



BY-LAWS OF
ELKO LAKE PROPERTY OWNERS ASSOCIATION, INC
NOVEMBER 1, 1999 *(Amended through 2024)*

ARTICLE I

APPLICABILITY, DEFINITIONS AND MEMBERSHIP, BOARD OF DIRECTORS

Section 1. Applicability: This By-Laws shall be applicable to Elko Lake Property Owners Association, Inc., a non-profit corporation of the State of New York, its Members, and to any and all property owned by the Association.

Section 2. Owners as Members, Ratification: Every present and future owner of a lot which is subject to the Declaration(s) of Covenants and Restrictions recorded in the County Clerk's office of the County of Sullivan shall be a Member of Elko Lake Property Owners Association, Inc. Acquisition, or occupancy of a lot or living unit, shall be conclusively deemed to mean that the said owner, resident or occupant has consented to and ratified these By-Laws or any changes, additions or amendments thereto, and the Covenants and Restrictions of record, or to be recorded.

Section 3. Definitions: The following words, when used in these By-Laws, shall have the following meaning:

- a) **"Association"** shall mean and refer to Elko Lake Property Owners Association, Inc.
- b) **"ELPOA"** Elko Lake Property Owners Association
- c) **"The Properties"** shall mean and refer to all such existing properties and permitted additions thereto as are subject to the Property Owners Deed and Covenants or any rules and Regulations therein.
- d) **"Common Properties"** shall mean and refer to those areas of land shown on any recorded subdivision plot of The Properties intended to be devoted to the common use and enjoyment of the Owners of the Properties, including areas of potential land acquisitions.
- e) **"Lot"** shall mean and refer to any plot of land shown on any present or future subdivision map of The Properties (with the exception of Lot#24, as heretofore defined).
- f) **"Member"** shall mean and refer to all those Owners who are members of the Association as provided in Article II, Section I, hereof.
- g) **"Meeting"** shall mean real time communications, ie: (Person to person, conference calls, etc.)

ARTICLE II

MEMBERSHIP, VOTING RIGHTS AND MEETINGS

Section 1. Membership: Every person or entity who is a record owner in any Lot, which is subject by covenants of record to assessment by the Association, shall be a member of the Association. The foregoing is not to be intended to include persons who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to, and may not be separated from, ownership of any lot that is subject to assessment by the Association.

Section 2. Voting Rights: Members shall be all Owners and shall be entitled to one vote for each Lot owned, except Lot #24. When more than one person holds an interest in any Lot; all such persons shall be Members. The vote for such Lot shall be exercised as they among themselves determined, but in no event shall more than one vote be cast with respect to any Lot. Only Members who are current with their assessments will have the right to vote and/or hold office on the Board of Directors.

- (a) If for any reason a vote on a matter of Annual Budgets, Special Assessments and/or By-Laws changes, is adjourned for consideration, and voting thereupon is to be considered by written ballot. Such ballots shall be sent to all Members by certified mail, return receipt requested, to their address of record.
- (b) All members shall execute and return such Ballots within 30 (thirty) days from the date of the mailing thereof.
- (c) Any Ballots not returned in a timely fashion, shall be considered a vote in the affirmative on said measure.

Section 3. Absentee Ballot: Votes may be cast in person or by Absentee Ballot. Absentee Ballots must be in writing, and notice of same must be given to The Association 24 (twenty-four) hours prior to any meeting at which said Absentee Ballot is to be used.

Section 4. Quorum: Quorum at any meeting, which takes place at a specific site, shall be defined as fifteen (15) of all eligible voters. Voting shall be by simple majority in the matters of Annual Budgets, special assessments and By-Laws changes. In these instances, Absentee Ballots will be counted.

Resolutions which require a simple majority vote will be sent to the Membership by the Secretary of The Association, via US Mail at least thirty (30) days prior to the stated meeting.

Section 5. Meetings: Annual and special meetings of the Association shall be held at a pre determined site or at such place as may be designated by the Board Members, and at the times fixed by the Board of Directors of the Association. The Annual meeting will be held on the third Saturday in July.

Section 6. Notice of Regular Meetings: The Secretary shall send written notice, by US Mail, of Annual meetings to all Members. Such written notice shall set forth the purpose(s) of the meeting, and shall be given not less than thirty (30) days before the date of such meeting. *[Addendum – General Meetings will be held on the 3rd Saturday in July as per 2012 vote. Notice will be by letter in late May.]*

Section 7. Special Meeting: The President of the Association shall, if directed by the Board of Directors, call a Special meeting. Notice of a Special Meeting shall be made no later than five (5) days before said meeting. No other meetings shall be called other than provided herein, except that in the event that two-thirds (2/3) of all Members desire to call a Special meeting and they indicate their desire to The Board of Directors, the President shall be required to call said Special meeting.

