

ROGERS LAKE
WEST SHORES ASSOCIATION, INC.

P.O. Box 644
Old Lyme, CT 06371

BYLAWS

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CHAPTER I.

INCORPORATION

Section 1. The Body Politic and Corporate. – The owners of record and the spouses of owners of record, at 12:00 o'clock noon on the effective date of this act and the owners of record and the spouses of owners of record, from time to time thereafter, of a legal present possessory freehold interest in any land located within the territorial limits specified in Section 3 of this Chapter I shall constitute a body politic and corporate (hereinafter referred to as the “municipality”) and each such owner and his spouse shall be a member thereof so long as such owner shall own any such interest to record.

Section 2. Name. –The name of the municipality shall be: “Rogers Lake West Shores, Incorporated”.

Section 3. Territorial Limits. – The territorial limits of the municipality shall be as follows:

Section 4. Extension of Territorial Limits. – The territorial limits of the municipality specified in Section 3 of this Chapter I, and such limits as extended under this Section 4, may, at any time, be extended so as to include any land adjacent to such limits. The owners of record at 12:00 o'clock noon on the effective date of any such extension and the owners of record from time to time thereafter of a legal present possessory freehold interest in any land included within the territorial limits of the municipality by such extension shall become a part of the body politic and corporate and each such owner shall be a member thereof so long as he shall own any such interest of record.

Section 5. Method of Extension of Territorial Limits. – No extension of the territorial limits of the municipality shall become effective unless

5.1 the legislative body of each town, city or borough within which may be located all or any portion of the land to be included by such extension shall have adopted a resolution approving such extension: and

5.2 every owner of record, upon a date designated by resolution of the Board of Governors of the municipality but which shall not be more than ninety (90) days prior to the effective date of such extension, of a legal present possessory freehold interest in any land to be included by such extension shall have delivered to the Secretary of the municipality or its delegate a written instrument signed by such owner and containing a description of the territorial limits of all the land, wherever located, to be included by such extension and a statement that such owner approves such extension; and

5.3 the voting members of the municipality at any meeting thereof shall have adopted a resolution approving such extension ; and

Thereafter the Secretary of the municipality or his delegate shall have filed in the office of the clerk of each town, city and borough, within which may be located all or any portion of the land to be included by such extension, a certificate certifying that the provisions of Subparagraphs 5.1 through 5.3 of this Section 5 have been complied with. The date upon which all such certificates shall have been so filed shall be the effective date of such extension.

Section 6. General Powers. – In addition to such other powers as may be conferred upon the municipality by law, the municipality shall have the following powers:

6.1. To Contract and to be contracted with, to sue and be sued and to institute, prosecute, maintain and defend any action or proceeding in any court, administrative agency or other tribunal of competent jurisdiction:

6.2. To make, have and use, and, from time to time, to alter a common seal;

6.3. To take, purchase, hold, lease, sell and convey such real and personal property as the purposes of the municipality require;

6.4. To provide for the authentication, execution and delivery of deeds, grants and releases of property of the municipality and evidences of debt issued by the municipality;

6.5. To take by gift, grant, including any grant from the United States or the State of Connecticut, bequest and devise and to hold real and personal estate absolutely or in trust for any public use, including that of education, art, ornament, health, charity or amusement, for cemeteries, parks or gardens, or for the erection or maintenance of statues, monuments, buildings or structures, upon such terms or conditions as are prescribed by the grantor or donor and accepted by the municipality and to provide for the proper administration of the same;

6.6. To manage, regulate and control the finances and property, real and personal, of the municipality and to regulate and provide for the sale,

conveyance, transfer and release of property of the municipality and to provide for the execution of contracts and evidences of indebtedness issued by the municipality;

6.7. To provide public entertainments and amusements for the people of the municipality;

6.8. To lay out, construct, reconstruct, alter, maintain, repair, control and operate streets, alleys, boulevards, rights of way, passways, bridges, underpasses, sidewalks, curbs, gutters, public walks, garbage and refuse disposal facilities, cemeteries, parks, parkways, playgrounds, playfields, field houses, recreation centers, swimming pools, bath houses, public beaches and beach facilities, boat docks, piers, breakwaters, palisades, revetments, retaining walls, seawalls, markets, comfort stations, hospitals, clinics, institutions for children and aged, infirm and chronically ill persons, parking lots and other off-street parking facilities, bus terminals and airports and their accessories, wharves, school houses, clubs, libraries, wells, springs, swamps, lakes, streams, conduits, water-mains, reservoirs, water supply systems and any and all buildings and improvements necessary or convenient for carrying on the government of the municipality;

6.9. To create, provide for, construct, regulate and maintain all the things in the nature of public works and improvements;

6.10. To lay out, construct, maintain, operate, alter, extend and discontinue sewer and drainage systems and sewage disposal plants;

6.11. To provide for lighting the streets, highways and other public places of the municipality and for the care and preservation of public lamps and lamp posts and fixtures;

6.12. To Provide for the planting, rearing and preservation of shade and ornamental trees on the streets and public grounds;

