

# BY-LAWS

## 1. Membership Meetings

1.1 Notice of Meeting: Pursuant to the provisions of Section 8 of the Charter of the Deer Island Association, as amended (The Charter) written notice stating the place, date, and hour of the meeting of members shall be delivered to each member entitled to vote at such meeting not less than seven nor more than thirty days before the date of such meeting. Every notice of meeting shall contain at a minimum:

a. A written agenda, which shall be the agenda for the meeting, stating:

1. The purpose of the said meeting,
2. The issues to be acted on at said meeting, listed individually. In the case of the Annual Membership Meeting, the agenda shall contain at a minimum:
  1. Review and approval of the Financial Report for the preceding fiscal year;
  2. Approval of the actions of the Directors;
  3. Election of Directors;
  4. Such other matters or issues, as the Board shall bring before the membership for action, listed individually;
  5. General Discussion.

b. A proxy form

c. Such other letters, exhibits or inclusions as in the judgment of the Board may serve to advise the membership of the issues to come before it at said meeting. In the case of the meeting at which the annual budget is adopted, the notice must contain a copy of the proposed budget and an interim financial report. In the case of the notice of the Annual Meeting, the notice must contain a copy of the Annual Financial Report.

1.1-2 The notice shall be mailed to the member(s) by deposit in the United States mail, with postage thereon prepaid and addressed to his or her address as it appears on the records of the tax collector of the Town of Morris on the most recent Grand List. A notice or other document so sent by post shall be deemed to have been received 3 banking days after the date on which the same was deposited at a Post Office or public letterbox as aforesaid. When a meeting is adjourned to another time or place, notice need not be given of the adjourned meeting if the time and place thereof are announced at the meeting at which the adjournment is taken.

1.1-3 The Public Notice posted within the limits of Deer Island as provided in Section 8 of the Charter shall at a minimum contain the information required in the agenda above and may be a copy of the agenda.

1.1-4 All notices of meetings shall be maintained by the clerk of the Association as a part of the permanent records of the Association included as exhibits in the minutes of the meeting.

1.2 Meetings Requirements: Unless otherwise provided by law, in order to constitute a valid meeting at which the business of the Association can be conducted, 15% of the voters authorized to vote at any Association meeting in person or by proxy, plus a quorum of the Board of Directors, shall be required to be present for consideration of any matter at any meeting of members. If less than 15% of the outstanding votes are represented at said meeting, a majority of the votes represented may adjourn the meeting at any time without further notice, and the chairman shall cause the meeting to be

re-noticed to the membership according to the provisions of these by-laws. Except as otherwise stated herein if a required number of members are present, the affirmative vote of a majority of the votes represented at the meeting shall be the act of the members. If a meeting at which a required number of members are present is adjourned, any business may be transacted at the adjourned meeting, which might have been transacted at the original meeting whether or not the required number of members re-attends the adjourned meeting. Withdrawal of members from any meeting shall not cause failure of a duly constituted quorum at that meeting.

### 1.3 Proxies:

1.3-1 A duly qualified person to vote a Proxy as described in Section 9 of the Charter shall mean a natural person and a member of the Association (or the spouse or the immediate family members of the property owner giving the proxy), entitled to vote at Association meetings as defined in Section 11 of the Charter, (including Directors), who shall have no outstanding taxes or charges due and owing to the Association at the time the proxy is voted and who shall possess and exercise no more than two (2) Proxies. In the event that any such duly qualified person shall possess or exercise in excess of two proxies, the Board shall accept only two. The minutes of any Association meeting wherein proxies are exercised will contain the names of individuals exercising the proxies and the number of proxies held and voted by those individuals.

1.3-2 At the opening of the meeting, all members holding proxies shall turn them in to the clerk who shall authenticate and record them noting the holders and the additional votes the holders are entitled to cast. Such record and the proxies shall be a part of the permanent record of the meeting.

1.3-3 No such proxy shall be voted or acted upon after thirty days from its date.

### 1.4 Action by Membership/Agenda:

1.4-1 Except as may be otherwise stated herein, the membership may be asked to act on, approve, assent, reject or take any other action only as to those matters and/or issues which were previously noticed and contained in the agenda for the meeting described above and provided to them with the meeting notice.

1.4-2 Except as may otherwise be provided herein, all actions on matters coming before the membership, which require any vote, shall be determined by a simple majority vote of members present or by proxy.

1.4-3 Notwithstanding the above, any matter not previously noticed and on the meeting agenda may be added to the agenda of the meeting for action by the membership or the board at that meeting, by a motion which shall receive the affirmative vote of 2/3 of the membership present at the meeting, or by proxy. Upon receiving an affirmative vote, the matter shall be deemed to be on the agenda of the meeting and shall be further acted on by the membership or board accordingly.

1.5 Voting. The members shall have the voting rights described in Section 9 of the Charter subject to the limitations set forth therein. Members may vote either in person or by proxy as provided herein. Unless otherwise provided herein or by law, voting on any motion or any question may be by voice unless the chairman of the meeting shall order or any member shall demand that the vote be by paper ballot. Voting in any election for Directors must be by paper ballot in such form as shall be adopted by these by-laws or as may thereafter be altered or amended by these by-laws. The Board of Directors shall adopt an appropriate paper ballot form and such other forms as shall be necessary to carry out the purposes of this section.

1.6 Minutes and Record of Meetings: Minutes of membership meetings shall not be required to be verbatim but shall be sufficient in content to provide a sense of the meeting and the issues raised. The minutes, when approved by the Board of Directors, shall be signed by the clerk and forwarded to the

membership on a timely basis after each meeting.

