

ISLAND VIEW BEACH ASSOCIATION, INCORPORATED

BYLAWS AND ORDINANCES

The By-Laws and Ordinances of Island View Beach Association, Inc. dated July 29, 1984 as subsequently amended are hereby amended and restated as of June 4, 2005 *and amended again 8-22-09* :

ARTICLE I OFFICERS

Section 1. The members of the Association at a regular meeting in August of each even numbered year shall elect by ballot a President, Vice-President, Secretary and Treasurer, and such other Officers as may be necessary for the prompt and orderly discharge of business. There shall also be elected by ballot seven (7) other members who shall, together with the Officers, constitute and act as the Executive Board of the Association. The immediate past president shall also be a member of the Executive Board for two (2) years. **The president shall appoint a nominating committee consisting of three members of the Association which shall nominate a slate of officers and Executive Board members for consideration by the members as the regular meeting of the Association in August of each even numbered year.**

Section 2. The Executive Board shall manage and administrate the affairs of the Association and shall be authorized to spend not more than one thousand dollars (\$1,000) for emergency purposes only. Such Board shall present at the Annual meeting a full report of its actions for the year, including, but not limited to, the fiscal condition of the Association. This Board may prepare and recommend to the Association such matters as may be necessary to accomplish the objectives and purposes of the Association and shall, whenever necessary, put into effect temporary or emergency regulations for a period not to exceed thirty (30) days.

Section 3. The President shall preside at all meetings of the Association and Executive Board; shall be a member ex-officio of all committees and shall attend to such other duties as customarily appertain to such office.

The duties of other Officers shall also be such as are customarily performed by such Officers.

Section 4. In the event any elected Officer is unable to fulfill the duties of his office, the Executive Board shall appoint an interim Officer for the remainder of the term.

ARTICLE II APPOINTIVE OFFICES

Section 1. The President may establish and appoint such officer or committees as deemed necessary to safeguard the health, comfort and convenience of the membership, and to maintain the objectives and purposes of the Association.

ARTICLE III MEETINGS

Section 1. Regular Annual Meetings of the Association shall be held in the Town of Westbrook on or about the second Sunday in June and on or about the last Sunday in August of each year.

Section 2. A special meeting of the Association may be requested by written petition of at least ten (10) members of the Association at a time to be designated by the President and/or the Executive Board. The agenda of this meeting must be presented to the membership prior to this meeting.

Section 3. Meetings of the Executive Board shall be called by the President at such times as he may deem necessary, or upon request of three (3) members of said Board.

- (a) Not less than six (6) members of the Executive Board shall constitute a quorum for the transaction of business of the Executive Board at its meetings and the acts of the majority of those present at such meetings shall be binding.

Section 4. Not less than fifteen (15) voting members of the Association shall constitute a quorum for the transaction of business at any Association meeting.

- (a) Each property (household or lot) shall have one (1) vote. Each property Owner may designate, by written proxy, one member of his immediate family (spouse, child, brother, sister) to exercise this vote.
- (b) A minimum age of twenty-one (21) is required to vote.

Section 5. Notification of meetings stating the date, time, place and object of the meeting shall be mailed or delivered by the Secretary, President or other Officer to each member at least seven (7) days prior to said meeting.

- (a) The signboard placed on the Association beach is hereby designated to be the official Association signpost for posting of notices, by-laws, and/or ordinances.
- (b) **Any changes to these Bylaws shall be mailed to all members of the Association within thirty (30) days following the adoption of such change.**

ARTICLE IV
ORDINANCES
GENERAL

Section 1. Posting of notices shall be properly made by the President or the Executive Board as deemed necessary .