6.13. To provide for and regulate the collection and disposal of all garbage, trash, waste, ashes, filth, nightsoil and other refuse matter, either by contract or otherwise, and prohibit and regulate the depositing of the same within the municipality;

6.14. To keep open and safe for public use and travel and free from encroachment or obstruction the streets, sidewalks and public places in said municipality;

6.15. To regulate the use and provide for the maintenance of sidewalks within the limits of the municipality; to provide for the construction of sidewalks by the owner of land abutting on any highway and in front of whose premises no artificial sidewalk has been constructed; to provide for the repair of sidewalks by the owner in front of whose premises any sidewalk is in need of repair; to provide for the removal of snow, ice, sleet, debris or other obstruction from such sidewalks by the owner, tenant or occupant of premises adjoining and fronting on such sidewalk; to construct or repair such sidewalk or remove any snow, ice, sleet, debris or other obstruction therefrom upon the default or neglect of the owner, tenant or occupant and to make the cost of such construction, repair or

removal a lien upon the premises adjoining such walk by causing a certificate of lien to be recorded in the office of the town clerk of the Town in which such premises are located within sixty (60) days from the completion of such construction, repair or removal;

6.16. To regulate and prohibit the construction, excavation, altering, use or opening of streets, sidewalks, highways, public places and grounds for public and private purposes and the location of any work or things thereon, whether temporary or permanent, upon or under the surface thereof;

6.17. To regulate the laying, location and maintenance of gas pipes, water pipes, drains, sewers, poles, wires, conduits and other structures in the streets and public places of the municipality;

6.18. To prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets or other public places of the municipality or into sanitary sewers;

6.19. To keep the streets, sidewalks, lake water and other public places free from undue noises and nuisances and prohibit loitering thereon;

6.20. To regulate and prohibit, in a manner not inconsistent with the general statutes, the operation of vehicles within the municipality;

6.21. To regulate the speed of vehicles, subject to the provisions of the general statutes relating to the regulation of the speed of motor vehicles, within the municipality;

6.22. To permit, regulate and prohibit games, coasting, sliding and, subject to the provisions of the general statutes, the use of velocipedes, bicycles and tricycles, on the streets or sidewalks of the municipality;

6.23. To provide for the policing of the municipality and to regulate and prescribe the duties of the police force in respect of criminal matters within the limits of the municipality and to maintain and regulate a suitable place of detention within the municipality limits for the safekeeping of all persons arrested and awaiting trial;

6.24. To preserve the public peace and good order, to prevent and quell riots and disorderly assemblages and to prevent disturbing noises;

6.25. To make and enforce police, sanitary and other similar regulations and to protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants;

6.26. To prevent trespassing on public and private lands and in buildings in said municipality;

6.27. To secure the safety of persons passing through or in the municipality by the regulation of shows, parades, processions and music;

6.28. To define, prohibit and abate within the municipality all nuisances and causes thereof and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants and to cause the abatement of any nuisance at the expense of the owner or owners of the premises on which such nuisance exists;

- 6.29. To prevent vice, suppress gambling houses, houses of ill fame and disorderly houses;
- 6.30. To prohibit, restrain, license and regulate all sports, exhibitions, public amusements and performances and all places where games may be played;
- 6.31. To regulate and prohibit swimming or bathing in the public or exposed places within the municipality;
- 6.32. To regulate and prohibit the going at large of dogs and other animals in the streets and public places of the municipality and to prevent cruelty to animals and all inhuman sports; to regulate the driving, riding or loading of animals through the streets;
- 6.33. Subject to the provisions of the general statutes, to prohibit, restrain, license and regulate the business of peddlers, auctioneers and junk dealers;
- 6.34. To regulate and protect from injury or defacement all public buildings, public monuments, trees and ornaments in public places and other public property in the municipality;
- 6.35. To regulate and prohibit the keeping of swine, cattle, poultry and other animals within the municipality or portions thereof;
- 6.36. To regulate the mode of using and the number of persons using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the municipality;

6.37. To establish lines beyond which no building, steps, stoop, veranda, billboard, advertising sign, or device or other structure or obstruction may be erected;

6.38. To regulate and prohibit the placing, erecting or keeping of signs, awnings or other things upon or over the sidewalks, streets and other public places of the municipality;

6.39. To regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is or may be so carried on as to become prejudicial to public health, conducive to fraud and cheating or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity;

6.40. To regulate the construction, reconstruction, demolition, removal, altering or repairing of buildings of any kind and materials used in, and the location, height, maintenance, use and occupancy of, buildings, and generally to regulate all building operations within the municipality, and to regulate plumbing and the installation of heating apparatus, electrical wiring and all other construction work in any building in the municipality, and to regulate the number of buildings or other structures which may be constructed, altered, or used within the territorial limits of the municipality by prescribing minimum land area requirements therefore, which requirements may differ among classes of buildings or other structures which differ in size or use or both;

6.41. To regulate and prohibit the moving of buildings upon or through the streets or other public places of the municipality and to cause the removal and demolition of unsafe buildings or structures;

6.42. To provide, organize, maintain and regulate a fire department; to provide the necessary apparatus for extinguishing fires; and do all other things necessary or desirable to protect the municipality from fire;