1.6-1 The minutes shall contain at a minimum:

1. A precise record of each resolution proposed and by whom proposed and seconded;
2. A precise record of each vote taken by the membership on any matter before it;
3. A record of attendance at meetings for the board and for all members;
4. A list of how many proxies are held at each meeting; whose proxies they are; and by whom held (see 1.3 above);
5. True copies of all notices and agendas for the meeting which were sent to the membership;
6. Such other information as may seem appropriate to preserve a sense of the meeting.

1.6-2 In addition, the clerk shall maintain as a part of the record of the meeting:

1. A true copy of the minutes as described above;
2. All paper ballots cast;
3. All proxies surrendered at a particular meeting;
4. All tally sheets or other records of votes;
5. Such other material and records as in the judgment of the Board may seem appropriate to preserve a sense and record of the meeting.

1.7 Error or Omission in Notice: No error or omission in any notice of any annual or general meeting or any adjourned meeting, whether annual or general, of the members or the holding of an Annual Budget Meeting or Annual Membership Meeting on a date other than as specified, shall invalidate such meeting or make void any proceedings taken therein, provided that a majority of the membership present or by proxy at the meeting shall vote to waive such error or omission and proceed with the meeting on the date.

## **2. Board of Directors**

2.1 Qualifications for Holding Office: A person, in order to be qualified to hold the office of Director of the Association described in Section 12 of the Charter, shall be a natural person and a member of the Association entitled to vote at a meeting of the Association as the same is defined in Section 9 of the Charter and any amendments thereto, who shall have no delinquent taxes or charges due and owing to the Association at the time of his nomination and election to the board.

2.2 Quorum: The Board of Directors may not act unless a quorum of the Directors shall be present. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors, provided that if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting to another time without further notice.

2.3 Manner of Acting: The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by statute, or these by-laws. No Director may act by proxy on any matter.

2.4 Actions by Directors/Consent: The authority of the Board of Directors may be exercised without a meeting if consent in writing, setting forth the action taken, is signed by the Directors entitled to vote.

2.5 Committees: The Board may appoint such committees, as it, from time to time, considers advisable. No Committee shall have the power to act for or on

behalf of the Association or otherwise commit or bind the Association to any course of action. Committees shall only have the power to make recommendations to the Board, as the Board may, from time to time, direct. Members of Committees shall be appointed by and hold office at the pleasure of the Board. Each committee shall have appointed as its chairman a member of the Board of Directors, appointed by the chairman of the Board. Each committee shall submit to the Board such reports as the Board may, from time to time, request, but in any event, each Committee shall submit an annual report to the Board at such time as the Board may, from time to time determine.

2.6 Presumption of Assent: A Director of the Association who is present at a meeting of the board of Directors at which action on any Association matter is taken shall be conclusively presumed to have assented to the action taken unless his or her dissent shall be entered in the minutes of the meeting.

### **3. Books and Records**

The clerk of the Association shall keep and maintain all the records of the Association including but not limited to correspondence, minutes of the proceedings of its members, Board of Directors, and committees and a record giving the names and address of the members entitled to vote. The treasurer shall be responsible for maintaining all of the financial records of the Association. All records shall be kept and maintained within the limits of Deer Island as the same are described in Section 2 of the Charter of the Deer Island Association. The principal office of the Association shall be located within the limits of Deer Island and, unless otherwise directed by the Board of Directors, shall be deemed to be at the residence of the chairman. Any member, or his agent or attorney may inspect all books and records of the Association, on reasonable notice, by appointment with the clerk.

### **4. Financial Report**

Reference is made to Section 17(b) of the Charter. The reporting and accounting method for financial information for the Deer Island Association shall be the accrual method. The General Fund shall be the sum total of all monies actually on hand in all Association accounts and all amounts owing to the Association. Annual Financial Statements, Interim Financial Statements shall be in the form of income and expense statements and shall wherever practical reflect all income to the Association from whatever sources including all accrued income; the full amount budgeted annually per line item; the expenses actually paid through the date of the report and any currently due invoices but unpaid invoices; the amount remaining through the end of the fiscal year; whether the Association is over or under budget; the amount of the General Fund at the close of the fiscal year and the change in the General Fund from the last Fiscal Year.

### **5. Amendments**

5.1 By-laws: These by-laws may be further amended by a 2/3 vote of the membership at a duly called meeting.

5.2 Charter: The Board of Directors may seek legislative amendment to the Charter of the Deer Island Association only on the approval of the membership to any such amendment evidenced by the affirmative vote of 2/3 of the membership at a duly noticed meeting pursuant to these by-laws.

### **6. Notices / Post Office Address**

6.1 The Association shall maintain a postal mailing address in the Town of Morris. All Association mail shall be directed to that address rather than to individual Directors.

6.2 Wherever under the provisions of the Charter or by-laws of the Association or in any other situation where notice is required to be given, or correspondence is required to be sent to any member of the Association or his or her legal representative, unless otherwise provided herein, such notice or correspondence may be given either personally or by facsimile transmission or by transmission of an electronic message over a computer network assigned

for Association mail. A notice or other document sent by post shall be deemed to have been given three banking days after the date on which the same was deposited at a Post Office or public letterbox as aforesaid and if sent by facsimile transmission or electronic message transmission, at the time of such transmission or if by personal service, at the time of such service.

6.3 Members or their legal representatives shall send letters or notices sent to the Association by depositing the same in a Post Office or a public letter box in a prepaid, sealed wrapper addressed to the Association at the Post Office Box assigned by the Directors for receipt of Association mail.

### **7. Plan Approval**

In order to protect the health of the residents of Deer Island, in order to lessen the hazard of fire within the limits of said Island and to promote the general welfare of the property owners within its limits, no building or structure shall be erected or addition made to an existing building unless the plans and specifications therefor shall have been submitted to the Directors of the Deer Island Association and approved by them, such approval not to be unreasonably withheld. Any person aggrieved by any action of the Board of Directors under this provision of the by-laws may have the matter reviewed by the membership of the Association at a special meeting of the member to be held within 20 days of the decision of the Board.