Section 2. The following are prohibited:

- a) Exceeding posted speed limits with motor vehicles, motorcycles, or mopeds through Association streets. Bicycle riding or the use of motorized vehicles, skateboards, roller skates, roller blades or any similar devices on established sidewalks.
a-1) Disobeying of traffic signs throughout association streets.(8-22-09)

- b) Erecting, placing or maintaining any billboard or structure designed for or used to display advertising material exclusive of rent or sale real estate signs.
- c) The distributing, placing or causing to be distributed in the streets or any public place of any posters, handbill, advertising cards or other substance used for the purpose of advertising, except such matter as may be delivered through postal authority.
- d) Unsightly fences, hedges, shrubbery or lawns.
- e) Unreasonable use or operation of a horn, bell or other instrument, carousing or shouting which produces excessive and/or offensive noise. .
- f) Dumping and/or disposing of refuse, garbage or any waste material in any manner on the beach, waterfront or any property within the Association.

Dumping, depositing and/or accumulating or causing to be accumulated on any property within the limits of the Association any refuse, waste matter, yard trimmings, discarded materials, scrap iron, articles of junk, garbage, non-functional automotive vehicles and/or parts thereof.

- g) Parking of automobiles or other vehicles on all roads and sidewalks within the limits of the Association.
- h) Indecent exposure on streets, beach or waterfront, any violence, profanity or unnecessary rough conduct on any Association property.
- I) Dogs, leashed or unleashed, in the beach and/or waterfront; dogs roaming beyond the limits of their owner's property unless being walked on a leash.
- j) Violating the 10:30 P.M. beach/waterfront area curfew.
- k) Fires, camping and/or picnicking in any manner on the beach unless specifically approved by the President or the Executive Board.
- l) Drinking or transporting alcoholic beverages within the beach area unless authorized by an elected Officer of the Association.
- m) Ball playing of any sort within the beach area unless authorized by an elected Officer of the Association. .
- n) Water skiing, boating, water sports or launching of boats within the prescribed swimming area, storing boats in excess of twelve (12) feet and/or with permanent masts within the beach area.
- o) Major exterior construction from July for emergency circumstances through September except for emergency circumstances.

- p) The use of tents (other than pup tents used for play by children), trailers, campers or other similar equipment for living or sleeping quarters.
- q) **The use of fireworks, sparklers or any similar devices on Association owned property or Association rights of way.**
- r) **The storage of boats or other personal property on Association owned property unless (i) owned by a member of the Association: (ii) ownership is clearly and conspicuously identified on the personal property, and (iii) it is stored in an area designated for such purpose by the Executive Board. Notwithstanding the foregoing, no boats or other personal property may be stored on the beach between November 1 and March 31.**
- s) **Skateboarding on Association owned property (streets, sidewalks or the beach slab/wall)**

Section 3. Septic tanks/cesspools shall be provided in all cases where connections to existing sewers are not available; such septic tanks/pools shall be maintained in good order **and in conformance with all regulations and ordinances of the Town of Westbrook** so that their use may not become offensive or dangerous to the health of the community.

Section 4. The use of any structure without plumbing facilities and connections to sewer system or to approved septic tanks and the parking of so-called "trailers" designed for living purposes is prohibited on property within the limits of the Association.

Section 5. The speed of any motor vehicles on the streets within the Association limits shall be limited to fifteen (15) miles per hour and signs shall be posted accordingly.

Section 6. Interference with any policing officer of the Association acting in the discharge of his duties.

Section 7. Property owners shall rent only to tenants who will conduct themselves in a manner in keeping with the purposes and objectives of the Association with regard to the health, comfort, safety and convenience of its members. Property owners shall also rent to each of its tenants for periods of time of not less than two (2) weeks at a time.

A violation of any of the foregoing prohibitions shall be subject to a fine not exceeding twenty- five dollars (\$25) per day for each day the violation continues (each day being considered a new and separate violation) plus any removal or remediation costs incurred by the Association following failure to comply within ten (10) days of written notice of violation being sent to the property owner. Any and all fines or penalties imposed and/or collected shall be recorded in the books of the Association and deposited into the general account of the Association. All such fines or penalties may be enforced by means of a lien upon the property of the owner against whom the fine or penalty is assessed. All owners of property within the Association shall be responsible and liable for the violations of the foregoing prohibitions by their renters or guests.

