

# **Rush Lake By-Laws**

## **Article I**

### **Section 1 - Name**

The name of the Corporation shall be Rush Lake Property Owners Association.

### **Section 2 - Purpose**

#### **Amended 5/3/94**

The purpose of the Rush Lake Property Owners Association shall be to protect the rights and liberties of all property owners of the Corporation. It shall provide a governing Board of Trustees; to insure proper maintenance and upkeep of all roads, parks, swimming, and boating areas in the boundaries of the Corporation. Maintenance of all roads, parks, swimming and boating areas in the development known as "Moon Shadows" will not fall under the responsibility of the Rush Lake Property Owners Association.

To establish by-laws, provide penalties for the violation thereof and to any and all things prescribed and allowable under and incidental to the powers and duties set forth in Summer Resort Owners, Act 137, 1929. P. 321; effective August 28. These lands are defined as follows:

- (1) Herndon's Rush Lake Estates, a part of the Southeast Quarter of Section 17, T1N, R5E, Hamburg Township, Livingston County, Michigan.
- (2) Vista on the Lake, a part of the Southwest Quarter of Section 17 and part of the North one-half of Section 20, T1N, R5E, Hamburg Township, Livingston County, Michigan
- (3) Herndon's Rush Lake Estates #1, a part of the Northeast Quarter of the Southwest Quarter of Section 17, T1N, R5E, Hamburg Township, Livingston County, Michigan.
- (4) Watson's Rush Lake Subdivision, a part of the West one-half of the Southwest Quarter of Section 17, T1N, R5E, Hamburg Township, Livingston County, Michigan.
- (5) The lands lying between Watson's Rush Lake Subdivision, as above described, and Herndon's Rush Lake Estates #1, as above described, fronting on Rush Lake, Hamburg Township, Livingston County, Michigan.
- (6) Moon Shadows #1, Moon Shadows #2 and a part of Moon Shadows #3, the Southwest Quarter of the Southwest Quarter of Section 17, T1N, R5E; the Southeast Quarter of the Southeast Quarter of Section, 17, T1N, R5E; the Northeast Quarter of the Northeast Quarter of Section 19, T1N, R5E; the Northwest Quarter of the Northwest Quarter of Section 20, T1N, R5E, Hamburg Township, Livingston County, Michigan.
- (7) A part of Moon Shadows #3, a part of the Southwest Quarter of the Northwest Quarter of Section 20, T1N, R5E, Hamburg Township, Livingston County, Michigan.

### **Section 3 - Management**

**Amended 5/21/89**

The business of this Corporation shall be managed and controlled by a Board of Trustees consisting of nine members, to be elected by qualified voters of this Corporation. Three trustees shall be elected at each summer semi-annual meeting to succeed the trustees whose terms expire. Trustees shall serve for a period of three years. If vacancies shall occur on the Board of Trustees for any reason other than the expiration of the term of a trustee or trustees, such vacancy shall be filled by the remaining trustees and the trustee so appointed by the Board to fill such vacancy shall serve for the balance of the term of such trustee. No person shall be a member of the Board of Trustees unless that person is a member in good standing in the Corporation. No two members of the same family can serve as a member of the Board of Trustees at any one time. The trustees shall have the power to transact the Corporation's business for all major and minor maintenance requiring expenditures; as provided for within the limits of the budget; providing funds are available to cover maintenance. Any minor or major improvements will be voted for by Rush Lake Association members at a semiannual meeting.

### **Section 4 - Membership**

The membership of Rush Lake Property Owners Association shall consist of all persons who own or are purchasing property within the boundaries of Rush Lake Property Owners Association.

### **Section 5 - Voting**

Persons eligible to vote at any election or membership meeting of Rush Lake Property Owners Association shall be members within the meaning of Section 4. They shall have attained the age of 18 years. If any parcel of property within the Corporate boundaries is jointly owned or otherwise by more than two persons not more than two of the persons so owning shall be eligible to vote. No person shall have more than one vote in any event.

### **Section 6 - Meetings**

Meetings of the Board of Trustees shall be held at such times and places as may be designated by the President or Secretary. Special meetings may be called at any time by the President, Secretary, or by any five members of the Corporation, with a five day notice.

General meetings of the Corporation shall be held semiannually, in Spring and Fall, at which reports of officers and committees shall be made and election of trustees held. At the first meeting of the trustees following the summer semiannual meeting, the trustees shall elect, from among their members, the officers of the Corporation, namely, a President, Vice-President, Secretary, and Treasurer. If a trustee shall fail to be present at three consecutive meetings of the Board, the trustees may declare him removed from the Board and his office vacant and may replace such trustee as provided in Section 3, above.

