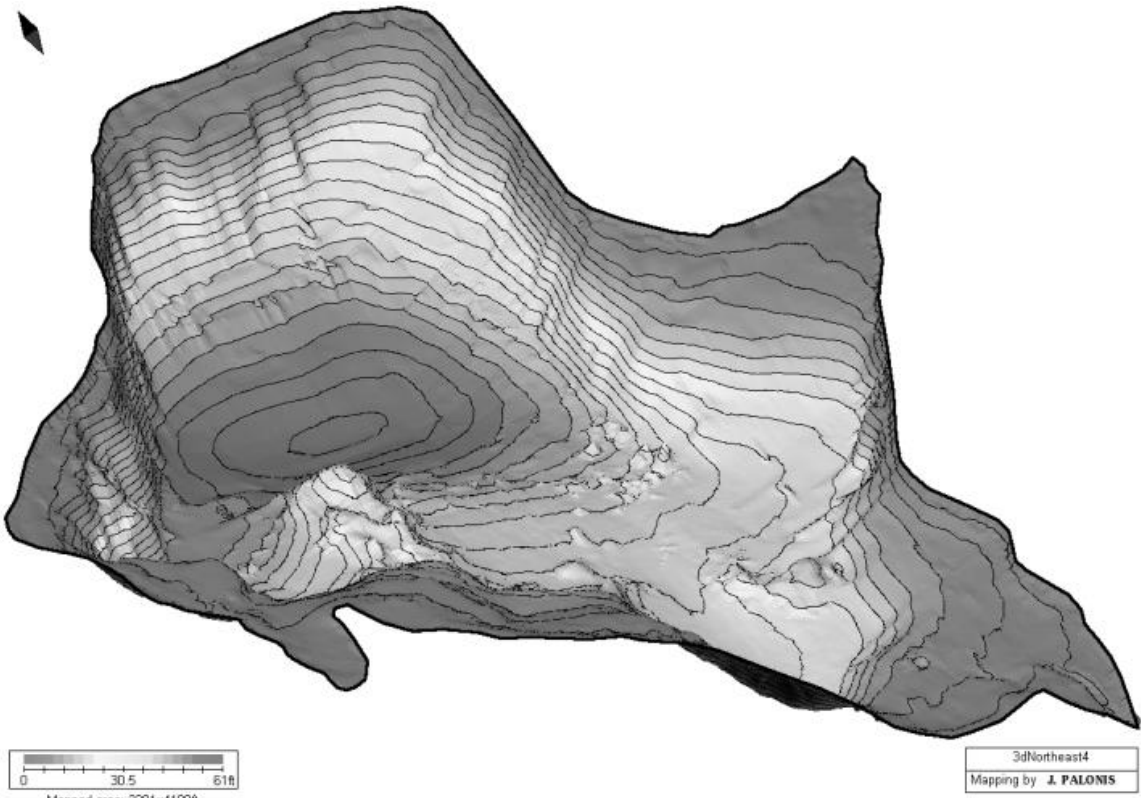


ELK LAKE DEVELOPMENT ASSOCIATION, INC.



BYLAWS AND RULES & REGULATIONS

SEPTEMBER 15, 1983

Amendments incorporated 1992, 1995, 1996, 2007, 2009, 2010, 2021

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Bylaws

1. IDENTIFICATION

- A. We have incorporated as a non-profit corporation known as Elk lake Development Association Inc. (ELDA), located in Clinton Township, Wayne County, RD#1 Waymart, Pennsylvania.

2. PURPOSE

- A. To provide for the management, administration, and maintenance of a private lake.
- B. To maintain the lake dam according to rules set forth by the Board of Directors (BOD) and appropriate agencies.
- C. To obtain monies through yearly assessments and Lake Dues from all parties holding Use-Certificates (aka Lake Right) to Elk Lake waters in accordance with the terms of the 1983 AGREEMENT OF PURCHASE (AOP) signed by Lake Ladore Improvement Co. Inc. and Elk Lake Development Association, Inc. (ELDA). These monies are to be used as directed by the BOD of Elk Lake Development Association (ELDA).
- D. To formulate rules and regulations and provide for the enforcement thereof, in the management, administration and maintenance of the lake and lake dam.

