

## Section 1.

The owners of a freehold interest in any property within the limits specified in section two of this act, in the locality known as Black Point in the town of East Lyme, shall be, while they continue to be owners of such property, a body politic and corporate by the name of the Black Point Beach Club Association (the “Association”), and by that name they and their successors shall be a corporation in law capable of suing and being sued and pleading and being impleaded in all courts, and shall be vested with and possess the powers hereinafter specified.

### (a) MEMBERS AND ELIGIBILITY FOR OFFICE

Every individual who is over eighteen years of age, every corporation, trust, partnership, limited liability company or other legal entity, who owns or who may hereafter become the owner of any property within said limits, while they continue to be owners of such property, shall automatically be a member of the Association in the manner hereinafter provided;

- i. When the ownership of any property in the Association is in the name of more than one individual, each co-owner shall be deemed a member of the Association.
- ii. When the ownership of any property is in the name of a corporation, trust, partnership, limited liability company, or other legal entity, said entity shall designate a “member representative” by notifying the Association secretary of such designation in writing;
- iii. Each member or member representative and his or her legal spouse shall be eligible for any office in said Association, provided they are at least part-time residents of any property within the limits of the Association;
- iv. Holders of life use of any property within the limits of the Association shall be deemed to be the owners of said property for purposes of eligibility pursuant to this section.

### (b) VOTING ELIGIBILITY

Regardless of the form of ownership or the number of members who reside at a particular property, each property within the Association shall have only one (1) vote to cast in Association matters. When the ownership of any property in the Association is in the name of more than one individual, the co-owners shall be entitled to only one vote among them. The Association shall accept the vote of any single co-owner as being the vote for a property, unless it has actual notice of a disagreement among the co-owners prior to the time of voting. If such co-owners disagree as to how the vote shall be cast, none of them shall vote. The governing board and the Association shall not be liable to any member or third party for accepting the vote of any owner or member representative designated as a member representative.

~~All persons who are over eighteen years of age who own or who may own any land within said limits shall, while they continue to be owners of such land, be members of The Black Point Beach Club Association and entitled to vote at any meeting of said association and shall be~~

~~eligible to any office in said association. Electors of the Town of East Lyme residing within the boundaries of the association shall also be entitled to vote at any meeting of said association, and shall also be eligible to hold office in said association. The section shall become operative on its approval by a majority vote of the qualified members of the association present at a meeting thereof for and held for that purpose.~~ (Amended, Special Act 499, 1933 Session of General Assembly; amended, Annual Meeting, May 23, 2009))

## **Section 2.**

The limits and territory of said the Black Point Beach Club Association are defined and established as follows: All that territory in the town of East Lyme bounded easterly by the mean high water mark of Niantic Bay, which is part of Long Island Sound; southerly in part by land formerly known as the land of the estate of Norman J. Bond, in part by land of the Payne heirs, in part by land of Gamble Rogers, in part by land of John Manwaring and in part by land of Thomas Watrous; westerly in part by land of the Payne heirs, in part by land of John Manwaring, in part by land of Thomas Watrous and in part by the highway known as Black Point Road and northerly in part by land of Mrs. Calvin S. Davis, in part by land of F.R. Dart and in part by land of George Geeri being all the land plotted as shown on a map entitled "Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., owned by Jas. Jay smith", and all the land plotted as shown on a map entitled "Plan No.2, Black Point Beach Club Property at Niantic, Town of East Lyme, Conn., owned by Jas. Jay smith", to be filed in the town clerk's office in East Lyme, and all the land on the east side of East Shore drive north of the north line of the estate formerly of Norman J. Bond.

## **Section 3.**

The objects of said Association shall be to provide for the improvement of the lands in said territory and for the health, comfort and protection and convenience of the inhabitants thereof.

## **Section 4.**

The First meeting of the members of said corporation shall be held not later than September 9, 1933, at such time and place within the limits of said the Black Point Beach Club Association as the committee hereinafter named shall appoint in a notice warning such meeting, for the purpose of electing a governing board to consist of seven members of the Black Point Beach Club Association, who shall hold office until the first day of October, 1934, and until others shall be chosen in their places, unless they or any of them shall sooner cease to be property owners within the limits of said Association. Annual meetings shall thereafter be held not later than the eighth day of September, at such time and place as the governing board shall direct and warn, and shall elect a governing board to consist of seven members, who shall take office immediately following the close of the annual meeting. At the annual meeting of the Association to be held in September, 1935, two members of the governing board shall be elected for a term of one year, three members for a term of two years and two members for a term of three years, and, at every annual meeting thereafter, the successors to the members whose terms expire shall be elected for

terms of three years each and until the election and qualification of their successors. Said governing board shall have the care, custody, management, control and direction of all funds and property of the Association, including power to contract for and obligate the Association for its corporate purposes and the power to transfer unexpended balances from one appropriation to another and the power to use unexpended balances for any corporate purposes; adjust and settle all claims against it, authorize, execute and make payments for all contracts, supplies and obligations of the Association and employ and direct all individuals, partnerships and corporations whose services shall be engaged by the Association. said governing board shall, in accordance with the requirements of the general statutes, adopt by-laws and ordinances which it shall determine necessary or desirable to effect the purposes and powers of the Association. (Amended, Special Act 499, 1933 Session of General Assembly; Special Act 299, 1935 Session of General Assembly; and Special Act 191, 1961 Session of General Assembly; amended, Annual Meeting, May 27, 2006)