6.43. To provide for the health of the inhabitants of the municipality and to do all things necessary or desirable to secure and promote the public health;

6.44. To regulate and prohibit the construction or use and require the removal of sinks, cesspools, drains, sewers, privies, barns, outhouses and poultry pens and houses;

6.45. To locate, construct, repair, maintain and regulate the use of wells, cisterns or waterworks for use in protecting the municipality from fire or for domestic use;

6.46. To regulate and prohibit the discharge of firearms within the municipality;

6.47. To regulate and prohibit the parking of vehicles within the municipality;

6.48. To regulate the removing of any offensive manure or other substance or dead animals through the streets of the municipality and to provide for the disposal of the same;

- 6.49. To preserve and care for public burial grounds and regulate the burial or disposal of the dead;
- 6.50. To regulate the emission of smoke from any chimney, smokestack or other source within the limits of the municipality and provide for proper heating of buildings within the municipality;
- 6.51. To require any officer or employee of the municipality to furnish a bond or undertaking conditioned upon honesty or faithful performance of duty and to determine the amount, form and sufficiency of the sureties thereof;
- 6.52. To prescribe the salaries, compensation and hours of employment of all officers and employees of the municipality and the duties of such officers and employees not expressly defined by law;
- 6.53. To borrow on the faith and credit of the municipality for any purpose for which taxes may be levied and to regulate the method of such borrowing; to issue notes or other evidence of indebtedness and to secure the repayment thereof by the hypothecation or mortgage of any property of the municipality;
- 6.54. To provide for the prompt payment of any penalty prescribed for the violation of any municipal regulation;
- 6.55. To provide, by municipal regulation, for the application for and the grant, denial, revocation, suspension, and reinstatement of permits in respect of any matter or conduct which the municipality is authorized by the provision of this act to regulate;

6.56. To enact, in the exercise of its powers, municipal regulations and to prescribe, for their violation, penalties, none of which shall exceed \$100.00 for the violation of any single municipal regulation unless otherwise specifically provided by law;

6.57. To enforce municipal regulations prescribing penalties by criminal actions prosecuted in the Circuit Court for the circuit in which the municipality is located;

6.58. To enforce municipal regulations prescribing penalties by civil actions brought in the name of the municipality to recover such penalties in the Circuit Court for the circuit in which the municipality is located.

CHAPTER II

BOARD OF GOVERNORS

Section I. Composition. – The municipality shall be governed by a Board of Governors composed of nine (9) governors.

Section 2. Powers. – Except as otherwise provided in this act, all powers including the power to enact, amend or repeal municipal regulations of the municipality shall be vested exclusively in the Board of Governors and in such persons to whom such powers are lawfully delegated by the Board.

Section 3. Qualification. – No person other than a member of the municipality who, at the time of his election or, in the case of a vacancy appointment, at the time of his appointment, has attained the age of twenty-one (21) years shall be eligible to serve as a governor.

Section 4. Method of Selection; Term of Office. – Except as otherwise provided in Section 14 of this Chapter II, the governors shall be elected in the following manner: at the annual meeting of the municipality next succeeding the effective date of this act and at each succeeding annual meeting of the municipality thereafter, there shall be elected seven (7) governors, five (5) of whom shall be elected for terms of (1) year, and two (2) of whom shall be elected for terms of two (2) years. The term of office of each governor shall commence upon his election and shall continue for the term for which he is elected and until his successor shall be elected and qualified.

Section 5. Annual Meeting. –The Board of Governors shall hold an Annual Meeting at 7:30 o'clock P.M. on the first Monday following the fourth Saturday in June of each year.

Section 6. Annual Budget Meeting. – The Board of Governors shall hold, during the period commencing with the first day of May and ending with the day next preceding the last Saturday in June, an annual budget meeting at such time, during said period, as may be specified for such purpose by the municipal regulations of the municipality.

Section 7. Other Regular Meetings. – The Board of Governors may hold other regular meetings at such intervals and at such times as may be specified for such purpose by the municipal regulations of the municipality.

Section 8. Special Meetings; Mandatory. – Special meetings of the Board of Governors shall be called by the President upon receipt by him of a written request stating the purpose or purposes therefore and signed by at least four (4) governors. The notice, prescribed in Section 10 of this Chapter II, of such special meeting shall designate a place of meeting within the territorial limits specified in Section 3 of Chapter I and shall

be dispatched within ten (10) days after the receipt by the President of such written request.

Section 9. Special Meetings; Discretionary. – Special meetings of the Board of Governors may be called by the President for any time at a place within the territorial limits specified in Section 3 of Chapter I.

Section 10. Notice of Meetings. – Except as otherwise provided in Section 11 of this Chapter II, every meeting of the Board of Governors shall be held pursuant to written notice dispatched to each governor at his last known address not more than fourteen (14) nor less than three (3) days prior to the time of such meeting. Such notice shall state the time and place of the meeting and, in general terms, the purpose or purposes for which the meeting is called. No business other than that of which the governors may reasonably have been apprised by such statement of purpose shall be conducted at such meeting.