3. OFFICERS AND DIRECTORS

- A. The Officers shall be a President, Vice President, Recording Secretary, Corresponding Secretary, and Treasurer. There shall be nine elected Directors with a proportionate representation geographically around the lake representing all lake shores. The immediate past President shall also be a Director, for a total of 10 Directors. All Officers and Directors shall be members of the Association (ELDA).

4. NOMINATION AND ELECTION OF OFFICERS

- A. An election of Officers and Directors shall be held annually at the time of the August meeting.
- B. Officers will hold office for a one-year term. Three Directors shall be elected annually for a three year term with appropriate staggering terms at the first election, with proportionate geographical representations.
- C. A slate of five Officers and three Directors will be submitted at the election by a nominating committee of three appointed by the President during the July meeting of each year. Nominations may also be made from the floor.

5. VOTING

- A. In order to have and place a vote before the Association (ELDA), the voter must be the holder of an active or inactive Use-Certificate. There shall be one vote per active or inactive Use-Certificate. There shall be no voting by proxy allowed.
- B. As of July 2009, any by-law issue needing to be voted upon by general membership would require that an agenda be included with the newsletter prior to the membership meeting.

6. DUTIES OF OFFICERS

- A. **President:** It shall be the duty of the President to preside at all meetings; to call special meetings when he/she may deem it necessary, or when five members in good standing request him/her in writing to do so; and to perform such other duties as are incident to the office. He/she shall be chairperson of the BOD, being entitled to a vote therein and ex-officio on all committees. He/she shall prepare a spring letter to be sent to each Use-Certificate holder. This letter shall report on all BOD meetings held during the year, announce the July meeting place, state the yearly assessments and lake dues charges as set by the BOD and report any other pertinent information.
- B. **Vice-President:** In the absence of the President, the Vice-President shall perform the duties above enumerated to be performed by the President. He/she shall be an ex-officio member of the BOD and shall be entitled to a vote therein. He/she shall assist the Treasurer with the preparation of the budget.
- C. **Recording Secretary:** The Recording Secretary shall attend all meetings, keep full and complete minutes thereof, and perform such duties as are incident to the office or imposed upon him/her by the President and the BOD. He/she shall be an ex-officio member of the BOD and entitled to a vote therein.

- D. **Corresponding Secretary:** The Corresponding Secretary shall send all notices, have general control of the papers of the Association, keep a full and complete roll of the membership with the latest addresses, and upon request provide names of paid members of the Association and proper identification tag numbers. Financial records shall be kept and funds received turned over to the Treasurer. He/she shall be an ex-officio member of the BOD and entitled to a vote therein. The Corresponding Secretary shall be compensated at \$100.00 per year or \$1.00 per member, whichever is greater. These fees are subject to change by majority vote of the BOD at the spring meeting. Payment is to be made on or about May 15 of each year for the year ending.
- E. **Treasurer:** The Treasurer shall have custody of the funds of the Association handed to him/her by the Corresponding Secretary; pay all bills upon approval of the Association; keep an accurate account of all monies received and disbursed, and report the financial condition at each meeting of the Association. The Treasurer shall be responsible for the preparation of a budget each year with the help of the Vice-President and one Director. The budget shall be presented at the spring BOD meeting for approval. The budget shall include specific funds for at least the following: dam maintenance, patrol and sticker costs, insurance costs, tax costs, donations, special assessments such as fish stocking, fireworks, etc. when applicable. His/her books shall be submitted for review following the July meeting each year by a Financial Records Review Committee appointed at the July meeting for such purpose. He/she shall sign all checks together with the President. He/she shall be an ex-officio member of the BOD and entitled to a vote therein. The Treasurer shall be compensated at one-half the compensation given the Corresponding Secretary.
- F. **Board of Directors (BOD):** It shall be the duty of the BOD, with the other Officers of the Association, to enforce the constitution, by-laws and all rules and regulations made in conformity therewith, and to inflict such penalties for the violation thereof as shall be proper, under the by-laws and regulations; to make, and from time to time alter, amend and rescind, such rules and regulations as shall be necessary for the maintenance of the character and welfare of the Association. The BOD shall be responsible to ensure any new regulation and all existing regulations conform to the AOP of 1983. The AOP shall have precedent in all cases. No expenditures of money shall be authorized by the BOD in excess of the ordinary revenues of the Association, unless the approval of two-thirds of the members of the Association be first had at a regular or special meeting; to employ such persons as may be necessary for the care of the property and the conduct of the affairs of the Association; and to discharge and remove such persons for cause. Each director is entitled to a vote.