Section 8. Membership List: The Secretary of the Association shall keep a complete list of Members of the Association, together with their last known Post Office address. The list shall be kept up to date and shall be open for inspection to all Members. The Secretary shall also keep current the minutes of the meetings of The Association, and the resolutions and books of the Association.

ARTICLE III

BOARD OF DIRECTORS

Section 1. Selection; Terms of Office: A board of no more than seven (7) and no less than four (4) Members shall manage the affairs of the Corporation. At the Annual meeting, the Members shall elect Directors for a term of two (2) years, except for the first board elected. In that instance half (1/2) the Directors shall be elected for two (2) years, and half (1/2) for one (1) year. The President shall hold one (1) of the two (2) year positions. Should there be an odd number of Directors, half (1/2) the positions plus one (1) will be for one (1) year.

Section 2. Removal of Directors: A Director may be removed for good cause by a majority vote of the Directors, or with or without good cause by a two-thirds (2/3) vote of all the Members.

Section 3. Director Meetings: Meetings of the Board of Directors shall be held at least annually. Presence of two-third (2/3) of all Directors shall be considered a quorum. Any Director, in writing, may make waiver of notice. Presence at the meeting shall be considered waiver of any formal notice to the Director.

Section 4. Vacancy and replacement: If the office of any Director becomes vacant by reason of death, resignation, retirement, disqualification, removal from office or otherwise, a majority of the remaining Directors, though less than a quorum, shall choose a successor at a special meeting of Directors duly called for this purpose. The Director so chosen shall hold office for the unexpired term of such vacancy and until the successor is duly elected and qualified.

Section 5. Powers: The property and business of the Association shall be managed by its Board of Directors, which may, subject to the rules and Regulations or by these By-Laws, exercise or done by the Members or Lot Owners personally. These powers shall specifically include, but not be limited to the following items:

- a) To determine and levy assessments to cover the cost of operating and maintaining The Common Areas, which assessments shall be payable in advance. The Board of Directors may increase the assessments or vote a special assessment in excess of that amount, if required, to meet any additional necessary expenses, upon approval of a Simple Majority vote of the membership.
- b) To collect, use and expand the assessments collected to maintain, care for and preserve the Common Areas (included, without limitation, the roads.)
- c) To make repairs, restore or alter the Common Areas after damage or destruction by fire or other casualty or as a result of condemnation or eminent domain proceedings.
- d) To open bank accounts on behalf of the Association and to designate the signatories to such bank accounts.
- e) To collect delinquent assessments by suit or otherwise
- f) To make reasonable rules and regulations and to amend the same from time to time. Such rules and regulations and amendments thereto, upon approval of the Membership shall be binding upon the Members when the Board has delivered a copy of such rules and all amendments to each Member. Such rules and regulations may, without limiting the foregoing, include reasonable limitations on the use of the Common Properties.
- g) In an emergency, to take immediate Action, on behalf of the Association. Any Action will stay in effect for 90 days, at which time a Special Meeting will vote on said Action
- h) To employ workmen, contractors and supervisory personnel, and to purchase supplies and equipment, to enter into contracts to provide maintenance and other services and generally to have the power of Directors in connection with the matters herein above set forth.
- i) To bring and defend actions by or against one or more Members appurtenant to the operation of the Association and to levy special assessments to pay the cost of such litigation.
- j) To hire a managing agent to perform and exercise the powers of the Board of Directors in the management of the Association.
- k) To determine whether or not an election with respect to the Association shall be made (and to make or not make such an election) for any taxable year or years of the Association under Section 528 of the Code.

Section 6. Compensation: Directors and Officers of the Association, as such, shall receive no compensation for their services, but may be reimbursed for ordinary and necessary expenses if approved by the Board or the officer appointed by the Board for this purpose.

Section 7. Fidelity Bonds: The Board of Directors may require that all officers and employees of the Association handling or responsible for Association funds shall furnish adequate fidelity bonds. The premium on such bonds shall be an expense of the Association.

Section 8. Directors and Officers Insurance: The Association is responsible to secure Directors and Officers Insurance; Face value of the Policy will be determined by the Board of Directors.