### **8. Motor Vehicle Laws**

All Statutes of the State of Connecticut pertaining to the operation of motor vehicles on the highways of the State shall apply to the roads and passways of Deer Island.

\*The above By-Laws Sections 1 through 6 were adopted by the Association membership at its meeting of May 27, 2000 and Sections 7 and 8 were adopted by the Association membership at its meeting of June 15, 1960 and became effective June 15, 1960.

## **CHARTER OF THE DEER ISLAND ASSOCIATION**

Section 1. All of the present and future owners of land within the limits hereinafter specified in that locality known as Deer Island, the Bar, in the Town of Morris, are, while they are owners of such land, constituted a body politic and corporate, by the name of The Deer Island Association, and by that name they shall be vested with and possess the powers hereinafter specified.

Section 2. The limits and territory of The Deer Island Association are defined and established as follows: All that territory in said Town of Morris lying in or adjacent to the waters of Bantam Lake, and known as Deer Island, and that portion of the land known as the Bar, connecting said island with the mainland, westerly of the line drawn one hundred feet easterly from and parallel to the easterly one of the highway on the westerly shores of Bantam Lake; also that portion of the waters of Bantam Lake contiguous to said Deer Island and the Bar, one hundred feet distant from the shores of said island and Bar at low watermark.

Section 3. Said Association shall have the power to lay out, construct, accept and own roads and passways within its limits, to construct, accept and own breakwaters, palisades, piers, docks, sewers, grounds, buildings and other structures within said limits and contiguous thereto; provided no land shall be taken for said purposes without the consent of the owner or owners thereof. Said Association shall also have the power to maintain and repair roads, passways, breakwaters, palisades, piers, sewers, docks, grounds, buildings and other structures so laid out, accepted, constructed or owned, and to furnish water to the residents within the limits of the territory specifically described in Section Two of this Charter.

Section 4. Said Association shall have power to protect by suitable means the property within said limits from loss by fire, theft or any other cause, and may appoint one or more persons to act as special policemen and watchmen, who shall have the same powers and duties within its limits in relation to criminals and criminal offenses that constables have in their respective towns.

Section 5. (a) Said Association shall have power to make, enact, alter and repeal by-laws, rules, regulations and ordinances for the purpose of promoting the health, safety and general welfare of the property owners within its limits, to prescribe fines and penalties for violations thereof not exceeding fifty dollars for any one offense and, through its president, to institute prosecution for any violation thereof in the justice court of the Town of Morris. (1957 Special Act No. 453 effective August 5, 1957)

(b) In addition to any of the powers granted to said Association above or pursuant to this Charter, the Association shall also have the following powers:

- (1) to acquire, hold and convey any estate, real or personal;
- (2) to contract and be contracted with, sue and be sued, and institute, prosecute, maintain and defend any actions or proceedings in any court of competent jurisdiction.
- (3) all powers granted to municipalities pursuant to Chapter 109 of the General Statutes, including, but not limited to, the authority to issue bonds pursuant to Section 7-369 of the General Statutes provided, however, that any borrowing subject to this subsection must be authorized by affirmative vote of the Association at any duly-noticed annual or special meeting of the Association. Such powers shall include without limitation, the power to borrow money and enter into loan agreements and in connection therewith to pledge, hypothecate, lien, encumber and mortgage its property real and personal, income, assessments, taxes, and assets and to issue promissory notes, bonds, and other evidences of indebtedness. The total aggregate amount owed and outstanding by the Association whether in bonds or borrowing, or both, shall not exceed \$400,000.00. (Amended by Special Act No. 96-17 effective June 12, 1996)

(c) No land or building on Deer Island shall be used for business purposes, except as presently used, unless two thirds of the members of said Association vote to permit the establishment of such business. (1995 Amendment by Connecticut General Assembly effective June 25, 1955)

(d) In order to protect the health of the residents and property owners of Deer Island and in order to lessen the hazard of fire within the limits of Deer Island: (1) No building shall be erected and used on Deer Island for dwelling purposes on a lot: having an area of less than seventy-five hundred square feet; on a lot having a width of less than seventy-five feet. Notwithstanding anything to the contrary herein contained, one dwelling house may be erected on a lot on Deer Island having less than the above required dimensions, provided such lot is in existence as established by deed or deeds of record at the time when this act takes effect. (2) No building shall be erected within twelve feet of any property line. No house trailer or truck trailer shall be parked or occupied for any purpose on Deer Island either temporarily or permanently or be affixed to the real estate in any manner whatsoever. (4) No tent shall be erected or used on Deer Island other than a child's play tent. (Amended by 1957 Special Act No. 453 effective August 5, 1957)

Section 6. Said Association may make such by-laws not in conflict with law, as it may deem necessary for the exercise of its powers.

