

BYLAWS  
AND  
AUXILIARY RULES



REVISED: APRIL 2009

# **KITCHELL LAKE ASSOCIATION BY LAWS AND AUXILIARY RULES**

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Revision Date: April 2009

## **ARTICLE I**

### **General**

This organization shall be known as the "Kitchell Lake Association". The seal of this corporation shall have inscribed thereon the name of the corporation. The Kitchell Lake development includes and is limited to those properties purchased and developed by Warren and Lucy Kitchell in West Milford, including lots on both sides of Rhinesmith Road, both sides of Skyview Road, both sides of Kitchell Lake Drive (exclusive of lots on tax block 490A designated 2-2a-2b-3-3a-4-5-5a) as well as the lake, dam, beaches, road, and recreation area. These physical limits are as defined on West Milford Township Tax Assessment Maps 24D and 24F (September 1975).

## **ARTICLE II**

### **Purpose**

The purposes of the Association are:

To promote fellowship, tranquility and the general welfare of the residents and owner of property in the Kitchell Lake development.

To encourage protection and enjoyment of its natural beauty and the facilities provided.

The Association thus, is dedicated to carrying forward the goal of the developers, Warren and Lucy Kitchell, to assure that Kitchell Lake be an attractive, pleasant community in which to raise children. To this end, the Association shall enact rules and regulations governing the use of the lake, beaches, roads, and other facilities in the development and shall fix an annual amount to be paid to the Association for the privileges of such use.

## **ARTICLE III**

### **Membership**

#### **SECTION 1:**

There shall be two classes of members of the Association. In each class, no more than two individuals in each household shall be considered members, and are those individuals responsible for paying annual dues and assessments to the Kitchell Lake Association.

Class "A" members shall consist of those persons who own real property within the Kitchell Lake development as defined in Article I.

Class "B" members shall consist of renters or tenants of homes within the development.

#### **SECTION 2:**

Association rights and privileges are available only to members in good standing, residents of their households, and their guests.

#### **SECTION 3:**

All classes of membership are entitled to guest privileges providing the member is in good standing. Those who are not in good standing are not allowed to use the facilities as guests of another member. Guests must be accompanied by the member when using facilities or engaging in association activities. Guest's privileges may be revoked by the Board of Trustees when such privileges are being abused.

#### **SECTION 4:**

No individual, newly qualified for membership, shall be considered to be in good standing until all assessments and dues related to the property or previous membership have been paid.

#### **SECTION 5:**

Membership shall cease upon termination of ownership or tenancy in the development. Membership is non-transferable.



## **ARTICLE IV**

### **Dues and Assessments**

#### **SECTION 1:**

Dues for the Kitchell Lake Association shall be six hundred and twenty five dollars (\$625) per calendar year, or part thereof, and is due and payable by March 30th of each year. It shall be assessed as follows:

Each household found within the Kitchell Lake development shall pay the full annual fee.

The owner(s) of a house in the Kitchell Lake development who are not a resident of the Kitchell Lake development shall also pay the full annual fee.

The owner(s) of undeveloped property found within the Kitchell Lake development (which meets current West Milford Township zoning ordinances for a dwelling) shall pay one half of the annual fee.

If a member or members do not meet any of the other criteria defined in this section, that member shall be assessed an amount equal to one half of the annual fee.

A late fee equal to one third ( $1/3$ ) of the annual dues shall be assessed for any dues payments not received on or by March 30th.

#### **SECTION 2:**

Joint owners or joint purchasers under contract shall each pay individual dues.

#### **SECTION 3:**

New members shall pay dues prior to obtaining membership privileges. Each member who joins after August 31st, shall pay one-half ( $1/2$ ) of the annual fee normally assessed to them.

#### **SECTION 4:**

Assessments will be levied against property owners.

Assessments not to exceed an amount equal to the annual dues may be levied only if approved by two-thirds ( $2/3$ ) of the "A" members in good standing present and voting in a regular or special meeting.

Assessments exceeding the annual dues may be levied only if approved by a signed written ballot vote of two-thirds ( $2/3$ ) of the "A" members in good standing and voting. When there is prior knowledge of a proposed assessment, absentee ballots will be passed out

prior to the voting meeting. When no prior knowledge exists, absentee ballots must be passed out within one week after the meeting. All written votes must be returned to an officer of the Association within one week of receipt of the ballot.