### **Section 5.**

Henry Cave of Hartford, William-J. Wilson of Suffield, J.S. Wagner of Hartford, Francis S. Murphy of West Hartford, T. Eben Reeks of New Britain and John H. Hunt of Niantic, or a majority of them, shall have full power to warn the first meeting of the members of said Association for the purpose of electing seven members to form a governing board, which warning shall be written or printed, signed by a majority of said board, and three copies at least posted in public places within the limits of said Association, at least three days before such meetings; and either one of said committee may call such meeting to order and may lead the same to the choice of a moderator and clerk and to the election of a governing board. All subsequent meeting, annual or special, shall be warned by said governing board in the manner prescribed by it in rules or by-laws made by said board.

### **Section 6.**

Any vacancy in said board, occurring during the year, may be filled by a majority of the remaining members, and such member so appointed shall hold office for the unexpired portion of the term.

### **Section 7.**

Said Association may purchase, acquire, own or sell real estate and the governing board may provide through by-laws, ordinances or otherwise for the following: To regulate travel over the highways within the limits of the Association when, in the opinion of said board, the free and unrestricted use of said highways may become dangerous or inconvenient; to protect by suitable means property within its limits from theft or injury; to appoint at its expense one or more special policemen or watchmen, who shall have the powers and duties within its limits, in relation to criminals and criminal offenses, that constables have in towns, including the power to arrest for violation of any regulation or by-law of said Association or any law, and the judiciary shall punish for resistance to or obstruction of such special policemen or watchmen while in the

proper performance of their official duties in the same manner as though they were duly constituted police officers of the town of East Lyme; to clean and improve any and all ditches and drains and to open the ground of streets, highways, thoroughfares and public grounds for installing drain pipes and catch basins; to construct, maintain and repair drainpipes, ditches, sewage and waste pipes, wherever located within the territorial limits of said Association; to care for beaches and waterfronts; to keep the streets and all public places within the limits of said Association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve highways, roads and sidewalks within the limits of said Association, and to charge fifty percent of the cost of construction and repair of sidewalks to the adjoining property, which charge shall be a lien on the adjoining property; to construct, erect and maintain docks, jetties, breakwaters, diving rafts or floats, retaining walls and ramps; to require owners or lessors of land or buildings within the limits of said Association to remove leaves and other inflammable material or obstructions from the highway adjacent to or in front of the property owned, leased or occupied by them; to prevent the deposit upon the property within the limits of said Association of any refuse, garbage or waste material of any kind which, in the opinion of said board, may endanger the public health or safety or which may become a nuisance; to remove garbage, filth, nightsoil, ashes and other refuse matter within said limits and to authorize such person as the board may designate to make entry on any private property within said limits for the purpose of taking and removing all fifth, garbage, ashes, nightsoil or any other offensive matters; to establish building lines; to protect any property from danger by fire including the regulation of the number of cottages and structures that may be erected or placed on a single building lot within said limits; to regulate the carrying on within the limits of said Association of any business that will, in the opinion of said board, be prejudicial to public health or dangerous to or constitute an unreasonable annoyance to those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures or class of business; to regulate peddling as provided for in towns under the general statutes; to restrict the right of entry upon the property of said Association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the community. The governing board shall have the right to borrow not more than One Million, Five Hundred Thousand Dollars, in anticipation of taxes and for public improvements, when authorized by a majority vote of the [eligible voters](#) present at any regular or special meeting duly warned. Said Association shall have exclusive charge and control of all roads within the limits and shown on the maps referred to in section two of number 462 of the special acts of 1931, which are not under town or state control. Said governing board may fix a penalty for each violation of any such by-laws, ordinances or regulations in the manner set forth in the Connecticut General Statutes, and the penalties may be recovered in any action brought for the purpose in the name of the Black Point Beach Club Association before any court having jurisdiction for the use and benefit of said Association. No by-laws or ordinances shall take effect until ten days after its passage, nor until it shall have been posted on a signpost within the limits of the Association, to be designated by the governing board [and on the Association website](#) for at least seven days. A certificate of the secretary of said Association of the posting of any by-law or ordinance, as provided herein, shall be prima facie evidence of such posting. Nothing herein shall be construed as authorizing the board or the Association to change by regulation restrictions in deeds and nothing herein shall impair the sole exclusive right of the Shore and Lake Corporation, its successors and assigns, to install and maintain water pipes in the streets shown on said maps. (Amended, Special Act 93, 1941 Session, General Assembly;

