

BY-LAWS

ELBA POINT HOMEOWNERS' ASSOCIATION



September 1990
April 1992 (Revised)
May 1993 (Revised)
November 1997 (Revised)
May 2003 (Revised)
August 2004 (Revised)
October 2009 (Revised)
October 2022 (completed)

BY-LAWS OF ELBA POINT HOMEOWNERS' ASSOCIATION, INC.

ARTICLE I NAME

The name of this Club shall be the Elba Point Homeowners' Association, Inc. 4/91

ARTICLE II PURPOSE

The purpose for which this Club is formed is:

- a) To develop and maintain congenial, social, and recreational activities.
- b) To establish and maintain the standards of the Elba Point Homeowners' Association, Inc. on Lake Hopatcong. 4/91
- c) To promote health, welfare, pleasure, recreation, entertainment, congenial activities and good fellowship among the members of the Club and to furnish them with reasonable facilities for the enjoyment of the properties of the Elba Point Homeowners' Association, Inc. 4/91
- d) To provide and maintain an adequate system of administration.
- e) To provide for the care and maintenance of all Club properties now or hereafter owned, leased or otherwise acquired, to never sell a Club property and, for that purpose, to establish proper costs, changes and assessments that may now or hereafter be levied upon the Club members. 9/91
- f) To formulate rules and regulations for the use of all Club properties and facilities now or hereafter owned, leased or otherwise acquired, and to provide for the enforcement thereof.

ARTICLE III CLASSES OF MEMBERSHIP

Section 1 - Definition of Boundaries

Membership in the Elba Point Homeowners' Association, Inc. shall be open to all residents of Elba Point and expanded areas as spelled out and limited in Section 5. Elba Point boundaries shall be defined as follows: 4/91
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- a) All single family dwellings that are accessible from either Ithanell Road, Elba Avenue or Corsica Road.
- b) All single family dwellings on the south side of River Styx Road between Ithanell Road and Elba Avenue.

Full membership shall be available to residents within the above noted boundaries except owners and residents of commercial property within said boundaries.

Section 2 - Family

A candidate for membership under this classification must be a resident owner in Elba Point, Hopatcong, New Jersey. A resident owner is entitled to one membership, regardless of the number of parcels owned. Application for this type of membership shall, when presented to the membership committee for approval be accompanied by the amount of annual dues and applicable initiation fee. Each eligible member is entitled to one vote at meetings and elections. In addition, the spouse of said member is entitled to one vote. The number of votes for each dwelling shall not exceed two.

Section 3 - Associate

The owners of unimproved land in Elba Point, Hopatcong, New Jersey, are entitled to associate membership. Any member under this section is entitled to one membership, regardless of the number or size of owned parcels. Application for this type of membership shall, when presented to the membership committee for approval, be accompanied by the amount of annual dues and applicable initiation fee. Each associate member is entitled to one vote at meetings and elections. In addition, the spouse of said member is entitled to one vote. The number of votes for each dwelling shall not exceed two.

Section 4 - Tenant Membership

All tenants of property owners in Elba Point, regardless of seasonal, week-to-week or annual basis, shall pay the regular Club dues in order to use beach and/or dock facilities. Full initiation fees may be assessed. Tenant members shall not be allowed to vote. Application for this type of membership shall, when presented to the Membership Committee for approval, be accompanied by the amount of annual dues and applicable initiation fee.

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Section 5 - All fees, dues and assessments shall be equal for all classes of membership.

Section 6 - Each member of the Club shall be bound by, conform to and abide by the By-laws, amendments and supplements, thereto, and all future rules and regulations.

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SECTION IV EXECUTIVE BOARD

Section 1 - Definitions

- a) The Executive Board shall consist of nine (9) trustees. All trustees shall serve without pay.
- b) No more than one member of a household may hold elected office during a term.