#### SECTION 5:

On non-payment of dues or assessments, the Board of Trustees shall take such steps as are necessary for collection. All rights and privileges of membership shall be suspended as long as said amount remains unpaid. However, when a suspended member makes satisfactory arrangements for payment of the overdue amount, the Board of Trustees may at its discretion reinstate the member. Dues, assessments and late fees shall continue as an obligation of a delinquent member during his suspension.

## **ARTICLE V**

### **Association Funds**

#### **SECTION 1:**

Funds received shall be used for the purpose of the Association. No officer shall receive a salary. The Board of Trustees may authorize expenses incurred for the benefit of the Association.

#### **SECTION 2:**

Funds shall be deposited in a bank designated by the trustees.

#### **SECTION 3:**

Purchases and conveyances of real property shall be made only upon resolution of the Board of Trustees and with approval of two-thirds (2/3) of the "A" members in good standing and voting (as outlined in Article IV, Section 4).

#### **SECTION 4:**

The treasurer shall allocate from the annual dues the sum of \$220 per household, \$110 per vacant lot. The funds are to be solely designated for road and drainage projects. The treasurer is to maintain a separate account for these funds and the amount therein rolled over every year for this purpose.

## **ARTICLE VI**

### **Meetings**

#### **SECTION 1:**

Regular meeting are to be held in the spring and the fall, the date to be determined at the previous meeting. No person, not an "A" member, shall be present at a regular or special meeting unless approved by the Board of Trustees.

#### **SECTION 2:**

At such meetings, the order of business shall be:

Minutes of previous meeting.

Reports of officers, Board of Trustees and committees.

Old Business

New Business

Election of new trustees (at the fall meeting).

#### **SECTION 3:**

At regular meetings, normal Lake Association business shall be conducted when the trustees present have determined that enough members are present to represent the general membership. However, twenty-five (25) or more of the "A" members entitled to vote must be present for votes to change the bylaws, or to assess the members.

#### **SECTION 4:**

A special meeting may be called by the Board of Trustees or the President or whenever one-third (1/3) or more of the "A" members entitled to vote shall make a written request to the President or Board of Trustees, specifying the object of the meeting.

#### **SECTION 5:**

Two weeks notice shall be given of all regular and special meetings in writing to all members.



## **ARTICLE VII**

### **Voting**

#### **SECTION 1:**

Only class "A" members in good standing shall be entitled to vote, each being entitled to one vote. Members under suspension or who are in arrears on payment of dues or assessments are not in good standing.

#### **SECTION 2:**

Voting at all meetings on all matters including the election of trustees shall, at the discretion of the presiding officer, be either by ballot or show of hand.

## **ARTICLE VIII**

### **Amendments**

#### **SECTION 1:**

Amendments to the bylaws may be made at a regular or special meeting by two-thirds (2/3) vote of "A" members present and voting. The proposed amendment shall be submitted to the Board of Trustees in writing and mailed to each "A" member at least two weeks before the date of the meeting.

#### **SECTION 2:**

Copies of bylaws and rules and regulations as amended shall be provided to all members. Each member does hereby agree to be bound and abide by the bylaws and rules and regulations enacted by the Board of Trustees governing the use of the lake, beaches, roads and other facilities in the development.

## **ARTICLE IX**

### **Board of Trustees**

#### **SECTION 1:**

Association business shall be conducted by a Board of Trustees consisting of nine persons elected by and from Class "A" members in good standing.

#### **SECTION 2:**

The terms of members of the Board of Trustees shall be three years and no more than two consecutive three-year terms.

#### **SECTION 3:**

In the event of death, resignation, or if a trustee is no longer in good standing, the remaining members of the Board may appoint a new trustee from "A" members in good standing to fill the vacancy for the unexpired term. Also, the Board of Trustees shall elect a trustee to fill an officer vacancy.

#### **SECTION 4:**

Meetings of the trustees may be called by the President or a majority of the trustees on five days notice. Five members shall constitute a quorum.

#### **SECTION 5:**

The Board of Trustees shall establish committees, set forth their responsibilities in writing, and delegate powers to each as deemed necessary. Committee members shall consist of "A" members in good standing. Standing committees include:

##### **Audit:**

To review association financial records annually and to count written ballots under the supervision of a quorum of trustees.

##### **Beach:**

To supervise the use of the beach, floats and lake.

##### **Recreation:**

To plan and conduct social and athletic activities.

##### **Communications:**

To welcome new members, to provide new members with a copy of the bylaws of the Association, and to inform members about Association meetings and events.

##### **Insurance:**

To negotiate with insurance brokers to obtain liability and other insurances required by the Association.

Road and Dam:

To supervise the maintenance and repair needed for Association owned roads and the dam.