Special Act 20, 1947 Session, General Assembly; Special Act 175, 1957 Session, General Assembly; Special Act 191, 1961 Session, General Assembly; amended, Annual Meeting, May 27, 2006)

## **Section 8.**

At any annual meeting or adjourned annual meeting of the Association upon notice to all members of said Association by posting a notice signed by the chairman or by any four members of the governing board, at least ten days before the date of such meeting, designating the time and place thereof, the Association may by a majority vote of the eligible voters present at such meeting, adopt the basis of its assessment on all real property within the limits of said Association to correspond to the assessment values of the property as shown on the tax list of the town wherein such property is located and may adopt such method as the basis of assessment and thereupon may establish such rate of taxation for the ensuing year as such meeting may determine. When real estate so entered in the town list shall be located partly within and partly without the limits of said Association, and there shall be no distinct and separate value put by the assessors of the town upon the part lying within said Association the secretary of said Association shall assess the part within said Association in the proportion which the part within the Association shall bear to the whole tract or property so assessed, using his best judgment as to such value. When the title to any property shall have changed before the time of laying any tax, such property shall be listed by the secretary in the name of the person owning it at the time of the laying of such tax. Said secretary shall within such time as may be limited by the governing board, return such list duly signed and sworn to by him, to the governing board of said Association which shall revise such list, and, if such board shall find that the same fails to correspond with the assessment list of the town of East Lyme, or if said board shall find that there are any errors in the proportional valuation of such parts of any piece of property partly within and partly without the Association, said board shall correct the same and such list when so revised shall be adopted by said board and shall then be and constitute the assessment list for the Association. Any person claiming to be aggrieved by the doings of the secretary of said board or said board in preparing such list, shall have the right of appeal to the superior court as is provided by the general statutes for appeals from boards of relief to the superior court. Said board of governors shall prepare and submit to said Association at each annual meeting a budget and recommend a tax for the purpose of and based on such budget upon the assessment list of the Association then last completed or next thereafter to be completed, which budget and tax rate shall be posted on the sign post of said Association not less than five days before such annual meeting. The tax rate of said Association shall not exceed eight mils. Said Association at any annual meeting shall have the power to increase or decrease such budget and rate of taxation recommended by said board of governors. The rate of taxation so recommended by said board of governors shall be final unless increased or decreased by the Association at such annual meeting. The tax so laid shall be collected by the treasurer or by any collector specially appointed by the governing board for the purpose, and a rate book shall be prepared and signed by the secretary of said board within such time and in such manner as may be directed by said board, and warrants shall be used for the collection of money due on such rate bill pursuant to the provisions of section 1208 of the general statutes. Said Association shall have the power to determine all other matters pertaining to the levy or collection of such tax, written notice of the rate of such tax and the amount thereof, or of the assessment apportioned to each member of the Association, shall be

sent by treasurer or collector to each member of the Association before July 1 in each year, on which date such tax shall be due and payable and in the manner stated therein, and if such tax shall not be paid when due, it shall bear interest at the rate provided for in the Connecticut General Statutes. The treasurer or other collector shall have all the powers of collectors of town taxes and shall be accountable to the governing board in the same manner as town collectors are accountable to selectmen. Such tax or assessment shall be a lien upon the property upon which it shall be laid and may be collected by suit in the name of the Association by foreclosure of such lien or in such manner as town taxes may be collected. Such lien may be continued by certificates which shall be recorded in the land records of the town or towns in which it is located, pursuant to the provisions of the general statutes relating to the continuance of tax lien. (Amended, special Act 93, 1941 Session, General Assembly; Special Act 229, 1935 Session General Assembly; special Act 191, 1961 Session, General Assembly; amended, Annual Meeting, May 27, 2006)

### **Section 9.**

The governing board of the Black Point Beach Club Association may appoint a zoning commission which shall have, within the territorial limits of said Association, the powers and duties conferred and imposed on zoning authorities by chapter 124 of the general statutes. Said governing board may make by-laws to regulate the conduct of such zoning commission, and establish rules and regulations relating to the construction of buildings including the adoption of a building code and the appointment of a building inspector. Said governing board shall have the power to adopt the state Building Code under the provisions of chapter 354 of the general statutes and to amend the same from time to time. (Amended, Special Act 20, 1947 Session; General Assembly; Special Act 191, 1961 Session, General Assembly).