Section 2 - Duties

- a) They shall have the power to make recommendations to the general membership at all meetings, in accordance with the method herein prescribed. That said, the board shall recommend such dues, assessments or changes which, in their opinion, shall be for the mutual benefit of Club members for the care and maintenance of Club property. (A majority vote of the active members present shall be necessary before such levy or charges may be imposed.)
- b) From time to time they shall formulate and prescribe rules and regulations, and the manner of enforcement thereof, with respect to the use of all Club properties, facilities and activities. In order to affect these rules and regulations, a minimum of 5 affirmative votes shall be required from the Executive Board. A minimum vote of 35 members or a majority of members present at a meeting, whichever is greater, is required to overrule any decision approved by the Executive Board.
- c) They shall transact necessary business in the intervals between organization meetings and such other business as may be referred to it by the organization.
- d) They shall approve the plans of work of standing committees.
- e) They shall present a report at the regular meetings of the organization.
- f) They shall approve major expenses within the limit of the budget.
 - 1) Unbudgeted discretionary expenses may not be made without prior approval of the membership.
 - 2) In the event of an emergency, the Board shall be empowered to transfer money within the budget to cover said emergency. Under no circumstances shall the approved total budget be exceeded. A transfer of funds shall require the approval of 6 members of the Board.
- g) They shall establish a nominating committee by September 15.

Section 3- The Board shall elect, at its annual meeting, a Chairperson, Vice Chairperson and Secretary from among its members. These positions shall be held for minimum of one year.

Section 4 - Chairperson

The Chairperson shall preside at all meetings and have general supervision of the affairs of this organization, subject to the direction at all times of the Executive Board. He/She may be a member ex-officio of all committees.

Section 5 - Vice-Chairperson

The Vice-Chairperson shall act on behalf of the Chairperson in his/her absence.

Section 6 - Secretary

- a) The Secretary shall record the minutes and shall have possession of this organization's agenda. The minutes of the current year and a copy of the approved By-laws shall be available at all meetings. He/She shall maintain a current list of all committees and conduct all correspondence of the organization.
- b) The Secretary shall call the roll of members present at the opening of all meetings.
- c) The Secretary shall furnish a copy, to the membership, of the regular meeting dates for the year

ARTICLE V MEETINGS

Section 1 - Locations

All Club meetings shall be held at Elba Point or some other suitable location in the Borough of Hopatcong.

Section 2 - Special Meetings

Special meetings of the Club shall be held at the request of the Chairperson or upon written request of five family members to the Chairperson or three members of the Executive Board. The membership shall be notified in writing of the intent of the meeting.

Section 3 - Annual Meeting

The Annual Meeting of the Club shall be held the second Sunday in January. Regular meetings shall be held monthly on a schedule to be determined at the Annual Meeting.

Section 4 - Quorum

A quorum is necessary to vote on any action the Club may take. At any meeting, a quorum shall consist of the eligible voters present.

Section 5 - Conduct

All Club meetings will be conducted in accordance with Robert's Rules of Order as they apply to clubs and social organizations.

Section 6 - Change of Date

The Executive Board may change the date of any scheduled meeting when that meeting will be in conflict with a holiday or special event.

Section 7 - Order of Business

The order of business at all meetings shall be as follows:

- a) Roll Call
- b) Communications
- c) Approval of Minutes of Previous Meeting
- d) Committee Reports
- e) Old Business
- f) New Business
- g) Adjournment

Section 8 - Agenda

The agenda for all meetings shall be published in the call of the meeting.

ARTICLE VI ELECTIONS AND NOMINATIONS

Section 1 - Nominations

The slate of candidates for the Trustees shall be presented at the October meeting. The slate must be signed by all members of the Nominating Committee. Floor nominations shall be added to the slate of candidates at the October meeting only.

Section 2 - Voting

Ballots are to be cast in the clubhouse, on the Sunday before the November meeting, between the hours of 1:00 and 3:00 p.m. They are to be presided over by the Nominating Committee. Ballots are to be cast by each eligible member and spouse. Each member shall sign a register to receive the ballot and vote at that time. Ballots, with stubs numbered alike, shall be the types used. After marking ballot, it is to be immediately deposited in a sealed ballot box to be opened and counted by the Nominating Committee at the November meeting. Members unable to vote due to vacation, business or illness may contact the Nominating Committee at least 7 days prior to the election for an absentee ballot. Ballots must be received by the committee prior to the November meeting.

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Section 3 - Trustees shall be elected for their terms at the November meeting by a majority of votes cast.

Section 4 - The officers elected will take office on January 1.

ARTICLE VII COMMITTEES

Section 1 - Standing Committees

All standing committees of the Executive Board shall have a Chairperson appointed by the board. All chairpersons must be a member in good standing. Committee's shall be as follow:

- a) House
- b) Entertainment
- c) Maintenance
- d) Capital Improvement
- e) Docks
- f) Concession and Lifeguard
- g) Finance
- h) Membership
- h) Fund Raising

Section 2 - House Committee

The House Committee is responsible to see that the house is available and open for all Club activities and functions. They are also responsible for all clubhouse appliances and supplies.