Section 7. In exercising any and all of the powers herein granted, and in carrying out any and all of the provisions of this Charter, said Association shall have the power to assess and apportion the cost and expense thereof upon and among all of the owners of land, except land owned by said Association, as such ownership shall appear on the assessment list of the Town of Morris in the year in which such assessment shall be made, and each owner shall be assessed to pay his proportionate share of such assessment. Such assessment shall be payable at the same time and in the same manner as the taxes of the Town of Morris, and all provision of the law governing the collection of taxes in the Town of Morris, as to interest charges or fines incident to non-payment of said

taxes, shall apply to and be collected in the payment of such assessment. Such assessment shall not exceed seven mil ls in any one year. Such assessment shall be collected by the collector of taxes of the Town of Morris in the same manner as the taxes of the Town of Morris are collected under the provisions of the General Statutes. Such assessment shall constitute a lien upon the land thus assessed, and shall have precedence over all other liens, except those for state, county and town taxes, and the procedure provided by the General Statutes, as to the continuance and foreclosure of tax liens, shall apply to liens for such assessment. The clerk of said Association shall, upon the voting of any assessment by said Association, forthwith send to the collector of taxes of the Town of Morris a certified copy of such vote, giving the per centum to be levied on the land of said Association and the date thereof. The collector of taxes of the Town of Morris shall include in a separate item such assessment on the tax bill to all such owners of land in said Association, and such assessment shall be payable to the treasurer of said Association. The fees of the collector of taxes of the Town of Morris for collecting such assessment shall be the same as provided by law for the collection of taxes in the Town of Morris, and shall be paid by said Association. The word "land" as used in this Charter shall include everything implied by the term real estate. The assessments and apportionments provided for above may be made by said Association at any meeting called for the purpose.

Section 8. The first meeting of said Association shall be held at such time and place and upon such notice as U.G. Church of Waterbury shall appoint and determine. The regular annual meeting shall be held on the second Saturday of August in each year, at such place on Deer Island as the board of managers shall direct and warn, by giving the notice hereinafter described. Special meetings of said Association may be called at any time by said board by giving the notice hereinafter described. At least seven days before any regular or special meeting, said board shall post two notices in conspicuous places within said limits, stating when and where such meeting is to be held, and what business it is proposed to transact at such meeting which shall be signed by the clerk of said board, who shall mail a copy of such notice to each person whose name appears as entitled to vote at such meeting, on the record to be kept by said clerk.

Section 9. At any meeting of said Association, any person owning land within the limits of said borough, who shall have arrived at the age of twenty-one years, shall be entitled to one vote. Any corporation owning land in said Association shall be entitled to one vote and may appoint, in writing, some person duly qualified to cast the vote of the corporation. If there shall be several owners owning undivided interests in any piece of land within said limits, they may appoint, in writing, an agent to vote for them at any meeting and, for the purpose of such voting, such agent shall have the same power and right to vote at such meeting that any sole owner who had arrived at the age of twenty-one years would have if he owned the same land, as provided above. When any land within said limits shall be owned by a minor, or be under the control of any guardian, administrator, executor or trustee, the cestui que trust shall have no right to vote, or appoint such agent, but such guardian, administrator, executor or trustee shall have the same power and right to vote that an owner of such land who had arrived at the age of twenty-one years would have if he owned the same land. A majority of all the votes so cast by the persons present in person or by proxy, at any meeting, shall determine any question at any meeting of said Association. Any owner of land, duly qualified to vote, who shall be unable to attend such meeting may appoint by written proxy, a duly qualified person to cast his vote at any of such meetings of said Association.

Section 10. The assessors of the Town of Morris at the time of filing their assessment list for the Town of Morris shall also prepare a list of the owners of land in said Association and deposit the same with the clerk of said Association. Such list shall contain the names of all of the owners of land in said Association, and the address of each, with the valuation of the land owned by each. The Association shall pay a fair and reasonable sum for the expenses incurred in preparing said list.

Section 11. To entitle a person to vote as aforesaid his name, or the name of the person for whom he has authority to act as agent, guardian, administrator, executor or trustee, or that of any corporation for which such person is authorized to vote, shall appear on the last assessment list as compiled by the assessors of the Town of Morris to be owners of land in said Association, and filed with the clerk of said Association as provided in Section Ten hereof. The right of any person or corporation to vote as aforesaid, shall cease upon the conveyance by such person or corporation of his land in said Association. Any person who shall acquire title to land in said Association after such assessment list is compiled, whose name shall not appear in such list, shall be entitled to one vote at any meeting of said Association upon presentation of a certificate of title of land in said Association signed by the town clerk of the Town of

Morris.

Section 12. At the first meeting of said Association, there shall be elected a Board of Directors consisting of five of its members, who shall hold office until the annual meeting of said Association in 1930, and until their successors, as hereinafter provided, shall be elected. At the annual meeting of said Association in 1930, and at each annual meeting thereafter said Association shall elect a Board of Directors, consisting of five persons, who shall hold office for one year and until their successors shall be elected. Should a vacancy appear in said board, said board may elect another person to serve upon said board for the unexpired portion of the term. Said Board of Directors shall serve without pay and shall be the agent of said Association for the purpose of carrying all its by-laws and votes into effect.

Section 13. Said Board of Directors may employ one or more persons to remove all garbage, filth, night soil, ashes and other refuse matter from within said limits, and authorize such person or persons to make entry on any private property within said limits for the purpose of taking and removing the same.

Section 14. To prevent nuisances and promote the health of the inhabitants within said limits and facilitate the removal of all garbage and night soil, said board shall have the authority to direct how and where and in what vessels garbage from the various cottages and dwellings shall be deposited and to prescribe what vessels or receptacles shall be provided and used at the various privies within said limits, and may enforce such order by suitable rules and regulations.

Section 15. Said board shall, within said limits, examine into all nuisances and sources of filth injurious to public health, and may cause to be removed all filth found within said limits, whether on public or private property, which in its judgment shall endanger the health of the inhabitants or render the occupation of any dwelling materially uncomfortable, and may notify all persons causing or maintaining such nuisances to abate and remove and discontinue the same within such time as the board shall order and, if the same shall not be removed and discontinued as ordered, said board may remove the same and recover the expense of such removal from any person so causing or maintaining the same in an action in the name of said Association. If any property owner shall refuse to furnish, or after five days' notice, neglect to provide, the proper receptacle as ordered by said board for privies and outhouses, such board may provide the same and recover the cost thereof against the owner of the property by an action in the name of said Association, and when a proper receptacle for night soil shall be provided as directed by said board, any occupant of the property neglecting to deposit the night soil from such property in such receptacle and depositing the same on the ground, shall be liable to pay said Association five dollars for each week such night soil shall be deposited upon the ground in violation of the order of said board, such penalty to be recovered in the name of said Association in an action at law.