Legal:

To coordinate with legal counsel engaged by the Association for KLA matters.

Environmental Quality:

To conduct studies in order to conserve, protect, and monitor the water quality of the lake and the surrounding land areas.

## **ARTICLE X**

### **Officers**

#### **SECTION 1:**

Officers of the Association shall consist of the following: President, Vice President, Secretary, and Treasurer.

#### **SECTION 2:**

The officers of the Association shall be elected by the Board of Trustees for a term of one year.

#### **SECTION 3:**

The President shall preside at all meetings of the Association and of the Board of Trustees and shall enforce the bylaws, rules and regulations. He shall, with the secretary, sign all written contracts and written obligations of the Association and shall, with the consent of the Board of Trustees, appoint members to committees.

#### **SECTION 4:**

In the absence or incapacity of the President, the Vice President shall perform his duties.

#### **SECTION 5:**

The Secretary shall keep the minutes and other official records of the Association and shall mail notices of meetings and perform such duties as the Board of Trustees may assign to him/her.

#### **SECTION 6:**

All authorized disbursements shall be made by checks of the Association signed by any two of the officers.

#### **SECTION 7:**

The Treasurer of the Association shall keep all the financial records of the Association.

#### **SECTION 8:**

The Kitchell Lake Association shall indemnify corporate agents for expenses and liabilities



in accordance with and pursuant to the provisions of Section 15A:3-4 of the New Jersey Nonprofit Corporation Act (N.J.S.A. 15A:3-4).

## **ARTICLE XI**

### **Reviews and Appeals**

Members have the right to submit any action of officers, members, or committees to the Board of Trustees for review, with the further right to appeal the matter to the membership at a special meeting convened for that purpose. A majority vote at the Board of Trustees meeting or the members present and voting at the special meeting shall decide.

## **ARTICLE XII**

### **Rules and Regulations**

#### **SECTION 1:**

The rules and regulations listed as "Standing" in Section 2 of this article are an integral and permanent part of the bylaws of the Association. Additional "Auxiliary" rules and regulations may be enacted by the Board of Trustees in the course of conducting Association business. These auxiliary rules and regulations may be changed by the Board of Trustees or by a majority of members in good standing present and voting at a regular or special membership meetings.

#### **SECTION 2:**

##### **Standing Rules and Regulations:**

Parents are responsible for children using the beach, lake, and other facilities. All children, eleven (11) years of age and under, must be supervised by a member, resident, or guest of his household at least sixteen (16) years old.

The Association will not be responsible for loss or damage to personal property or valuables left in automobiles or on the premises; nor is it responsible for any damage to, or loss of vehicles. The Association will not be responsible for any personal injuries sustained by members or their guests.

All persons are expected to observe safety precautions with regard to fire hazards.

Traffic regulations must be observed. Twenty-five (25) miles per hour speed limit at all times on the roads will be enforced.

The Kitchell Lake Community Park areas, including beach, bathing areas, dam, fire lanes,

## **Auxiliary Rules and Regulations**

A guest must be accompanied by a member in good standing or a resident of his household when using beach and picnic facilities.

A resident of a member's household, 12 years or older, is limited to one guest without the member's presence. Where several residents of a household wish to bring guests to the beach area, a member in good standing must be present.

No ball playing, boisterous or rough play will be permitted on the beach or the picnic area.

Residents may not bring animals to the beach or picnic areas.

Members are responsible for cleanliness and policing the picnic and beach areas. All litter must be placed in baskets or refuse containers.

No glass containers are permitted on the beach area or any other Association property.

Fishing is prohibited in the beach area.

**NO MOTORIZED VEHICLES OR POWER BOATS OF ANY KIND** (motorcycles, all terrain vehicles, snowmobiles) are permitted on the Lake and/or the Beach property. NOTE: Conditional approval has been granted by the general membership for 1/3 H.P. or less electric motors.

Swimming at the Association beach area is permitted only when an Association approved lifeguard is present. Swimming at the beach at any other time is done only at the swimmer's own risk.

parking areas, and docking areas, are closed between the hours of 10 p.m. and sunrise. Unauthorized person(s) in these areas during the closed period will be trespassing and are subject to prosecution by the West Milford law enforcement authorities.



## **Revision History**

### **Rev: Jan 2004**

January 11, 2004 (PHP)

Increase in Dues from \$440/Yr to \$540/Yr.

### **Rev: April 2009**

April 17, 2009 (CGB)

Increase in Dues from \$540/Yr to \$625/Yr.

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