7. MEETINGS

- A. All meetings shall be conducted according to Robert's Rules of Order.
- B. As of July, 1996, ELDA, Inc. shall recognize a quorum to be 15 Lake Certificate Title owners.
- C. Two general membership meetings shall be held each year. The first meeting shall be held the Saturday in July which follows the weekend during which the fourth of July is celebrated. Meeting time and place shall be announced in the spring letter. The second meeting shall be held during August. Time and date to be determined at the July meeting.
- D. The following shall be agenda items during the July meeting: Dam report; patrol report; financial records review committee appointment; questions on the spring letter; reports from the Officers read; appointment of a nominating committee and any other business called by the President. Treasurer's report and the budget report by the Treasurer shall also be given.

8. SPECIAL MEETINGS

- A. Special meetings of the membership may be held at any time upon the call of the President, and it shall be his/her duty to call such meetings at any time upon the written request of five or more members, provided the request specifies the object for which such meeting is desired. In case the President shall, after such request, refuse or neglect to call such meeting, then the special meeting may be called by the persons signing the request, but only upon duly notifying each member of the Association.
- B. Special meetings of the BOD may be called by the President or upon the request of three members of the Board. Time and place of such meetings are to be set by the President.

Rules and Regulations

1. BOARD OF DIRECTORS MEETINGS (BOD)

- A. A spring meeting shall be called by the President prior to the end of April each year. Exact time and place will be set by the President, and each Officer and Director shall be notified by the Corresponding Secretary or President. Board meetings may be held using electronic means such as e-mail, conference calls, and Zoom, etc.
- B. Agenda items at this meeting shall be: approval of the budget; dues and yearly assessments; dam report reviewed; Use-Certificate list reviewed and updated; patrol report reviewed; patrol salaries set and person(s) hired as felt as needed to insure the privacy of Elk Lake.

2. APPLICATION FOR MEMBERSHIP

- A. Membership shall be limited to those persons holding Use-Certificates obtained as outlined in the AOP. All holders of such certificates are permitted to join ELDA when all obligations of the certificates are met as outlined below:
- B. ***ACTIVATION OF A NEW USE-CERTIFICATE (Lake Right) (NOT A TRANSFERRED CERTIFICATE)***
 - 1) Initial joining fee of \$100.00 (June 1, 1984; to be adjusted as outlined in the Agreement of Purchase (AOP)) as set by the BOD must be paid.
 - 2) Current yearly assessment and Lake Dues (if certificate is to be “active”; Lake dues not required for “inactive”) as outlined in the budget must be paid in full.
- C. ***YEARLY RENEWAL OF ACTIVE OR INACTIVE USE-CERTIFICATE (Lake Right)***
 - 1) Payment in full by June 1 of each year of yearly assessments and Lake Dues (if applicable) as outlined in the budget renewal certificate.
 - 2) There shall be a grace period from June 1 to June 15 when payment in full of yearly assessment and Lake Dues (if applicable) shall renew the Use-Certificates. Beginning June 16th there shall be a \$1.00/day penalty for late payment. Payment in full of Lake Dues and/or yearly assessment and penalty shall renew the Use-Certificate. Penalty charge shall not exceed \$100.00 or the current initial joining fee, whichever is greater. Penalty charge may be rescinded by the BOD for cause.

D. *RE-ACTIVATION OF DELINQUENT USE-CERTIFICATE (Lake Right)*

- 1) Each holder of a Use-Certificate is responsible for all yearly assessments against that certificate. Non-payment of these assessments past the grace period causes a certificate to become delinquent. To re-activate a Use-Certificate:
 - a. All delinquent assessments must be paid.
 - b. The joining fee (current) (same as initial joining fee) or penalty, whichever is applicable, must be paid.
 - c. Current yearly assessment and Lake Dues, if applicable, must be paid.

E. *ACTIVATION OF TRANSFER USE-CERTIFICATE (Lake Right)*

- 1) Holders of Use-Certificates may transfer their Lake right privileges to a new holder using the following rules:
 - a. Certificate being turned in must be ACTIVE or INACTIVE .
 - b. There will be no joining fee involved when reissuing the new Use-Certificate.
 - c. Use-Certificate holders cannot transfer their certificates on their own. They must turn these certificates into the BOD and a new Use-Certificate reissued by the BOD. All transfers of ELDA Lake Right Certificates must be approved by the ELDA Board of Directors who has the right to accept or deny said transfer at its sole discretion.