Section 11. When Notice May be Dispensed With. - The notice required by Section 10 of this Chapter may be dispensed with for, and any business may be transacted at,

11.1 Time and Place Specified. – any meeting held at a time and place both of which shall have been specifically prescribed in the municipal regulations of the municipality;

11.2 All Governors Present. – any meeting at which every governor shall be present; or

11.3 Waivers of Notice. – any meeting such notice of which shall have been waived in writing, whether before or after such meeting, by all the governors not present.

Section 12. Quorum. – At all meetings of the Board of Governors, the presence in person of a majority of the number of governors shall be necessary to constitute a quorum for the transaction of any business.

Section 13. Voting. – At all meetings of the Board of Governors, each governor present shall be entitled to one vote. Each matter submitted to a vote shall be determined by a majority of the votes cast by the governors present unless a greater number of votes is otherwise required by this act. Voting may be viva voce, uexcept that any governor present may demand a vote by ballot.

Section 14. Vacancies. – Any vacancy in the Board of Governors shall be filled for the unexpired portion of the term of the vacant office by an appointee favored by the affirmative vote of a majority of the governors present at any meeting of the Board of Governors. The failure of any person, elected to serve as governor, to accept or assume the duties of such office shall constitute a vacancy.

CHAPTER III

OFFICERS

Section 1. Number and Titles. – The officers of the municipality shall be:

- (a) President
- (b) Vice-President
- (c) Secretary
- (d) Treasurer

Section 2. Qualification. – No person other than a member of the Board of Governors of the municipality shall be eligible to serve as an officer.

Section 3. Method of Selection. – Except as otherwise provided in Section 6 of this Chapter III, each officer shall be elected at the annual meeting of the municipality by the affirmative vote of a majority of the voting members present.

Section 4. Term of Office. – Except as otherwise provided in Section 6 of this Chapter III, the term of office of each officer shall commence upon his election and shall continue for a period of one (1) year and until his successor shall be elected and qualified.

Section 5. Duties of Officers. – Each officer shall have the duties and powers conferred upon the office which he holds by the municipal regulation of the municipality and any other duties and powers specially conferred upon him by the Board of Governors.

Section 6. Vacancies. – A vacancy in any office shall be filled for the unexpired portion of the term of the vacant office by an appointee favored by the affirmative vote of a majority of the governors present at any meeting thereof. The failure of any person, chosen to serve as an officer, to accept or assume the duties of such office shall constitute a vacancy.

Section 7. Compensation. – Officers of the municipality shall receive such compensation, if any, as may be prescribed in the municipal regulations of the municipality.

CHAPTER IV

MUNICIPAL MEETINGS

Section 1. Annual Meeting. – The municipality shall hold an annual meeting at 2:00 P.M on the last Saturday in June in each year.

Section 2. Regular Meetings. – The municipality may hold other regular meetings at such intervals and at such times as may be specified for such purpose by the municipal regulations of the municipality.

Section 3. Special Meetings; Mandatory. – Special meetings of the municipality shall be called by the President upon receipt by him of a written request stating the purpose or purposes therefor and signed by at least twenty (20) voting members of the municipality or by at least three (3) governors. The notice, prescribed in Section 5 of this Chapter IV of such special meeting shall designate a place of meeting within the territorial limits specified in Section 3 of Chapter I and shall be posted within ten (10) days after the receipt by the President of such written request.

Section 4. Special Meetings; Discretionary. – Special meetings of the municipality may be called by the President for any time at a place within the territorial limits specified in Section 3 of Chapter I.

Section 5. Notice of Meeting. – Except as otherwise provided in Section 6 of this Chapter IV, every meeting of the municipality shall be held pursuant to notice given

5.1. Signpost. – by posting upon the signpost established pursuant to the provisions of Section 1 of Chapter IX and at such other places as may be designated by the municipal regulations of the municipality; and

5.2 Publishing or Mailing. – by either

(a) publishing in a newspaper published in the Town of Old Lyme or Lyme or having a circulation therein, or

(b) by dispatching to each voting member of the municipality

Not more than fourteen (14) nor less than five (5) days prior to the day of such meeting, a printed or written notice of such meeting bearing the actual or facsimile of the signature of the President. Such notice shall state the time and place of the meeting and, in general terms, the purpose or purposes for which the meeting is called. No business other than that of which the voting members may reasonably have been apprised by such statement of purpose shall be conducted at such meeting.

Section 6. When Notice May be Dispensed With. – The notice required by Section 5 of this Chapter IV may be dispensed with for, and any business may be transacted at,

6.1 All Voting Members Present. – any meeting at which every voting member of the municipality is present; or

6.2 Waivers of Notice. – any meeting such notice of which shall have been waived in writing, whether before or after such meeting, by all the voting members not present.

Section 7. Quorum. – At all meetings of the municipality, it shall be necessary, to constitute a quorum for the transaction of any business, that fifteen (15) voting members be present.

Section 8. Voting. – At all meetings of the municipality, each voting member present shall be entitled to one vote. A person shall not be entitled to more than one vote by reason of his ownership of several separate interests in land or by reason of his being an owner of such interest as well as the spouse of such an owner. Each matter submitted to a vote shall be determined by a majority of the votes cast by the voting members

present except that governors shall be elected by a plurality of such votes cast. Voting may be viva voce, except that any voting member present may demand a vote by ballot.