### **Section 7 - Notice of Meetings**

Trustees or members shall be notified in writing, not less than five days in advance, of the time, place, and purpose of all meetings of the Corporation.

## **Section 8 - Quorum**

A 2/3 majority of the Board of Trustees shall constitute a quorum for the transaction of business of the Board. Twenty members shall constitute a quorum at a general meeting.

## **Section 9 - Compensation**

No member of the Board of Trustees shall receive any compensation in the form of wages, salaries, or of personal property.

## **Section 10 - Fiscal Year**

The fiscal year of this Corporation shall be from January 1st to December 31st.

## **Section 11 – Special Assessments**

### **Amended 5/5/2010**

In the event that the Board needs to levy a special assessment to cover expenses that were not budgeted, the following steps are to be taken.

- 1) The Special Assessment will be presented at a semi-annual meeting. Discussion on the merits of the special assessments will be discussed.
- 2) A notice (either a separate document or a page in the newsletter) stating a vote to approve the special assessment will be sent to all members of the association 60 days prior to the next semiannual meeting. Association members who are unable to attend may request an absentee ballot by either attending a board meeting prior to the semi-annual meeting and requesting a ballot (a copy of their driver's license, state or military identification will be required) or they may send a signed letter to the R L P O A post office box requesting an absentee ballot (a copy of their driver's license, state or military identification must accompany this request). No absentee ballot requests may be made via email or telephone call. Absentee ballot requests must be postmarked not less than 30 days prior to date of semiannual meeting. Absentee ballot is to be mailed to RLPOA post office box and postmarked not less than 15 days prior to date of semiannual meeting. The absentee ballots will be opened at the semiannual meeting and the votes counted with the members present. The final tally will be subject to audit as a voting committee matches signatures submitted with the absentee ballot to the signatures submitted with the original request.

## **Article II**

### **Section 1 - President**

The President shall be the chief executive of the Board of Trustees, and shall have the general control and management of its business in the recess of the Board. He shall preside at all meetings of the Board of Trustees or of the Corporation.

### **Section 2 - Vice President**

It shall be the duty of the Vice President to perform all of the duties of the President in his absence.

### **Section 3 - Treasurer**

The Treasurer shall be the custodian of all funds and property of the Corporation, and shall render such accounts and present such statements as the Board of Trustees shall require. He shall in the same manner deposit all funds of the Corporation which may come into his possession in such bank or banks as the Board may designate, keeping the bank accounts in the name of the Corporation, and he shall pay out money only by check upon the written order of the President or Secretary or as provided in these by-laws or by action of the Trustees. He shall perform in addition, such other duties as may be delegated to him by the Board of Trustees.

### **Section 4 - Secretary**

The Secretary shall keep the minutes of all meetings of the Board and the Corporation in books provided for that purpose. He shall attend to the giving and receiving of all notices of the Corporation. He shall sign, with the President or Vice-President, in the name of the Corporation, all contracts authorized by the Board. His books shall at all times be in condition to submit to the Board of Trustees. He shall perform in addition, such other duties as may be delegated to him by the Board.

### **Section 5 - Clerk**

The Board of Trustees may hire a Clerk at a salary to be fixed by the Board who shall be responsible for keeping a record of the membership of the Corporation, receiving, depositing and disbursing all funds in cooperation with the Treasurer; issuing receipts for moneys paid to the Corporation; mailing notices of meetings of the Corporation and the Board of Trustees, and doing the general business of the Corporation.

## **Article III**

### **Section 1 - Rules**

#### **Amended 5/4/2005**

The following rules are not set up to curtail anyone's personal liberty, but in order that property owners may all enjoy their property in peace and safety.

(a) Disposal of Waste - All refuse and garbage must be carried off the subdivision. Each member shall be responsible for seeing that arrangements are made by owners or other occupants of the premises for taking care of these items. All burning must be done under the guidelines of the Hamburg Township Fire Department. Any necessary permits to burn must be procured.

(b) Speed Limit - The speed limit on all roads under the jurisdiction of this Corporation shall be twenty-five (25) miles per hour.

(c) Dogs - All dogs must be kept on leash, tied up, or otherwise confined within their owners residential boundaries. Nothing in this Rule shall permit any person who owns or harbors a dog to do anything contrary to the regulations in force in Livingston County, Michigan, pertaining to dogs.