Section 3 - Entertainment Committee

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The calendar for social events shall be established in January.

Section 4 - Maintenance Committee

The Maintenance Committee shall be responsible for all upkeep and maintenance of the clubhouse building and Club property.

Section 5 - Docks Committee

The Docks Committee shall be responsible for maintaining and repairing the docks and raft. They also have the responsibility of assigning boat slips and maintaining a waiting list.

Section 6 - Capital Improvements

The Capital Improvements Committee shall be responsible for implementing all capital improvement projects. They shall also maintain a 3-year capital improvement plan. This plan shall be used as a basis for setting aside funds each year in dedicated accounts to be used for those improvements.

Section 7 - Concession and Lifeguard Committee

It shall be the duty of this committee to hire a lifeguard and a concession manager. They shall be responsible for maintaining the concession inventory, collecting time sheets and collecting excess daily receipts. This committee shall maintain separate balance sheet for the concession. The balance sheet shall be updated regularly.

Section 8 - Finance Committee

- a) Shall consist of a minimum of three people. Two shall be Executive Board members.
- b) It shall be the duty of this committee to collect all monies payable to the Club for dues, dock rental, and all other due income; to keep a true record thereof and deposit same in the name of the Club in the bank approved by the Club.
- c) To pay routine bills within the limits of the budget and to apply all bills properly approved by the Executive Board.
- d) This committee shall maintain a general ledger of income and expenses. This ledger shall indicate budgeted expenses/income, actual expenses/income to the end of the year by budget line item. This ledger shall be updated monthly and presented at the regular meeting. A quarterly report of the ledger shall be published to membership.

- e) This committee shall maintain all financial records.
- f) This committee shall file all State and Federal reports.
- g) The general ledger shall be closed on December 31. No bill shall be charged to the previous year's budget after January 15.
- h) They shall maintain a liaison with the Club-appointed accountant for the purpose of preparing an end-of-the-year financial report and corporate income tax return.
- i) Three committee members shall be able to sign checks. All Club authorized checks shall be signed by two of the three authorized members.
- j) They shall be responsible for mailing the annual dues bill no later than February 15.

Section 10 - Membership Committee

- a) It shall be the duty of this committee to maintain a roster of all paid up members.
- b) Receive all applications for membership and boat slips.
- c) Maintain a record of income from dues and dock fees to be given to the Finance Committee. Paid applications for docks shall be forwarded to the Docks Committee.
- d) Be responsible for generating new membership. This committee shall make badges for the membership. 10/90

Section 11 - Fund Raising Committee

It shall be the duty of this committee to generate additional income for the Club by implementing various events and projects.

Section 12 - Committee Members

Members of the above standing committees may be appointed by the Board from the general membership. The exception shall be the finance committee, of which two members shall be from the Executive Board, both of which will be authorized to sign checks.

Section 13 - Additional Committees

Additional committees appointed by the Board from the general membership shall include, but not limited to, the following:

- a) **News and Events Committee:** to publish the Elba Echo at least once, each quarter (seasonally), except under those circumstances as set forth in Article V Section 2, Article VIII Section 8 and Article X. Agenda for future meetings and events shall be included. 5/03
- b) **Nominating Committee:** shall consist of one chairperson and a minimum of six committee members. All persons on this committee shall be members of the Club for one year or more. No family member of a current office holder shall be on this committee.

ARTICLE VIII INITIATION FEES, DUES AND DOCK FEES

4/91

Section 1 - The fees for all items in Article 8 will be shown in the attached published budget which may be revised annually.

Section 2 - Dues, fees, and dock fees are payable between February 15 and April 15. A late penalty for dues paid after April 15 will be assessed. The penalty shall be proscribed in the budget.

4/91

Section 3 - Any member who shall have been suspended for non-payment of dues, fees, or assessments, may be reinstated provided that all arrears and amounts that have become due during the calendar year are paid up by December 31. Any member who lapses their membership beyond December 31 of the calendar year must reapply for membership by applying current dues and initiation fees.