Section 9. Voting by Proxy. – The Board of Governors may, by municipal regulation, authorize voting members of the municipality to vote by proxy at meetings of the municipality and may, therein, prescribe rules governing the creation of the proxy power and its use.

Section 10. Determination of Voting Membership. – For purposes of giving notice of, and counting votes at, any meeting of the municipality, the Board of Governors may, by municipal regulation, specify a time, not more than thirty (30) days prior to such meeting, at which the voting membership of the municipality is to be determined and such municipal regulation may provide that no person other than one who is a voting member at said specified time shall be entitled to notice of or to vote at such meeting.

CHAPTER V

FINANCE

Section 1. Budget Estimates. – On or before the first day in May of each year, each one of the several committees and other municipal departments shall prepare and shall submit, in writing, to the Board of Governors, at or prior to the annual budget meeting thereof, an itemized estimate of the moneys necessary for expected expenditures by such committee or municipal department during the next succeeding fiscal year of the municipality.

Section 2. Preparation of Budget. – The Board of Governors at its annual budget meeting shall prepare a proposed itemized budget for the next succeeding fiscal year of the municipality and may revise, by altering in any manner, the estimate submitted by

any committee or other municipal department. At said meeting and at any adjournment thereof, the Board shall afford all parties, who may so desire, a reasonable opportunity to be heard concerning said estimates.

Section 3. Adoption of Budget. – The proposed budget, upon completion by the Board of Governors, shall be submitted in writing to the annual meeting of the municipality. At said meeting, the proposed budget may, by the affirmative vote of a majority of voting members present, be revised by alteration in any manner other than to increase the aggregate total amount of the proposed appropriations contained therein. The proposed budget as so revised at said meeting shall be the municipal budget for the next fiscal year and the appropriations approved therein shall be the appropriations of the municipality for said year.

Section 4. Special Emergency Appropriations. – Except as authorized in the municipal budget for such year, no municipal expenditures shall be made unless

4.1 Determination by Board of Governors. – the Board of Governors, at any meeting thereof, shall have determined either

(a) that through oversight or inadvertence a particular expenditure had been omitted from the appropriations approved in the budget;

or

(b) that as a result of the existence of any actual emergency arising subsequent to the next preceding annual meeting a particular expenditure is necessary;

And

4.2. Approval by Municipality. – thereafter a special appropriation for such expenditure has been approved, at any regular or special meeting of the municipality, by the affirmative vote of a majority of the voting members present.

No special emergency appropriation shall be made in excess of unappropriated and unencumbered municipal funds except to the extent that the amount of such special emergency appropriation does not exceed the amount of a special tax levied to meet the same pursuant to Section 4 of Chapter VI.

Section 5. Unexpended Balances; Transfers. – The Board of Governors may, at any time during a fiscal year, authorize the transfer of all or any portion of an unexpended balance from one appropriation approved in the municipal budget for such fiscal year to another appropriation approved in said budget, provided that, no single transfer of such an unexpended balance shall exceed Five Hundred Dollars (\$500.00) and the total of such transfers shall not exceed One Thousand Five Hundred Dollars (\$1,500.00). Except as otherwise provided in this Section 5, no amount appropriated for any purpose, whether general or special, shall be used for any other purpose.

Section 6. Borrowing. – No money shall be borrowed on behalf of the municipality unless such borrowing is authorized by a resolution favored by the affirmative vote of a majority of the voting members present at any meeting of the municipality and an appropriation of the sum to be borrowed shall have been made pursuant to the provisions of this Chapter V.

Section 7. Fiscal Year. – The fiscal year of the municipality shall be from the first day of July to the thirtieth day of June of the following calendar year.

CHAPTER VI

TAXATION

Section 1. Power to Lay Tax. – The municipality may lay an annual tax, at any rate not exceeding five (5) mills on the dollar, upon real estate, including buildings and other improvements, within the territorial limits specified in Section 3 of Chapter I, which tax shall be assessed against the record owners of such real estate on the first day of April in each year in accordance with the provisions of this Chapter VI.

Section 2. Assessment. - The Treasurer of the municipality or his delegate shall, on or before the first day in May of each year, prepare an assessment list of all such real estate within said limits. Such list shall be prepared in the same manner and form as assessment lists are prepared by the tax assessors of other municipalities under the General Statutes except that the valuation attributed to such real estate shall be the same as the valuation attributed thereto on the assessment list of the town in which such real estate is located last prepared and as revised prior to the first day of April of each year. The list so prepared shall be the assessment list of the municipality and shall on the first day in May of each year be filed with the Secretary of the municipality and become a part of the public records thereof.

Section 3. Appeal from Assessment. – Any person claiming to be aggrieved by an assessment of property owned by him made pursuant to the provisions of Section 2. of this Chapter VI may make application, in the nature of an appeal therefrom, to the court of common pleas of the county in which the municipality is located, in the same form and manner as is provided by the General Statutes for such applications by persons claiming to be aggrieved by the action of the board of tax review in any town.