Section 16. All the costs and expense incurred by said Board of Directors in the discharge of its duties and in the exercise of its powers shall be paid by said Association as provided in Section 7 of this Charter. The annual operating expenditures which the Board of Directors is authorized to spend in the operation of the Association and the proposed mill rate for the fiscal year shall be contained in an annual operating budget which shall be approved by the membership at an annual budget meeting to be held in the month of May but not later than the third Saturday in May. Such expenditures may not be exceeded unless approved previously by the membership of the Association at a duly-noticed special meeting; provided, however, that said budget may allow for a line item for contingency funds and the Board of Directors may approve transfers between line items without prior Association approval. The Association shall have the power to make, enact, alter and repeal by-laws, rules, regulations and ordinances regarding the ratification and adoption of an annual operating budget. (Amended by Special Act No. 96-17 effective June 12, 1996)

Section 17. (a) Said board may appoint a chairman, a clerk and a treasurer, and all warnings, notices, orders and by-laws provided for herein may be signed by such clerk, and such clerk shall keep a record of all votes, orders and acts of said board and of said Association. The treasurer shall receive all moneys due to said Association and shall pay out the same upon the order of the Board of Directors and shall keep an account of all moneys received and of all moneys paid out and shall report the same to the next annual meeting of said Association.

(b) The treasurer of said Association shall furnish such bonds as shall be satisfactory to the Board of Directors as to amount and surety, and all checks



signed by said treasurer shall be countersigned by the chairman. The treasurer shall be responsible for preparing an annual financial statement of the Association within ninety days following the end of each fiscal year of the Association, a copy of the financial statement shall be provided to all members of the Association.

(c) The chairman shall be the chief executive and operating officer of the Board of Directors and the Association and shall have the following powers and duties: (1) To sign and make all documents, instruments, contracts and agreements in the name of the Association, upon authorization by the Board of Directors; (2) To preside at all meetings of the Board of Directors and the Association; (3) To enforce the provisions of this charter; and (4) To perform all duties incident to the position and office, and which are required by law.

(Amended by Special Act No. 96-17 effective June 12, 1996)

\* Charter adopted by Special Act No. 254 enacted by the 1929 Connecticut General Assembly, Effective Date May 8, 1929; Amended by Special Act Enacted by the 1955 Connecticut General Assembly, Effective Date June 25, 1955 (restricted use of land or building for business use except for existing uses and uses approved by two-thirds vote of Association); further amended by Special Act No. 453 Enacted by the 1957 Connecticut General Assembly, Effective Date August 5, 1957 (amending Section 5 to empower the Association to make, enact, alter and repeal by-laws, rules, regulations and ordinances, and to prescribe fines and penalties for violations and authorize the prosecution thereof. The Amendment also added the new subsection setting minimum lot areas, widths, setbacks prohibiting the parking and occupancy of house and truck trailers and restricted uses of tents); further amended by Special Act No. 96-17 Enacted by the 1996 Connecticut General Assembly, Effective Date June 12, 1996 (it deleted subsections (A), (B), (C) and (D) of Section 5 and added a new Section (b), amended Section 16 to require a mill rate to be contained in an operating budget approved at an annual budget meeting, to be held in the month of May, provided for contingency funds, line item transfers and expenditure approval requirements. The Amendment also empowered the Association to make by-laws, rules, regulations and ordinances regarding ratification and adoption of an annual operating budget, and amended Section 17 to provide for the appointment and powers of a chairman, clerk and treasurer).

Special Acts No. 254 Passed by the 1929 Connecticut General Assembly. Effective Date May 8, 1929.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. All of the present and future owners of land within the limits hereinafter specified in that locality known as Deer Island, the Bar, in the Town of Morris, are, while they are owners of such land, constituted a body politic and corporate, by the name of The Deer Island Association, and by that name they, and their successors, shall be a corporation in law and shall be vested with and possess the powers hereinafter specified.

Section 2. The limits and territory of the Deer Island Association are defined and established as follows: All that territory in said Town of Morris lying in or adjacent to the waters of Bantam Lake, and known as Deer Island, and that portion of the land known as the Bar, connecting said island with the mainland, westerly of the line drawn one hundred feet easterly from and parallel to the easterly line of the highway on the westerly shores of Bantam Lane; also that portion of the waters of Bantam Lake contiguous to said Deer Island and the Bar, one hundred feet distant from the shores of said island and Bar at low water mark.

Section 3. Said Association shall have the power to lay out, construct, accept and own roads and passways within its limits, to construct, accept and own breakwaters, palisades, piers, docks, sewers, grounds, buildings and other structures so laid out, accepted, constructed or owned, and to furnish water to the residents within the limits of the territory specifically described in Section Two of this Charter.

Section 4. Said Association shall have power to protect by suitable means the property within said limits from loss by fire, theft or any other cause, and may appoint one or more persons to act as special policemen and watchmen, who shall have the same powers and duties within its limits in relation to criminals and criminal offenses that constables have in their respective towns.

Section 5. Said Association shall have power to make reasonable police and health regulations within its limits and enforce them before competent authorities.

Section 6. Said Association may make such by-laws not in conflict with law, as it may deem necessary for the exercise of its powers.