ARTICLE IV

OFFICERS

Section 1. Officers: The Officers of the Association shall be a President, Vice President, Secretary and Treasurer and/or such other positions as may additionally be required.

Section 2. How Elected: Election of President and Board Members shall be elected annually by the Membership.

Section 3. Presiding Officers: The Presidents shall appoint the Officers from the Board Members.

Section 4. The President: The President shall be the chief executive officer of the Association. The President shall preside at all meetings of the Members and the Board of Directors, shall be an ex officio member of all standing committees and shall have general and active management of the business of the Association. The President shall see that all orders and resolutions of the Board are carried into effect and shall have such other powers and duties as are usually vested in the office of President of a corporation organized under the Not-for-Profit Corporation Law of the State of New York.

Section 5. The Vice President: The Vice President shall take the place of the President and perform the President's duties whenever the President shall be absent or unable to act, and shall have such other powers and duties as are usually vested in the office of Vice President of a corporation organized under the Not-for-Profit Corporation Law of the State of New York.

Section 6. The Secretary: The Secretary and/or Assistant Secretary shall attend all sessions of the Board and all meetings of all Members and record all votes and the minutes of all proceedings in a book to be kept for that purpose and shall perform like duties for the standing committees when required. The Secretary shall give, or cause to be given, notice of all meetings of Members and Special Meetings of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors or by the President, under whose supervision the Secretary shall be.

Section 7. The Treasurer: The Treasurer shall have the custody of the Association funds and securities and shall keep full and accurate chronological accounts of receipts and disbursements in books belonging to the Association including the vouchers for such disbursements, and shall deposit all monies, and other valuable effects in the name and to the credit of the Association in such depositories as may be designated by the Board of Directors. The managing agent may also exercise these duties, if any. However, such managing agent shall not replace the Treasurer.

The Treasurer shall disburse the funds of the Association as the Treasurer may be ordered by the Board, making proper vouchers for such disbursements and shall render to the President and Directors, at the regular meeting of the Board or whenever they require it, an account of all of the Treasurer's transactions as Treasurer and of the financial condition of the Association.

The Treasurer shall keep detailed financial records and books of accounts of the Association, including a separate account for each Member, which among other things, shall contain the amount of each assessment, the date when due, the amount paid thereon and the balance remaining unpaid.

Section 8. Agreements, etc. The President shall execute all agreements and the Board of Directors may designate other instruments or such other person as.

ARTICLE V

GENERAL MEMBERSHIP

Section 1. Fiscal Year: The fiscal year of the Association shall be fixed by resolution of the Board of Directors.

Section 2. Association Seal: The Association Seal shall have inscribed thereon the name of the Association and the year of its incorporation under the laws of the State of New York. The Seal may be used by causing it or a facsimile thereof to be impressed or in any manner reproduced.

Section 3. Abatement and Enjoinment of Violations by Members: The violation of any Rule or Regulation adopted by the Board of Directors, or the breach of any By-Laws contained herein, or the breach of any provision of the Declaration, shall give the Board of Directors the right, in addition to any other rights set forth in these By-Laws; (a) to impose against such Member a fine not to exceed One Hundred (\$100) Dollars for the first violation or breach and an additional One Hundred (\$100) for each violation or breach thereafter and (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such violation or breach. These rights shall be exercised only after the occurrence of all the following: 1) the member shall have received a copy of the Rule or Regulation which has been violated; 2) notice of said violation has been given to the Member in writing; and 3) the Member shall have been given five (5) days to cure said violation.

The violation or breach of any of the provisions of these By-Laws or the rules and Regulations, with respect to any rights, easements, privileges granted to the Association shall give to the Members, the right, in addition to any other rights set forth in these By-Laws, to enjoin, abate, or remedy by appropriate legal proceedings either in law or in equity, the continuance of any such violation or breach.

Section 4. Examination of Books and Records: Each Member, or their respective representatives and first mortgages, shall be entitled to a reasonable examination of the books and records of the Association at any time upon reasonable notice to its Board of Directors. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any Member or first mortgage at the principal office of the Association.

Section 5. Construction. In case of any conflict between the Articles of Incorporation and these By-Laws, the Certificate shall control; and in the case of any conflict between the Deed and these By-Laws, the Deed shall control.

Section 6. Severability. Should any of the covenants, terms or provision herein imposed be or become unenforceable at law or in equity, the remaining provisions of these By-Laws shall, nevertheless, be and remain in full force and effect.