Section 4. The Tax. – At the annual budget meeting, the Board of Governors may establish a proposed rate of tax to be imposed pursuant to the provisions of this Chapter VI and shall submit such proposed rate to the annual meeting of the municipality. At said meeting, such proposed tax may be revised by alteration in any manner by the affirmative vote of a majority of voting members present. The proposed rate of tax as so revised at said meeting shall be the annual municipal real estate tax laid and to be collected.

Section 5. Power to Lay Special Tax. – For the purpose of meeting any special emergency appropriation described in Chapter V, Section 4, the municipality may lay a special tax at any rate not exceeding five (5) mills on the dollar, upon real estate, including buildings and other improvements, within the territorial limits specified in Section 3 of Chapter I, which tax shall be assessed against the record owners of such real estate on the first day of the month of June next preceding the day of the meeting of the municipality at which such special tax is laid. The valuation attributed to such real estate shall be the same as the value attributed thereto on the assessment list of the municipality for the year in which such special tax is laid.

Section 6. Special Tax. – Prior to any meeting of the municipality held to lay a special tax, the Board of Governors may establish a proposed rate of tax to be imposed pursuant to the provisions of this Chapter and shall submit such proposed rate to such meeting of the municipality. At such meeting, such proposed tax may be revised by alteration in any manner by the affirmative vote of a majority of voting members present. The proposed rate of tax as so revised at said meeting shall be the special municipal real estate tax laid and to be collected.

Section 7. Collection of Taxes. – Whenever the municipality lays a tax pursuant to the provisions of this Chapter VI, the Treasurer or his delegate (a) shall make out and sign rate bills containing the proportion which each individual is to pay according to the last completed assessment list; (b) he shall assign a number to each tax account and shall mail or hand to each individual from whom taxes are due a bill for the amount of taxes for which such person is liable and shall attach thereto a statement of the year and amount of all back taxes for which such person is liable, but the failure to send or hand out any such bill or statement shall not invalidate the tax; and (c) upon his application, or that of his successor in office, any judge of the Circuit Court or Justice of the Peace shall issue a warrant for the collection of any sums due on such rate bills, which warrant shall be in the form prescribed for such purpose by the General Statutes.

Section 8. Due Date. – The date upon which any tax so levied shall be due and payable shall be prescribed in the municipal regulation of the municipality and the municipal regulations may provide for single, semi-annual, or quarterly installment payments and, if so provided, shall prescribe the dates upon which each such installment shall be due and payable.

Section 9. Place of Payment. – The place at which any tax installment shall be paid or to which it shall be mailed may be prescribed in the municipal regulations of the municipality. If no such place is so prescribed, the Treasurer or his delegate shall specify a place for payment in each tax bill delivered pursuant to the provisions of Section 7 of this Chapter VI.

Section 10. Delinquent Taxes. – If any tax due in a single installment or if any installment of any tax due in two or more installments is not paid in full on or before the

same date of the next succeeding month corresponding to that of the month on which it became due and payable, the whole or such part of such tax or installment as is unpaid shall thereupon be delinquent and each remaining unpaid installment of such tax, if any, shall become delinquent on the same date as the delinquent installment and each such remaining unpaid installment shall be construed as having become due and payable on, and shall be subject to interest from, the due date of such delinquent installment. No tax or installment thereof shall be construed to be delinquent under the provisions of this section if the envelope containing the amount due as such tax or installment, as received by the Treasurer or his delegate to whom such tax is payable, bears a postmark showing a date within the time allowed by statute for the payment of such tax or installment.

Section 11. Interest. – The delinquent portion of the principal of any tax shall be subject to interest at the rate of six percent per annum from the time when it became due and payable until the same is paid; provided, in any computation of such interest, under any provision of this section, each fractional part of a month, if any, shall be considered to be equivalent to a whole month except that, in case of two or more partial payments of a delinquent tax within any period of thirty-one (31) days, no more interest shall be charged than would have been due if all or such partial payments had been made in one lump sum on the date of the last such payment. Each addition of interest shall become, and shall be collectible as, a part of such tax.

Section 12. Partial Payments of Delinquent Taxes. – Except as hereinafter specified for taxes representing two or more items of property, the Treasurer or his delegate shall not receive any partial payment of a delinquent tax which is less than the total accrued interest on the principal of such tax up to the date of payment and shall

apply each partial payment to the wiping out of such interest before making any application thereof to the reduction of such principal; provided, whenever the first partial payment is made after delinquency, interest from the due date of such delinquent tax to the date of such partial payment shall be figured on the whole or such part of the principal of such tax as is unpaid at the beginning of delinquency and provided, whenever a subsequent partial payment of such tax is made, interest shall be figured from the date of payment of the last-preceding, to the date of payment of such subsequent, partial payment on the whole or such balance of the principal of such tax as remains unpaid on the date of the last-preceding partial payment. If any tax, at the time of assessment or because of a subsequent division represents two or more items of property, the Treasurer or his delegate may receive payment in full of such part of the principal and interest of such tax as represents one or more of such items, even though interest in full on the entire amount of the principal of such tax has not been received up to the date of such payment; in which event, interest on the remaining portion of the principal of any such tax shall be computed, as the case may be, from the due date of such tax if no other payment after delinquency has been made or from the last date of payment of interest in full on the whole amount or unpaid balance of the principal of such delinquent tax if previous payment of interest has been made.