Printed rules and regulations must be provided to each homeowner and posted conspicuously in each household. Owners shall request tenants to comply with these.

ARTICLE V

ZONING

Section 1. Definitions

Unless otherwise expressly stated, the following terms shall for the purpose of this Ordinance, have the meaning herein indicated.

- a) "Accessory use" is a use subordinate to and customarily incidental to the main use of a building or lot.
- b) A "building" shall include any attached garage, attached shed, attached outbuilding, attached veranda, attached porch, attached steps and any other attached structure normally part of the building.
- c) "Family" is any number of individuals, related by blood, legal adoption. or marriage, living together on the premises as a single housekeeping unit. Customary servants are an adjunct to the term "family."
- d) "Front yard" is an open, unoccupied space on the same lot with a building situated between the front lot line and the street wall of the building extended to the side lines of the lot, at right angles to them.
- e) "Lot" is a parcel of land occupied, or intended to be occupied by one building or use, including such open spaces as are required by this Ordinance.
- f) "Rear yard" is an open, unoccupied space on the same lot with a building between the rear line of the lot and the rear wall of the building extended to the side lines of the lot, at right angles to them.
- g) "Side yard" is an open, unoccupied space on the same lot with a building extending the full length of the building between the building and the side lot line nearest thereto.

Section 2. INTERPRETATION AND PURPOSE

The provisions of this Ordinance shall be held to be the minimum requirements adopted for the purpose of promoting and maintaining the objectives of the Association to secure safety, promote health and the general welfare, to conserve the value of the land and buildings within the territory .of the Association and encourage the more appropriate use of the .land as family residence community, and for the comfort and convenience of the inhabitants thereof.

Section 3. ENFORCEMENT

The building or structure shall not be erected, added to or structurally altered, or any lot put to any use, until there has been filed with the Building Inspector a plan showing the actual dimensions of the lot to be built upon, the size and location of the lot of the building or structure to be erected, added to, or altered, a statement of the proposed use of the lot, together with such information as may be necessary to provide enforcement of

this Ordinance and said Building Inspector shall have issued a permit for such erection, addition, structural alteration or use.

It shall be unlawful to use or permit the use of any building, structure, lot or part thereof hereafter erected, added to, altered, or used, wholly or partly, in accordance with the permit referred to above, until an application has been made to the Building Inspector for a certificate showing that such building structure or lot or part thereof, and the proposed use thereof, are in conformity with the provision of this Ordinance and such a certificate shall have been issued by the Building Inspector. All town, county and state regulations must be complied with.

Any violations of the above shall carry a fine of fifty dollars (\$50) per day for each violation.

Section 4. ESTABLISHMENT OF ZONE

For the purpose of the Ordinance, the territory of The Island View Beach Association, Incorporated, is hereby designated as HDR ZONE as established by the Town of Westbrook, subject to the following conditions and restrictions.

Section 5. PERMITTED USES

No building or lot shall be used, and no building shall be erected or structurally altered which is arranged, intended or designed to be used for other than the following use: a single family residence, together with such other structures and uses as are ordinarily appurtenant thereto. No residence shall be used by the owner(s) thereof for the purpose of accommodating boarders, roomers, or other than members of the family of the owner.

A private garage as a part of a building shall be permitted, provided that no business, service or industry connected directly or indirectly with motor vehicles is carried on, and provided that a private garage shall not be erected on any lot except if appurtenant to a building.

No building or lot shall be used and no building shall be erected or structurally altered which is arranged, intended or designed to be used for other than a one-family dwelling. No garage shall be erected on any lot until the dwelling house on said lot has been completed.

No cabins, bathhouses, temporary dwellings, tents, hotels, boarding houses, lodging houses, inns, grilles, taverns, restaurants, ice cream parlors, retail or wholesale stores, or any other commercial or industrial enterprise shall be permitted within the limits of The Island View Beach Association, Incorporated.

Section 6. ACCESSORY USE

A use accessory to a use authorized in an HR Zone shall be permitted.