Section 7. No Private Investment. No part of the net earnings of the Association shall inure (other than by acquiring, constructing or providing management, maintenance and care of the Common Properties, and other than by rebate of excess membership dues, fees or assessments) to the benefit of any private shareholders or individual, all within the meaning of Section 528 Code.

Section 8. Assessments. Each Lot will be assessed an equal portion of the total Budget amount requirements.

Section 9. Declaration. The Protective and Restrictive covenants in the Deeds of the individual Property Owners are hereby adopted as the Declaration.

ARTICLE VI

AMENDMENTS: These By-Laws may be amended subject to the approval of the members at a regular or Special Meeting of the Members, by a vote of a Simply Majority present in person or by Absentee Ballot, and provided further that any matter stated herein to be or which is in act governed by the Declaration(s) of Covenants and Restrictions applicable to the Properties may not be amended except as provided in such Declaration(s) of Covenants and Restrictions.

ELKO LAKE PROPERTY OWNERS ASSOCIATION, INC.

EXHIBIT 1

RULES AND REGULATIONS

AUGUST 1, 1999

In addition to the other provisions in the By-laws, the following rules and regulations together with such additional rules and regulations as may hereafter be adopted by the Board of Directors shall govern the use of the Common Areas and the conduct of all members thereof.

Common Areas:

1. No objectionable, offensive, or unlawful use shall be made of Elko Lake and Common Property or any Part thereof, and all valid laws, zoning ordinances and regulations of all governing bodies that have Jurisdiction thereof shall be observed. Violations of laws, orders, rules and regulations or Requirements of any governmental agency having jurisdiction thereof, relating to any portion of Elko Lake or the Common Property, shall be complied with, by and at the sole expense of the Members or The Board of Directors, whichever shall have the obligation to maintain such portion of the Property.
2. Members, their families, their employees, and their guests shall not use or permit the use of Elko Lake and the Common Property in any manner which would be destructive, illegal or disturbing or a nuisance to other said Members, or in such a way as to be injurious to the reputation of the Association.
3. Elko Lake and the Common Properties shall not be obstructed, littered, polluted, defaced or misused in any manner. Every member shall be liable for any and all damage to Elko Lake and the Common Properties, which shall be caused by said member, the members' family or guests or such other person for whose conduct the member is responsible.
4. **Dogs in all common Areas:** Leash-Curb-Control and clean up after your dog. **SEE AMENDMENT*
5. **No Member shall post any advertisement or posters** of any kind in or on Elko Lake and the Common Properties except as authorized by the Board of Directors.
6. **As Per our Deed Restrictions: No motorized watercraft** other than those powered by small electric trolling motors shall be operated, maintained or launched on Elko Lake.
7. **No camping, trailers, tents** or other recreational or temporary living quarters will be allowed for the purpose of camping for temporary periods, on the Common Properties.
8. All boats docked or pulled into Common Properties shall be no more than two (2) per Lot and shall not obstruct the use of Elko Lake by any such Member.
9. **No campfires permitted** on Common Properties.

Personal Elko Lake Properties

10. **Docks:** A member who has a Lot or a home on Elko Lake may have no more than One- (1) dock on Elko Lake. All docks must be floating docks. Docks may not exceed over 15 (fifteen) feet from the shoreline and are not to exceed 72 (seventy-two) square feet in overall size. (Members have a right to request a variance from the Board of Directors.) **SEE AMENDMENT*

Amendments by majority vote at 2024 General Meeting

*Memorial day through Labor day no dogs on the beach from 9am to 6pm on Saturdays and Sundays when the beach is most crowded with beach goers

* **Docks:** All lakefront property owners' land ends at the lake's high water mark of the property's shoreline. Elko Lake itself is owned by the ELPOA. Docks must be approved by the Board before construction. Permits required by the DEC or the freshwater act are the responsibility of the homeowner, and must be available for review by the Board. If a dock requires a boardwalk/raised path to access the water's edge, that boardwalk/raised path is not included as part of the dock size. Docks that are in disrepair or falling into the lake must be removed or repaired by the property owner.

- When a property is sold, there is a Property Owners Buy-In fee of \$500.00 per lot.
- Heavy construction work that uses private roads needs to be declared to the Board. Any road repairs required as a result of the use of heavy equipment will be assessed by a trusted contractor at the expense of the homeowner. The homeowner shall be responsible for the expense of road repairs.