(d) Boats and Boating - All powerboats and equipment must be in accordance with the provisions of the Michigan State Laws governing water safety and operations of boats. Any power

boating shall be done in a safe and careful manner. No power boating at speeds greater than 5 miles per hour shall be done in any regions closer than 150 feet from any shore, dock, swimmer, or fishing parties. No hydroplanes or racing craft shall be permitted on this lake. No power boating shall be done except between the hours of 9:00 a.m. and 9:00 p.m. At no time shall any powerboat be operated in such proximity with any fishing parties as to detract from the fishing. All owners shall be responsible for their boats whether occupied or not. Owners shall be responsible for any drifting boat, and shall immediately, remove such a boat from other properties upon request. Any derelict boats not removed from other properties shall be removed by any member of the Board of Trustees and the owner of said boat shall be responsible for the cost of removal. Only boats belonging to property owners shall be launched on this lake except by special permission by one of the members of the Board of Trustees. No persons shall water ski in canal areas at west end of Rush Lake.

(e) Upkeep of Property - All property within the jurisdiction of this Corporation shall be kept free from tall weeds and underbrush by the owner thereof, and if the owner shall neglect or refuse to do so, same shall be done by a committee of the Corporation and the cost of the work charged to the owner of the property, except those lots which are impractical to cut.

(f) Outbuildings - No outbuildings for the purpose of housing toilet facilities shall be constructed within this Corporation.

(g) Use of Facilities - The facilities controlled by this Corporation such as parks, diving boards, and other centers are to be used by the owners of the property of the Corporation and their guests only. For purposes of this Rule, a guest is any person who is on Rush Lake property, at the invitation of and in company with a member, or who has the written permission of such member to use the facilities of the Corporation at a specified date and time. All operation of motor vehicles on all roads shall be by licensed drivers and in accordance with provisions of the Michigan Motor Vehicle Law. No pets shall be allowed in any park at any time. Parks are to be closed at 11:00 p.m.

Park #1 - Lakeview Park No vehicle shall be permitted within the fenced area. No boat shall be stored or moored within the fenced area, or chained to fence. No boats shall be anchored in the swimming area. No boat shall be launched from this park. Only swimming and picnicking are allowed. No water skiing in swim area.

Park #2 - Sunset Park No vehicle shall be permitted within the fenced area. No boat shall be stored or moored within the fenced area, or chained to fence. No boat shall be anchored in the swimming area. No boat shall be launched from this park. Only swimming and picnicking are allowed. No water skiing in swim area.

Park #3 - Hillside Park No vehicle shall be permitted to park within the fenced area. Vehicles launching or retrieving boats may be permitted within the fenced area, but must be removed from park upon completion of operation. Vehicles are allowed to park on upper level outside the fence. No boat shall be stored or moored within the fenced area or chained to fence. No boat shall be anchored in the swimming area. Only swimming, picnicking and launching of boats are permitted at this park. No water skiing in swim area.

(h) Swimming - The use of swimming facilities shall be done in a safe and orderly manner, with special consideration from 9:00 p.m. to 9:00 a.m. so as not to disturb the neighbors. Members shall be responsible for their guests using the parks and swimming facilities.

(I) Load Limits - Load limits may be imposed on the streets and bridges in this Corporation by order of the Board of Trustees, in compliance with proper maintenance of the roads.

(j) Canals - No canal, boat well, or other open drain or ditch shall be dug on Corporation property within the mender line as described on the recorded plat thereof.

(k) Filling of Lots - No lot shall be filled beyond the mender line as described in the recorded plat of the Corporation property.

(l) Books and Records - The books and records of the Corporation shall be subject to examination upon petition of any five members.

(m) Hunting - No hunting or discharge of firearms, crossbow, or hunting arrows will be permitted within the boundaries of said Corporation.

(n) House Trailers and Travel Trailers - House trailers and travel trailers must comply to the Hamburg Township Trailer Ordinance, and Rush Lake Property Owners Association by-laws.

(o) Shanties placed on Rush Lake for the purpose of fishing or spearing will fall under the guidelines of the fishing regulations regarding ice shanties from the Michigan Department of Natural Resources. In the absence of M.D.N.R. action on any violations, Rush Lake Property Owners Association reserves the right to enforce these regulations if necessary, including, but not limited to the following areas:

Shanty Removal Date	Shanty Identification	Unsafe Ice Conditions
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Rush Lake Property Owners Association maintains the right to remove and destroy any shanty not adhering to the M.D.N.R. regulations. The cost of such removal will be assessed to the owner if ownership can be determined. ANY shanty removed under this provision will not be returned to the owner.

(p) Members of the Rush Lake Property Owners Association are advised that they are fully responsible for the removal of any object that is abandoned in Rush Lake. The object (i.e. boat, snowmobile, ice shanty, etc.) that are abandoned will be removed to eliminate potential danger to other residents. If the owner of these objects do not remove them, then the Board will take action to remove them and to bill the owner appropriate fees to cover expenses. This bylaw is in effect for the entire twelve months of the year.