3. USE-CERTIFICATES (Lake Rights) CATEGORIES

A. All Use-Certificates shall fall into one of three categories.

1) ACTIVE STATUS

- a. All current fees paid, boat tags issued, lake privileges granted.

2) INACTIVE STATUS

- a. All current fees, other than joining fee and LAKE DUES, are paid.
- b. No boat tags issued.

3) DELINQUENT STATUS

- a. Payment is due of fees past grace period.
- b. Penalty charges being added.
- c. All encumbrances must be satisfied before the use-certificate is available for transfer.

4. PRIVILEGES OF MEMBERS

- A. All paid member of the Association, or tenants using the cottage of paid member, shall have privileges as granted by Use-Certificate status.
- B. However, starting in the 1995 season, renters may only use boats registered to the cottage owner. No renter may bring his or her boat onto the lake.
- C. Each member must display the proper identification on his/her boat or boats.
- D. No member shall be permitted to convey the use of lake privileges (i.e., transfer of boat sticker) to any other cottager, property owner or person not a tenant, who is not a paid member of the Association. Violations may result in denial of future lake privileges.
- E. For watercraft required to have state registration, members shall provide copy of current registration in order to receive ELDA boat stickers.
- F. Visiting guests may use the boat of an Association member following the rules & regulations of the Pennsylvania Boating Safety Handbook. Visiting guests shall be informed by hosting Association members that this is a private lake and that the rules and regulations of the Association apply to them, and that any violations may result in the suspension of lake privileges of the host Association members.
- G. Association members only shall be permitted to identify their boats which shall be permitted on the main body of the lake.
- H. The lake shall be treated as you would any personal property keeping it clean of debris, logs, brush, and any possible source of contamination shall be eliminated. Violations of this regulation shall be dealt with by the BOD.

- I. Lake privileges are derived by:
 - 1) Purchase of a lake right as outlined in the AOP, AND;
 - 2) Payment of all joining, dues, assessment, penalty and other charges, to ELDA as outlined, AND;
 - 3) Display of identification on any and all boats as directed by the ELDA BOD.
- J. A deputy sheriff or other hired patrolman may be retained by vote of the BOD to protect the Association rights and keep the waters clear of any infringements by non-members.

5. ASSESSMENTS

- A. Initial Joining Fee – \$100.00 (June 1, 1984) adjusted by the BOD in accordance with the Agreement of Purchase.
- B. Re-joining Fee – Equal to the Adjusted Joining Fee (see item A).
- C. Annual Lake Dues – Required for issuance of boat tags, etc.
- D. Yearly Assessments – Must be paid by all certificate holders.
 - 1) Set by BOD at yearly spring meeting.
 - 2) Covers costs of lake maintenance, functions, taxes, insurance, etc.
- E. Penalty Charges – Failure to pay fees on time (end of grace period) results in penalty charge as outlined under “APPLICATION FOR MEMBERSHIP”.
 - 1) May not be more than Initial Joining Fee.
- F. New Use-Certificate issuance fee – None.
- G. Transfer Certificate charges – To cover costs involved only.

6. OTHER ASSESSMENTS

- A. Payment of all fees pertaining to an active Use-Certificate grants the Association member the following:
 - 1) One powerboat between 20 & 75 Horsepower, powered by gas or electric.
 - 2) One powerboat up to 19 Horsepower, powered by gas or electric.
 - 3) One personal watercraft not to exceed 75 Horsepower (Jet Ski, Waverunner, etc.).
 - 4) Other watercraft that may be any combination of paddleboat, rowboat, sailboat or surfsail craft, canoe, kayak, paddleboard, electric trolling motor, etc.
 - 5) Any number of inflatable craft or device that need not be identified.
- B. Each additional watercraft beyond six shall be assessed an additional \$10.00 per craft.
- C. Total number of watercraft not to exceed a total of 12 per Use-Certificate.
- D. “Grandfather Clause” to apply to those Use-Certificate holders with more than one craft in categories 1, 2, and 3 as of August 15, 1992. Grandfathering only includes craft now on the lake and cannot be carried forth to replacement craft.
- E. Any new type of craft or propulsion system must be approved by the Board of Directors. No diesel engines are allowed on Elk Lake.
- F. Any watercraft registered on or after June 15, 2007 must conform to a maximum length of 20 feet. Watercraft greater than 20 feet that had been registered prior to June 15, 2007 are “grandfathered in”. However when these watercraft are replaced, the ELDA member must comply with the maximum 20-foot length regulation. ELDA ignores inches when measuring boat length. Any boat exceeding a measured 20-foot length but not reaching the length of 21 feet is considered as having met the 20-foot requirement.