Section 13. Collection of Delinquent Taxes. – Whenever the municipality has laid a tax pursuant to the provisions of this Chapter VI and a warrant for the collection thereof has been issued, the Treasurer of the municipality or his delegate shall have, for the purpose of collecting such tax and any interest, lien fees or other charges properly added

thereto, all the powers conferred by the General Statutes upon tax collectors of towns for the collection of property taxes levied by towns.

Section 14. Abatement of Taxes. – The Board of Governors may, by a resolution favored by the affirmative vote of at least three-fourths (3/4) of the governors present at any meeting of the Board of Governors, abate the taxes assessed pursuant to the provisions of Chapter VI against any person or persons who are poor and unable to pay the same.

Section 15. Abatement of Taxes of Corporations. – As used in Conn. Gen. Stats. § 12-127, the term “collector of taxes” shall include the Treasurer of the municipality or his delegate.

Section 17. Refund of Tax Erroneously Collected from Veterans and Relatives. – As used in Conn. Gen. Stats. § 12-128, the term “municipality” shall include the municipality; the term “collector of taxes” shall include the Treasurer of the municipality or his delegate; and the term “other proper official” shall include the Board of Governors.

Section 18. Refund of Excess Payments. – As used in Conn. Gen. Stats. § 12-129, the term “tax collector” shall include the Treasurer of the municipality or his delegate; the term “corresponding authority in any other municipality” shall include the Board of Governors; and the term “municipality” shall include the municipality.

CHAPTER VII

POLICE

Section 1. Police Department. – The Board of Governors may, by municipal regulation, establish an organized police department of the municipality.

Section 2. Jurisdiction and Powers. – The members of such police department shall have authority to execute, within the territorial limits specified in Section 3 of Chapter I, criminal process in respect of any criminal offense. Such authority shall be the same authority as constables have within their respective precincts, except that in addition, the members of such police department shall also have the same power to arrest without previous complaint and warrant as have police officers who are members of an organized local police department.

Section 3. When Bail May Be Waived; Failure to Appeal. – (a) Any person who has been arrested by a member of such police department for a violation of any provision of any statute or municipal regulation relating to motor vehicles may be released, upon his own recognizance, by such member of such police department in his discretion, unless such violation is of a provision relating to driving while intoxicated or under the influence of drugs or using a motor vehicle without permission of the owner or evading responsibility for personal injury or property damage or involves the death or serious injury of another, in which cases such person shall not be released on his own recognizance. (b) If any person so arrested fails to appear for trial at the time and place assigned, upon personal notice by a member of such police department or by registered or certified mail posted at least five (5) days before the date of such trial and bearing the address disclosed in such license or registration, an immediate report of such failure shall be sent to the commissioner within forty-eight (48) hours by the court having jurisdiction, with the particulars of the case. The deposit by a member of such police department of a notice by registered or certified mail as above described shall constitute notice to the defendant. The provisions of this section shall be extended to any nonresident owner or

operator of a motor vehicle residing in any state the proper authorities of which agree with the Connecticut Commissioner of Motor Vehicles to revoke, until personal appearance to answer the charge against him, his motor vehicle registration certificate or operator's license upon his failure to appear for trial when notified as hereinbefore provided; and, whenever the said Commissioner of Motor Vehicles has notified the court of such agreement, such court shall, upon arrest or preliminary hearing or adjournment, release, upon his own recognizance, any defendant residing in such state, except as provide in subsection (1) of this section.

Section 4. Administration. – The Board of Governors shall have the power to appoint, remove and fix the compensation of the members of such police department and shall designate one member to be Chief of Police.

CHAPTER VIII

DIRECTOR OF HEALTH

Section 1. Director of Health. – The Board of Governors shall, after approval of the Health Officer of the Town of Old Lyme, appoint, by the affirmative vote of a majority of the governors present at any meeting of the Board of Governors, some discreet person to be director of health for the municipality.

Section 2. Powers. – The director of health shall have jurisdiction, within the territorial limits specified in Section 3 of Chapter I, to exercise and perform all the powers and duties conferred upon him by the municipal regulations or by resolution of the Board of Governors or by both.

Section 3. Term of Office. – The director of health shall hold office for a term of four years from the time of his appointment and until his successor is appointed.

Section 4. Vacancy. – Any vacancy in the office of director of health shall be filled for the unexpired portion of the term by an appointee approved by the Health Officer of the Town of Old Lyme and favored by the affirmative vote of a majority of the governors present at any meeting of the Board of Governors. The failure of any persons, appointed to serve as director of health, to accept or assume the duties of such office shall constitute a vacancy.

Section 5. Removal. - Any director of health may be removed for cause by the affirmative vote of a majority of the governors present at any meeting of the Board of Governors provided that he shall be given notice in writing of the specific grounds for his removal and an opportunity to be heard personally or by counsel, in his own defense at a hearing open to the general membership and held not less than five (5) nor more than ten (10) days after receipt by him of such written notice.