Section 4 - Any member who becomes in arrears for dues, fees or assessments shall be notified by October 1 indicating that he/she will be suspended by January 1 if all are not paid.

Section 5 - Hardship cases will be given special attention by membership committee.

Section 6 - All fees and dues collected as described herein may only be used for the administration of the Club.

Section 7 - Notice of any action which will necessitate the borrowing of money from any lending institution or will increase the Club's indebtedness must be given, in writing, in the agenda for the meeting at which the proposed action will be voted upon.

Section 8 - One month prior to the Annual Meeting, the Club newsletter must be circulated to all members showing the proposed budget for the upcoming year.

Section 9 - The proposed budget shall be presented to the General Membership at the January meeting for discussion and approval.

Section 10 - The approved budget shall be in balance.

Section 11 - An all-encompassing motion to accept or reject a budget in its entirety shall be illegal.

Section 12 - Each item of each titled category shall be discussed and voted upon individually.

Section 13 - An application shall be made by all members. This application shall be updated yearly before badges are issued.

Section 14 - The fiscal year for the Club shall be January 1 - December 31.

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Section 15 - Senior Citizens, age 62 and above, shall be granted a 10% discount in dues and a 50% discount on all Club events and functions. 1/92

Section 16 - Boat slips and the use of dock facilities shall be reserved exclusively to those members who rent or own property within Elba Point. 1/92

Section 17 - The right to vote shall be reserved exclusively to those members who own property within Elba Point and whose dues are up to date and paid in full. 1/92

ARTICLE IX RESIGNATION OF TRUSTEES

A resignation shall not be accepted or acted upon unless same shall be submitted in writing.

ARTICLE X AMENDMENTS

11/90

These By-laws may be amended at any meeting provided that notice of proposed amendments be given, in writing, in the call of the meeting. Amendments shall be adopted if 2/3 of the voting membership at the meeting vote in favor of the proposed amendment, after which the proposed amendment will become effective. A quorum is necessary. The date of adoption of any amendment shall be shown next to the new amendment in the By-laws.

ARTICLE XI RULES

Section 1 - General Rules

- a) Badges must be worn at all times. Guests, other than family members, must be accompanied by the member at all times.
- b) No one shall lend a badge to a non-member property owner except to attend paid functions. Lost badges shall be reported immediately. 2/92
- c) No eligible resident of Elba who is not a member of the Beach Club, may use the facility as a guest of a member. 2/92
- d) All gates will be locked when unattended.
- e) Gate keys will be made available to all members for a fee of \$5.00.
- f) The lending of a key to a non-member or a child under 12, or abuse of key privileges, will result in confiscation of the key for the remainder of the year. 4/91
- g) Gate keys may be duplicated.
- h) Cars double-parked and owners not on premises shall make car key available so as not to inconvenience other members. The membership list shall include license plate numbers as to help locate the owner of a car blocking someone.
- i) All vehicles parked in front of clubhouse shall be rolled up as far as possible.
- j) Members shall be responsible for damages to Club property by their family or guests. Membership privileges will be revoked for non-payment of damages, as well as for the conduct deemed detrimental to the best interest of the membership.
- k) Consumption of alcoholic beverages not permitted during Club meetings. No alcoholic consumption on Club property by anyone under the age of 21.
- l) Refrain from loud talking and unnecessary noise on the dock and beach area from 11:00 p.m. to 7:00 a.m.
- m) Hard ball playing shall not be allowed on any Club property

Section 2 - House Rules

- a) No children under 13 years of age allowed in the clubhouse after 8:00 p.m., unless accompanied by an adult.
- b) No children under 17 years of age allowed in the clubhouse after 9:30 p.m., unless accompanied by an adult.
- c) Private parties by Club members permitted during non-posted hours. Exceptions required by board approval. Two weeks notice must be given to House Committee prior to any function. Rental fee and refundable deposit shall be as set forth in the budget. The house must be returned clean and rental agreement must be followed or you will forfeit your deposit.
- d) No bare feet allowed in the clubhouse.
- e) Changing of clothes and diapers in clubhouse is prohibited.
- f) Rental of the clubhouse for children's birthday parties (children under 12) will be allowed Monday through Friday from 12:00 noon until 6:00 p.m., not to exceed 3 hours. The rental fee and refundable deposit shall be as set forth in the budget. The house must be returned clean in order to have deposit refunded. These rentals are not to conflict with Club openings or functions and are subject to all prevailing rules and regulations.
- g) The member renting the Club shall be present at the private party.