Section 7. In exercising any and all of the powers herein granted, and in carrying out any and all of the provisions of this Charter, said Association shall have the power to assess and apportion the cost and expense thereof upon and among all of the owners of land, except land owned by said Association, as such ownership shall appear on the assessment list of the Town of Morris in the year in which such assessment shall be made, and each owner shall be assessed to pay his proportionate share of such assessment. Such assessment shall be payable at the same time and in the same manner as the taxes of the Town of Morris and all provision of the law governing the collection of taxes in the Town of Morris, as to interest charges or fines incident to non-payment of said taxes shall apply to and be collected in the payment of such assessment. Such assessment shall not exceed seven mills in any one year. Such assessment shall be collected by the collector of taxes of the Town of Morris in the same manner as the taxes of the Town of Morris are collected under the provisions of the General Statutes. Such assessment shall constitute a lien upon the land thus assessed, and shall have precedence over all other liens, except those for state, county and town taxes, and the procedure provided by the General Statutes, as to the continuance and foreclosure of tax liens, shall apply to liens for such assessment. The clerk of said Association shall, upon the voting of any assessment by said Association, forthwith send to the collector of taxes of the Town of Morris a certified copy of such vote, giving the per centum to be levied on the land of said Association and the date thereof. The collector of taxes of the Town of Morris shall include in a separate item such assessment on the tax bill to all such owners of land in said Association, and such assessment shall be payable to the treasurer of said Association. The fees of the collector of taxes of the Town of Morris for collecting such assessment shall be the same as provided by law for the collection of taxes in the Town of Morris, and shall be paid by said Association. The work "land" as used in this Charter shall include everything implied by the term real estate. The assessments and apportionments provided for above may be made by said Association at any meeting called for the purpose.

Section 8. The first meeting of said Association shall be held at such time and place and upon such notice as U.G. Church of Waterbury shall appoint and determine. The regular annual meeting shall be held on the second Saturday of August in each year, at such place on Deer Island as the board of managers shall direct and warn, by giving the notice hereinafter described. Special meetings of said Association may be called at any time by said board by giving the notice hereinafter described. At least seven days before any regular or special meeting, said board shall post two notices in conspicuous places within said limits, stating when and where such meeting is to be held, and what business it is proposed to transact at such meeting which shall be signed by the clerk of said board, who shall mail a copy of such notice to each person whose name appears as entitled to vote at such meeting, on the record to be kept by said clerk.

Section 9. At any meeting by said Association, any person owning land within the limits of said borough, who shall have arrived at the age of twenty-one years, shall be entitled to one vote. Any corporation owning land in said Association shall be entitled to one vote and may appoint, in writing some person duly qualified to cast the vote of the corporation. If there shall be several owners owning undivided interest in any piece of land within said limits, they may appoint, in writing, an agent to vote for them at any meeting and, for the purpose of such voting, such agent shall have the same power and right to vote at such meeting that any sole owner who had arrived at the age of twenty-one years would have if he owned the same land, as provided above. When any land within said limits shall be owned by a minor, or be under the control of any guardian, administrator, executor or trustee, the cestui que trust shall have no right to vote, or appoint such agent, but such guardian, administrator executor or trustee shall have the same power and right to vote that an owner of such land who had arrived at the age of twenty-one years would have if he owned the same land. A majority of all the votes so cast by the persons present in

person or by proxy, at any meeting, shall determine any question at any meeting of said Association. Any owner of land, duly qualified to vote, who shall be unable to attend such meeting, may appoint by written proxy, a duly qualified person to cast his vote at any of such meetings of said Association.

Section 10. The assessors of the Town of Morris at the time of filing their assessment list for the Town of Morris shall also prepare a list of the owners of land in said Association and deposit the same with the clerk of said Association. Such list shall contain the names of all of the owners of land in said Association, and the address of each, with the valuation of the land owned by each. The Association shall pay a fair and reasonable sum for the expenses incurred in preparing said list.

Section 11. To entitle a person to vote as aforesaid his name, or the name of the person for whom he has authority to act as agent, guardian, administrator, executor or trustee, or that of any corporation for which such person is authorized to vote, shall appear on the last assessment list as compiled by the assessors of the Town of Morris to be owners of land in said Association, and filed with the clerk of said Association as provided in Section Ten hereof. The right of any person or corporation to vote as aforesaid, shall cease upon the conveyance by such person or corporation of his land in said Association. Any person who shall acquire title to land in said Association after such assessment list is compiled, whose name shall not appear in such list, shall be entitled to one vote at any meeting of said Association upon presentation of a certificate of title of land in said Association signed by the town clerk of the Town of Morris.

Section 12. At the first meeting of said Association, there shall be elected a Board of Directors consisting of five of its members, who shall hold office until the annual meeting of said Association in 1930, and until their successors, as hereinafter provided, shall be elected. At the annual meeting of said Association in 1930, and at each annual meeting thereafter said Association shall elect a Board of Directors, consisting of five persons, who shall hold office for one year and until their successors shall be elected. Should a vacancy appear in said board, said board may elect another person to serve upon said board for the unexpired portion of the term. Said board of Directors shall serve without pay and shall be the agent of said Association for the purpose of carrying all its by-laws and votes into effect.

Section 13. Said Board of Directors may employ one or more persons to remove all garbage, filth, nightsoil, ashes and other refuse matter from within said limits, and authorize such person or persons to make entry on any private property within said limits for the purpose of taking and removing the same.

Section 14. To prevent nuisances and promote the health of the inhabitants within said limits and facilitate the removal of all garbage and night soil, said board shall have the authority to direct how and where and in what vessels garbage from the various cottages and dwellings shall be deposited and to prescribe what vessels or receptacles shall be provided and used at the various privies within said limits, and may enforce such order by suitable rules and regulations.