CHAPTER IX

MISCELLANEOUS

Section 1. Municipal Sign Post. – The Board of Governors shall, by municipal regulation, designate a suitable place within the territorial limits specified in Section 3 of Chapter I for a municipal sign post and shall cause such sign post to be there established and maintained.

Section 2. Effective Dates and Enforcement of By-Laws and Ordinances. – No municipal regulation of the municipality nor any amendment or other alteration thereof shall become effective or be enforced

2.1. Posting. – unless a writing containing the exact language of such municipal regulation or amendment or other alteration thereof shall have

been, subsequent to its enactment, posted for a period of at least seventy-two (72) hours on the sign post of the municipality; and

2.2. Publication. – until the exact language of such municipal regulation or amendment or other alteration thereof shall have been published in a newspaper published in the Town of Old Lyme or Lyme or having a circulation therein; and

2.3. Fifteen(15) Day Period. – until 12:00 o'clock noon Eastern Standard Time on the fifteenth (15th) day following the day of its enactment.

Section 3. Appeals from Charge of Sidewalk Expense. – Before any sidewalk is constructed at the expense of any person pursuant to the provisions of Chapter I, Section 6.15, the Board of Governors shall (1) hold a public hearing not more than ten (10) nor less than five (5) days after dispatch, to the person or persons upon whose property the expense of such construction may be a lien, of written notice of such hearing stating the general nature and location of the proposed sidewalk and (b) within thirty (30) days after the date of such public hearing make a finding of fact that public necessity and convenience require that such sidewalk be constructed and (c) dispatch to such person or persons a copy of such finding. Any such person or persons may appeal to the court of common pleas of the country wherein such land lies, within twenty (20) days from the receipt of a copy of such finding of the Board of Governors, and said court may, upon finding that public necessity and convenience require the construction of the same, approve of the action of the Board of Governors or may set aside such action. The costs of court may be assessed as in civil actions.

Section 4. Voting Member Defined. – The term “voting member” as used in this act shall mean

4.1. Natural Person. – any natural person who has attained the age of twenty-one (21) years and is a member of the municipality; and

4.2. Other Person. – any person, other than a natural person, which is a member of the municipality.

Section 5. Present Defined. – The term “present” as used in this act shall,

5.1. Natural Person. – when applied to a natural person, mean present in person and, to the extent that voting by proxy is authorized by a municipal regulation enacted pursuant to the provisions of Section 9 of Chapter IV, shall also mean present by a proxy agent; and shall,

5.2 Other Person. – when applied to a person, other than a natural person, mean present by a proxy agent designated pursuant to the provisions of Section 6 of this Chapter IX.

Section 6. Proxy Agent Required. – No voting member of the municipality, other than a natural person, shall vote at any meeting of the municipality unless such voting member shall have

6.1. Voting Agent. – designated a natural person, who has attained the age of twenty-one (21) years, as its proxy agent for the purpose of voting at such meeting; and

6.2. Notice. – delivered, not less than ten (10) days prior to the day of such meeting, to the Secretary of the municipality or his delegate a written notice of such designation containing the name of such proxy agent, and

such proxy agent is present at such meeting.

Section 7. “Municipal Regulations.” – The term “municipal regulation” is used in this act to refer to those municipal legislative enactments which are commonly called by-laws and ordinances. The Board of Governors may designate any particular municipal regulation as either a by-law or an ordinance and shall cause to be compiled and published in permanent form, on or before the last day of the calendar year in which this act takes effect, all such municipal regulations enacted by it. Thereafter all amendments to such municipal regulations or other alterations thereof shall be published at least biennially as a cumulative supplement to such compilation. Such compilation and all supplements thereto shall be made available for sale to members of the municipality at a reasonable cost to be determined by such municipality.

Section 8. Interpretation: Savings Clause. – As used in this act, words importing the masculine gender shall, unless otherwise required by the context, be construed to include the feminine and neuter genders as well. The provisions of this act shall constitute an amendment and restatement of Special Act No. 364. (January 1937) as amended prior to the effective date of this act and shall not be construed to interrupt the continuity of the body politic and corporate created by said Special Act. According, no provision contained in the act shall affect

8.1 Actions. – The validity of any valid act of said body politic and corporate, of its executive board or of any of its officers made or performed prior to the effective date of this act;

8.2. Terms of Office. – the term of office of any person elected or appointed to serve as a member of the executive board or other officer of said body politic and corporate;

8.3. Legal Proceedings. – any action, proceeding, civil, criminal or administrative, pending on the effective date of the act brought by or against said body politic and corporate, or any board, commission, department or office thereof.

Section 9. Determination of Time. – Whenever a point in time is specified in this act, the time shall be ascertained by reference to the method of time standardization in effect in Connecticut at the specified time.

Section 10. Effective Date. - This act shall take effect upon the approval of its provisions by a majority of the voting members of Rogers Lake West Shores, Incorporated, present at any meeting of said association duly held after notice given in the manner prescribed by Connecticut Special Act No. 364 (January 1937) as amended and stating that the question of the approval of the provisions of this act is to be voted upon at the meeting.