Section 3 - Beach Rules

- a) All refuse shall be deposited in receptacles provided for that purpose.

- b) Bottles or other sharp edged metal objects shall not be used on the beach or in the water.
- c) No soap bathing is permitted.
- d) No glass is allowed on the beach.
- e) Changing of clothing on the beach is not permitted.
- f) No bikes or mini-bikes permitted inside the fenced-in area.
- g) The Club lifeguard may, at his/her discretion, restrict swimming in any area and may remove any person or remove water equipment for reasons of safety
- h) No boats of any kind are permitted within the designated swim area.
- i) Beaching of boats is prohibited.
- j) Swimming is permitted within roped area only.
- k) All boat owners must notify lifeguard and sound their horns when entering and exiting proximity of swim area when lifeguard is present.
- l) Children under the age of 12 will not be permitted on the beach unless accompanied by an adult or with written permission from parents allowing responsible person to accompany child. After the lifeguard goes off duty, no one under the age of 16 is allowed on the beach or in the water unless accompanied by an adult member 18 years or older.
- m) Cooking or barbecuing is permitted in designated areas.
- n) Children who are non-swimmers are not allowed past the first rope.
- o) Beach officially opens Memorial Day. The lifeguard will be on duty weekends only until school closing. From school closing until Labor Day weekend, lifeguard will be on duty from 12:00 noon until 5:00 p.m. weekdays and 12:00 Noon until 6:00 p.m. on weekends and holidays weather permitting.
- p) The beach shall be closed between the hours of 11:00 p.m. and 5:00 a.m.
- q) Swimming is at your own risk when life guard is not present or on duty.

8/04

Section 4 - Dock Rules

8/04

- a) Any member who can prove ownership of a boat, is eligible for rental of an available dock space, if he/she so desires. In the case of a motorized boat, the owner must be able to provide a certificate of insurance, naming the Elba Point Homeowners' Association, Inc. as the certificate holder, for liability insurance of at least \$100,000.00 prior to taking possession of the space.

2/92

- b) Members who have rented dock space the prior year or seniority will have first preference on a dock space until April 15. Dock spaces will be assigned by the Dock Committee on the basis of boat size.
- c) Upon entering and leaving mooring area, speed is not to exceed 5 MPH.
- d) Fishing is not permitted off floating docks.
- e) Boat owners are responsible for installation of necessary boat protection and for removal of same at the end of boating season. 4/93
- f) Minimum of 3/8" marine line in good condition is to be used and rings, cleats and fixtures on docks are to be bolted or screwed in (not nailed). All hardware is the responsibility of the boat owner.
- g) Any boat owner who does not remove the tires by the time docks are removed shall go on the waiting list.
- h) Two boats may not be tied to the same ring, cleat or fixture on the wooden docks.
- i) Boat owners are to be notified for installing and removing the docks. Also, that their tires must be removed or they will lose their dock space (including cement docks).
- j) Use of boat ramps by motorized boats, including jet skis, is not permitted between 11:00 a.m. - 6:00 p.m. during beach season. The only exception will be an emergency, in which case the lifeguard will call everyone out of the water.
- k) The maximum length of any boat shall be 21 feet on floating docks or any fingers. 4/93

Section 5 - Kayak Rules 10/09
(a-e)

- a) A limited number of club members in good standing shall be able to rent space specifically for kayak storage. Limits will be determined by space or racks provided. These spaces or racks shall be for storage of primary vessels only. Paddles, life vests or any other personal accessories shall not be allowed.
- b) An annual fee for kayak storage will be set by the Executive Board.
- c) Kayaks shall not be left unattended on club grounds except in designated storage area.
- d) Kayaks shall be secured with a suitable lock when in storage area.
- e) Kayaks shall not be used in swim area or docked to the swim raft.

Section 6 – All Watercraft Rules

10/09
(a-b)

- a) All watercraft shall abide by the laws and guidelines set by The State of New Jersey.
- b) Kayak users and power boat users shall commingle in a polite and courteous manner.

ARTICLE XII MISCELLANEOUS

8/04

Members agree to hold Elba Point Homeowners' Association Inc. harmless and agree to indemnify for all liabilities by a member, member's family and guests when using the beach, lake area & ground during the hours that the club property is closed.