Section 15. Said board shall, within said limits, examine into all nuisances and sources of filth injurious to public health, and may cause to be removed all filth found within said limits, whether on public or private property, which in its judgment shall endanger the health of the inhabitants or render the occupation of any dwelling materially uncomfortable, and may notify all person causing or maintaining such nuisances to abate and remove and discontinue the same within such time as the board shall order, and if the same shall not be removed and discontinued as ordered, said board may remove the same and recover the expense of such removal from any person so causing or maintaining the same in an action in the name of said Association. If any property owner shall refuse furnish, or after five day' notice, neglect to provide, the proper receptacle as ordered by said board for privies and outhouses, such board may provide the same and recover the cost thereof against the owner of the property by an action in the name of said Association, and when a proper receptacle for night soil shall be provided as directed by said board, any occupant of the property neglecting to deposit the night soil from such property in such receptacle and depositing the same on the ground, shall be liable to pay said Association five dollars for each week such night soil shall be deposited upon the ground in violation of the order of said board, such penalty to be recovered in the name of said Association in an action at law.

Section 16. All the costs and expense incurred by said Board of Directors in the discharge of its duties and in the exercise of its powers shall be paid by said Association as provided in Section Seven of this Charter.

Section 17. Said board may appoint a chairman, a clerk and a treasurer, and all warnings, notices, orders and by-laws provided for herein may be signed by such clerk, and such clerk shall keep a record of all votes, orders and acts of said board and of said Association. The treasurer shall receive all moneys due to said Association and shall pay out the same upon the order of the Board of Directors and shall keep and account of all moneys received and of all moneys paid out and shall report the same to the next annual meeting of said Association. The chairman shall preside at all meetings of said board and of said Association. The treasurer of said Association shall furnish such bonds as shall be satisfactory to the Board of Directors as to amount and surety, and all checks signed by said treasurer shall be countersigned by the chairman.

Approved May 8, 1929.

## APPENDIX

### Historical and Statutory Notes regarding Amendments to Deer Island Charter

1. Amendment passed by 1955 Connecticut General Assembly as follows: Effective Date - June 25, 1955

[This section was revised by the 1957 amendment referenced below and inserted at Section 5(c) in the Charter.] No land or building on Deer Island shall be used for business purposes except as presently used, unless two thirds of the members of said Association vote to permit the establishment of such business.

2. Amendment passed by 1957 Connecticut General Assembly as Special Act No. 453 as follows: Effective Date - August 5, 1957)

Section 1. [This section was restated and superseded by the 1996 amendment and was inserted as Section 5(a) in the Charter.] Said Association shall have the power to make enact, alter and repeal by-laws, rules, regulations, and ordinances for the purpose of promoting the health, safety, and general welfare of the property owners within its limits, to prescribe fines and penalties for violations thereof not exceeding fifty dollars for any one offense and, through its president, to institute prosecution for any violation thereof in the town court of the Town of Morris.

Section 2. [Inserted above as 5(c) in the Charter] No land or building on Deer Island shall be used for business purposes except as presently used, unless two thirds of the members of said Association vote to permit the establishment of such business.

(c). In order to protect the health of the residents and property owners of Deer Island and in order to lessen the hazard of fire within the limits of Deer Island, the following provisions are added to the Charter of the Deer Island Association. (A) No building shall be erected and used on Deer Island for dwelling purposes: (1) On a lot having an area of less than seventy-five hundred square feet; (2) on a lot having a width of less than seventy-five feet. Notwithstanding anything to the contrary herein contained one dwelling house may be erected on a lot on Deer Island having less than the above required dimensions, provided such lot is in existence as established by deed or deeds of record at the time when this act takes effect. (B) No building shall be erected within twelve feet of any property line. (C) No house trailer or truck trailer shall be parked or occupied for any purpose on Deer Island either temporarily or permanently or be affixed to the real estate in any manner whatsoever. (D) No tent shall be erected or used on Deer Island other than a child's play tent.

Section 3. This act shall take effect upon its acceptance by a majority vote of the members of said Association present at a regular or special meeting duly warned and called for that purpose, and on filing of an attested copy of such acceptance in the office of the secretary of the state in accordance with Section 5125 of the General Statutes.

3. Amendment passed by 1996 Connecticut General Assembly as Special Act No. 96-17 Bill 670 as follows: Effective Date August 15, 1996.

Section 1. [Inserted in the Charter as Section 5(a) et. seq.] Section 5 of number 254 of the special acts of 1929, as amended by Section 1 of number 453 of the special acts of 1957, is amended to read as follows:

(a) Said Association shall have power to make, enact, alter and repeal by-laws, rules, regulations and ordinances for the purpose of promoting the health, safety and general welfare of the property owners within its limits, to prescribe fines and penalties for violations thereof not exceeding fifty dollars for any one offense and, through its president, to institute prosecution for any violation thereof in the court of the Town of Morris.

(b) In addition to any of the powers granted to said Association above or pursuant to this Charter, the Association shall also have the following powers:

(1) To acquire, hold and convey any estate, real or personal;

(2) To contract and be contracted with, sue and be sued, and institute, prosecute, maintain and defend any action or proceeding in any court of competent jurisdiction; and

(3) All powers granted to municipalities pursuant to Chapter 109 of the General Statutes, including but not limited to, the authority to issue bonds pursuant to Section 7-369 of the General Statutes provided, however, that any borrowing subject to this subsection must be authorized by affirmative vote of the Association at any duly-noticed annual or special meeting of the Association. Such powers shall include without limitation, the power to borrow money and enter into loan agreements and in connection therewith to pledge, hypothecate, lien, encumber and mortgage its property real and personal, income assessments, taxes, and assets and to issue promissory notes, bonds, and other evidences of indebtedness. The total aggregate amount owed and outstanding by the Association whether in bonds or borrowing, or both, shall not exceed four hundred thousand dollars.