The parking or storing of any unreasonable number of motor vehicles on any lot shall not be permitted except in accordance with a permit issued by the Building Inspector of The Island View Beach Association, Incorporated.

Section 7. LOT OCCUPANCY

Buildings erected on or added to a parcel of land shall conform to those provisions required by the Town of Westbrook.

Section 8. BUILDING COMMISSION

There shall be a Building Commission of the Island View beach Association, Incorporated, which said Building Commission shall consist of three (3) members.

Section 9. DUTIES AND POWERS OF THE BUILDING COMMISSION

1. The Building Commission shall be authorized and delegated to receive all applications in writing, together with such plans and specifications as may be required by the Commission, for the erection or alteration of any proposed building or structure; or for any repair work to cost more than five-hundred dollars (\$500) to be performed upon or within any building or structure within the territorial limits of said Association.

2. The Building Commission, within fifteen (15) days after the presentation of any proper application, shall issue a written permit of approval to said applicant, provided that said application conforms with all the rules and regulations of the Ordinance herein set forth, and said plans are acceptable to the Building Commission. No new building shall be occupied in whole or in part until a certificate of occupancy of same is issued by the Building Commission.

Each set of plans shall be accompanied by a map of the lot showing the location of the proposed building, or addition, or alteration, in relation to property or building line; it shall also show the size and location of any building or buildings on the same lot.

3. The Building Commission shall appoint a Building Inspector who shall act as the Chief Building inspector and he shall hold office continually unless removed for cause by the Building Commission. It shall be the duty of the Building Inspector to check the location of the proposed building, addition or alteration on the lot in relation to property or building line and to enter into or upon any property for the purpose of inspecting the same and for enforcing the provisions of this code and all others laws which relate to the same subject. No liability shall attach to the Building Commission or Building Inspector if any building is constructed on the wrong lot.

4. It shall be the duty of the Building Commission to enforce the building regulations and restrictions of the Association, and all other Ordinances and regulations of the Association related to the same subject.

5. No person shall erect and building or structure or addition thereto, within the territorial limits of the Association, unless they shall have presented an application and receive a permit in conformity with paragraphs 1 and 2 of this section.

6. The Building Commission, or any member thereof, is authorized to enter upon the premises and within any building or structure within the territorial limits of the Association for inspection while the same is under construction or repair, and may issue such orders as it or he may deem reasonable or proper to enforce the rules and regulations of this Ordinance. Said Commission may, in its discretion, revoke any permit for failure to comply with such orders.

7. It shall be the duty of the Building Commission to inspect any building or structure within the territorial limits of the Association, when it has reasonable grounds to believe that the same is in a dangerous, unsanitary, unsightly or unsafe condition, or is constructed or repaired in violation of the ordinance, and, if so found, order the same to be placed in a satisfactory condition; and said Building Commission, or any member thereof, may enter on the premises, or within any building or structure, within the territorial limits of the Association, to carry out the purpose and intent of this Ordinance.

8.. Any persons or person aggrieved by the decision made by the Building Commission or the Building Inspector may, within fifteen (15) days from said decision by giving written notice, appeal said decision to the Executive Board of the Association.

The Executive Board of the Association, in the event of any appeal, shall promptly after notice to all parties:

- a) Hear and decide appeals where it is alleged there is an error in any order, requirement or decision made by the Building Commission in the enforcement of the building code.
- b) Vary any requirements of the building code in harmony with its general purpose and intent so that substantial justice may be done. This authority shall be exercised in a manner to secure the public health, safety and welfare solely in instances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the building code.

9. The Building Commission shall have the power to adopt such rules and regulations, consistent with the provisions of this Ordinance, as it may deem expedient to secure the intent and purpose of this Ordinance and a proper enforcement of its provisions. No such additional or amended rule and regulation shall take effect, or be enforced, until the same shall have been posted for at least ten (10) days on the signpost of said Association.

ARTICLE VI APPEALS

Any person or persons severally or jointly aggrieved by any final decision of the Executive Board of the Association may appeal to any court of proper jurisdiction.