(q) No unauthorized signs may be placed on Association property, i.e. Hillside Park, Sunset Park, Lakeview Park.

## **Section 2 - Committees**

The Board of Trustees may appoint with such membership as it shall deem proper.

## **Section 3 - Restrictions**

Said land shall be used for dwelling purposes only, and shall not be used or occupied for any purpose whatsoever in violation of the laws of the State and Federal Government, or any subdivision thereof. No advertising signs shall be erected or maintained within the area of said Corporation, except

that a sign on a lot in a convenient location in Rush Lake may be maintained for the benefit of the owners generally.

There shall be erected on any lot nothing but a single private dwelling. No separate garage or outbuilding shall be erected or maintained on said land except that a garage for private use by occupant on said land.

Disposition of all garbage and waste matter must be made in a sanitary manner. The drainage of sewage must be made to an approved septic system located on the lot carrying the dwelling, and the dumping or throwing of any waste or refuse into Rush Lake is not permitted.

Streets and parks are private, dedicated to the joint use of all lot owners in the Corporation limits.

In case of the waiver of any of the restrictions set forth herein, or in case any restrictions or part thereof shall be declared invalid, such waiver or invalidity of any restriction shall not operate as a waiver of any other restriction and shall not result in the release of said property from all other restrictions herein set forth.

## **Article IV**

### **Section 1 - Enforcement**

The Board of Trustees shall be empowered to enforce any of the provisions of these by-laws either by direct action of the Board or by the appointment of representatives to carry out the orders of the Board. Violation of these by-laws shall be a misdemeanor punishable under the provisions of Act No. 137, Public Acts of Michigan for the year 1929, as amended.

## **Article V**

### **Section 1 - Penalties**

Any person who shall violate any of such by-laws shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding twenty-five (25) dollars or imprisonment in the county jail not to exceed thirty (30) days or by both such fine and imprisonment in the discretion of the court, which fine shall be distributed to the same fund as other misdemeanor fines in the township where such lands may be located.

## **Article VI**

### **Section 1 - Amendments**

These by-laws may be altered, amended, added to, or repealed by a majority vote of the members of the Corporation, present and voting at the semiannual meetings. Amendments must be presented at semiannual meetings, to be voted on at the next semiannual meeting.

## **Article VII**

### **Section 1 - Membership Fees**

#### **Amended 10/6/2010**

We the members of the Rush Lake Property Owners Association hereby authorize that each Taxed parcel in the boundaries of the Corporation be assessed annual dues in the amount of \$55.00 for general operation of the Corporation, an additional \$108.00 will be assessed for the road maintenance and dust control for those properties serviced by a gravel road. Those properties serviced by black top roads (Rush Lake Road, Pettysville Road and M-36) or the development known as MOON SHADOWS will not be charged the road maintenance fee. If any one parcel owner owns more than one taxed lot, the annual dues for each additional parcel shall be charged \$2.00 provided no dwellings are constructed on the additional lots. Each property owner who has lake front property (either their own property or ownership in a common use marina) will be assessed \$113.00 annually for lake improvements and maintenance. Each off lake property owner (who does not have ownership in a common use marina) will be Assessed \$38.00 for lake improvements and maintenance. Each canal front property owner (who lives on Scotia or Baudine) will be assessed \$75.00 for lake improvement and maintenance. Each member shall be assessed \$15.00 for the purpose of park maintenance and improvements.

Dues assessed shall be due and payable on January 1 of each year and shall be deemed delinquent if not paid by June 30 of each year. Any unpaid balance as of July 1 shall have a penalty added thereto on July 1 of each year in the amount of 10% of any unpaid balance per year. All dues, assessments and penalties shall constitute a lien against the lot or lots so assessed, which lien be foreclosed by any legal means. Any costs or fees incurred by the association in enforcing these bylaws shall be assessed against the non-complying member.

## **Article IX**

### **Section 1 - Board Member Accountability**

No trustee or officer of the Association shall be personally liable to the Association and/or its members for monetary damages for breach of the trustee's or officer's fiduciary duty; provided however, that nothing in this Article IX shall be construed to eliminate or limit the personal liability of a trustee or officer of the Association for: (1) a breach of the trustee's or officer's duty of loyalty to the Association and/or its member; (2) acts or omissions either not in good faith or that involve intentional misconduct or knowing violation of law; (3) a violation of Section 551 (1) of the Michigan Business Corporation Act; (4) transaction from which the trustee or officer derived an improper (under law) personal benefit; and/or (5) an act or omission occurring prior to the effective date of this Article IX. Any repeal or modification of this Article IX by the members of the Association pursuant to this Article IX existing at the time of, or for or with respect to, any acts or omissions occurring before the effective date of such repeal or modification.