Section 2. [Entire section was inserted in the Charter as new section 16] Section 16 of number 254 of the special acts of 1929 is amended to read as follows:

All the costs and expense incurred by said Board of Directors in the discharge of its duties and in the exercise of its powers shall be paid by said Association as provided in Section 7 of this Charter. The annual operating expenditures which the Board of Directors is authorized to spend in the operation of the Association and the proposed mill rate for the fiscal year shall be contained in an annual operating budget which shall be approved by the membership at an annual budget meeting to be held in the month of May but not later than the third Saturday in May. Such expenditures may not be exceeded unless approved previously by the membership of the Association at a duly noticed special meeting; provided, however, that said budget may allow for a line item for contingency funds, and the Board of Directors may approve transfers between line items without prior Association approval. The Association shall have the power to make, enact, alter and repeal by-laws, rules, regulations and ordinances regarding the ratification and adoption of an annual operating budget.

Section 3. [Entire section was inserted in the Charter as new Section 17] Section 17 of number 254 of the special acts of 1929 is amended to read as follows:

(a) Said board may appoint a chairman a clerk and a treasurer, and all warnings, notices, orders and by-laws provided for herein may be signed by such clerk, and such clerk shall keep a record of all votes orders and acts of said board and of said Association. The treasurer shall receive all moneys due to said Association and shall pay out the same upon the order of the Board of Directors and shall keep an account of all moneys received and of all moneys paid out and shall report the same to the next annual meeting of said Association. The chairman shall preside at all meetings of said board and of said Association.

(b) The treasurer of said Association shall furnish such bonds as shall be satisfactory to the Board of Directors as to amount and surety, and all checks signed by said treasurer shall be countersigned by the chairman. The treasurer shall be responsible for preparing an annual financial statement of the Association within ninety days. A copy of the financial statement shall be provided to all members of the Association.

(c) The chairman shall be the chief executive and operating officer of the Board of Directors and the Association and shall have the following powers and duties:

- (1) To sign and make all documents instruments, contracts and agreements in the name of the Association, upon authorization by the Board of Directors;
- (2) To preside at all meetings of the Board of Directors and the Association;
- (3) To enforce the provisions of this Charter and;
- (4) To perform all duties incident to the position and office, and which are required by law.

## **PARKING REGULATIONS**

1. No parking on left side of Island Trail beyond Birch Bend. Park on right side only from there on. No parking on left side of the following roads: Birch Bend, Pine Road, Hilltop Road, Shady Lane and Pioneer Lane.
2. No parking on causeway.
3. Speed limit - 20 MPH.
4. No parking on any roads during winter storms.

*Above restrictions will be enforced.*

## **SHORT TERM RENTAL REGULATIONS**

1. Authorization: Deer Island Association (hereinafter the "Association") is a body politic located in Morris, Connecticut. Section 5 of its Charter provides that the Association shall have power to make Rules & Regulations for the purpose of promoting the health, safety, and general welfare of the property owners within its limits and to prescribe fines and penalties for violations thereof.

2. Regulation of short-term rentals: SHORT TERM RENTALS ARE LIMITED

A short-term rental is defined as a rental that is 30-days or less in length. There shall be only one short-term rental of any length in any one-month period. All short-term rentals shall be evidenced by a written rental agreement (lease) between the property owner or owners and the tenant or tenants and by a tenant information form. A copy of the tenant information form shall be provided for approval to the Deer Island Association's office (PO Box 103, Morris, Ct 06763) or email ([board@deerislandassociation.org](mailto:board@deerislandassociation.org)) at least seven (7) days prior to the start of the rental. The Association shall have three days from the receipt of the tenant information form to approve such rental. It shall thereupon notify the property owner whether such lease is approved. Absent notice of disapproval of the proposed rental prior to its effective date, the rental shall be approved. The tenant information form is not required to provide the rental amount.

The lease shall include the following statement:

"COMMON INTEREST COMMUNITY: The leased property is located in a common interest community, Deer Island. There are various Rules & Regulations that both owners and tenants must follow. These can be found at [www.deerislandassociation.org](http://www.deerislandassociation.org). Tenant acknowledges receipt of a copy of all Rules & Regulations of the Association prior to the execution of this lease. Tenant agrees to follow and be bound by all of the Rules & Regulations and By-Laws of the Association during the term of tenant's lease. Tenant recognizes that failure to follow such terms and conditions shall be deemed a breach of lease allowing landlord to terminate the lease and/or permitting the Association to bring an action against the tenant and/or the owner for violation of Association Rules & Regulations or By-Laws." A copy of this statement shall accompany the tenant information form and be initiated by the tenants.

Any violation of the terms of this regulation may result in a fine of \$50 per day for each offense. A \$50/day fine will also be issued for renting more than once in any 1-month period. Each day the violation continues shall be deemed a separate offense. In addition, inasmuch as a fine may be insufficient to

protect the public health, safety and general welfare of the property owners within the Association, the Chairman of the Association, upon authorization by its Board of Directors, may institute a suit in a court of competent jurisdiction for an injunction to enjoin the continued violation of this regulation or the terms and conditions contained herein.

The tenant information form shall include, at a minimum, the property owners name, address and contact information including cell phone, email and mailing address. The form shall also include the names, addresses, emails, phone numbers, car makes, models, color and license plate numbers of all proposed tenants and the date the rental is to commence and to end. The Board of Directors are authorized to amend this tenant information form at any time is deemed necessary by the board to do so.

A processing fee of \$10 will be charged to the property owner to cover any costs of review of the tenant information form by the Association.

The Association may lien the property owner's property for any fine at \$50 per day for each day that the violation continues that the Board of Directors imposes by filing a notice of lien on property in the office of the Morris Town Clerk.

The effective date of this regulation shall be January 1, 2022.