7. FISHING

- A. Only Association members shall be permitted to fish on the main body of the lake. This portion of the lake is shown in exhibit “B” of the AOP as the non-shaded portion of Elk Lake.
- B. Guests and renters of the Association shall likewise be permitted the privileges of Association members.

8. ALL BOATING ACTIVITIES

- A. Currently all rules and regulations established by the Commonwealth of Pennsylvania shall govern all boating activities. Members and drivers of members' watercraft on Elk Lake must follow the Pennsylvania Boating Safety Handbook. This includes the requirement of a Boating Safety Education Certificate for anyone operating a personal watercraft and for anyone born on or after January 1, 1982 operating a boat powered by motors greater than 25 horsepower. In addition no motor larger than 75 Horsepower shall be allowed on the lake. In addition, any boat capable of pulling skiers shall travel in a counter-clockwise direction around the lake. For safety measures, personal watercraft are encouraged to travel in a counter-clockwise direction around the lake.
- B. Starting in the 1995 season, renters may only use boats registered to the cottage owner. No renter may bring his or her boat onto the lake.
- C. As of July 2010, vessels operating during the hours of sunset and sunrise may not travel at a speed sufficient to create a wake.

9. SKIN DIVING AND SNORKELING

- A. All Commonwealth of Pennsylvania laws concerning same are to be observed.

10. WATER SKIING

- A. All Commonwealth of Pennsylvania laws concerning same are to be observed.

11. WETLAND PROTECTION OF COVES

- A. The use of electric, gas, or other motors in Whites and Turtle coves is prohibited. The motor prohibition region covers the water lilies plus a 50 foot buffer zone per the US Army Corps of Engineers recommendation. The construction of docks in these coves or the disruption of the wetlands is also prohibited. This rule applies to ELDA owned property only and is not meant to constrict existing docks.

12. PROHIBITION OF INCREASED LAKE BURDEN BY EMPHASIZING THAT AN ELDA LAKE RIGHT CERTIFICATE IS FOR A TYPICAL SINGLE FAMILY USE

- A. ELDA Lake Rights are owned by and place a burden on the lake associated with one single family residence. Any action that changes this single family residence – lake burden relationship is prohibited.
- B. “Property” in the Rules and Regulations and Agreement of Purchase is defined as being a single family residence occupied at any one time mainly by related family members. Lake rights are to be granted only to individuals or family-owned corporations associated with a single family residence and may not be granted to groups such as, but not limited to, commercial businesses, camps, organizations charitable or otherwise, hunting/fishing clubs, boarding houses, lodges, hotels/motels or similar entities either directly or by proxy through another’s name.
- C. Families may continue to own lake rights via LLCs, trusts or other legal mechanisms. These documents shall be provided upon request to verify compliance with ELDA Rules and Regulations.
- D. “Guests” in the Rules and Regulations refers to occasional visitors and may not be used to circumvent the above restriction.
- E. Multiple residences (e.g., condominiums or multiple single family houses) must have a lake right for each residence.
- F. Watercraft under ELDA permit may not be engaged in a commercial enterprise with non-ELDA members.

The original Bylaws were presented to the General Membership August 20, 1983. They were accepted as such and became active as such September 15, 1983 concurrently with the official closing of the AOP.

President

Recording Secretary

Per corporate charter of 2016, rules & regulations were separated from bylaws with the 2021 revision. Amendments and clarifications have been incorporated into the bylaws under articles 2, 3, 5, 6, & 7 and the rules & regulations under articles 1-6 & 8. Significant amendments are underlined for ease of identification. Amendments incorporated in 1992, 1995, 1996, 2007, 2009, 2010, and 2021.