

AN ACT "CONCERNING THE INCORPORATION OF THE LAKE HARWINTON ASSOCIATION

Section 1. The owners of record of land within the limits specified in Section 2 of this act, in the locality known as Lake Harwinton in the Town of Harwinton, shall be, while they continue to be owners of such land, a body politic and corporate by the name of The Lake Harwinton Association, and by that name they and their successors shall be a corporation by law, capable of suing and being sued and pleading and being impleaded in all courts, and shall be vested with the powers hereinafter specified. Each member of the association, of the age of twenty-one years or over, not otherwise prohibited by law from voting, so long as he shall continue to own real estate in said territory, shall be entitled to vote at any meeting of said association and shall be eligible to hold any office therein. All owners of any interest in any lot or parcel of real estate shall be considered as one owner for the purpose of voting and shall be entitled collectively to cast one undivided vote. Husbands and wives of said owners shall be members of said association but shall not be empowered to vote at any meeting of said association except in the absence of said owners.

Section 2. The limits of said association shall be all the lots and tracts of land and all highways, roads and passways in the town of Harwinton, known, designated and located in sections "A" to "O" inclusive, with the exception of section "I", as shown on three maps of Lake Harwinton at Harwinton, Conn.; one map being entitled "Section M, Lake Harwinton, Harwinton, Conn., owned by Lake Harwinton Realty Co., scale 1 inch equaling 100 feet, dated August 24, 1944, with revisions and additions June, 1948," by Frederick C. Hahn, surveyor, 1949, by the said Frederick C. Hahn, one map showing sections "A11", "B", "C", "D", "E", "F", "G", "H", "J", "K", and the other map showing sections "L", "N", "O" and part of Sections "C" and "E", all of which maps are on file in the town clerk's office in said Harwinton to which reference may be had. Main highways around the lake previously deeded to the town of Harwinton are excepted from the provisions of this act.

Section 3. The object of said association shall be to provide for the improvement of the land within its limits and for the health, comfort, protection and convenience of the inhabitants thereof.

Section 4. The first meeting of the members of said association shall be held not later than the first day of September, 1951, at such time and place within the limits of said The Lake Harwinton Association as John V. Matarese of Hartford, Anthony Rose of Simsbury, Matthew Longmore of Hartford, Joseph Johnston of Thomaston, Edwin Ives of Torrington, and John C. Terry of Bristol, or the majority of them", shall appoint, for the purpose of electing a board of governors and of approving this act in accordance with the provisions of section 16 of this act. At said first meeting, there shall be elected three members of a board of governors to serve for one year, three members to serve for two years and three members to serve for three years, and until their successors shall be chosen. Any member of said board who shall cease to have

membership in said association within the meaning of this act shall automatically cease to be a member of said board of governors.

Section 5. Notice of the time and place of said first meeting shall be signed by two of the persons named in section 4 of this act and shall be sent by mail to each member of the association at least five days before the time appointed for said meeting. Said board of governors shall be elected by a plurality of the ballots cast at said meeting.

Section 6. Annual meeting thereafter shall be held on the first Saturday of September, at such time and place within the limits of said association as the board of governors may direct. Any vacancy occurring in the membership of said board of governors shall be filled by a majority of the remaining members of the board until the next annual meeting, at which time the members of the association shall elect, as above prescribed, a member of the board for the unexpired portion of the term.

Section 7. The association shall elect from its members a president, a vice-president, a secretary and a treasurer. The president shall preside over all meetings of the board and of the association and shall be the chief executive of the association. In the absence of the president, the vice-president or secretary or treasurer shall preside, in the order named. The secretary shall sign all warnings, notices, orders and by-laws and shall keep a record of all actions of said board and of said association. The treasurer shall keep an account of all moneys received and paid out and shall render a report at each annual meeting. The treasurer shall furnish a bond in such amount as the board of governors shall, from time to time, determine, the premium on said bond to be paid by the association.

Section 8. The fiscal year of the association shall be from June first in one year to May thirty-first in the succeeding year, both dates inclusive.

Section 9. Special meetings of the association may be called by the president and shall be called at the written request of any ten members thereof by the president or secretary who shall, within five days after receipt of any such request, cause notice thereof to be given, provided notice of any such request, cause notice thereof to be given, provided notice of any special meeting shall specify the object for which such meeting is called.

Section 10. Notice of the annual and special meetings of the association shall be signed by the president or secretary and may be given by mail or personally. If such notices are given by mail, written notice of the time and place of such meetings shall be sent at least five days before the time appointed for such meeting and shall be mailed in this state and addressed to each member of said association at his last-known place of abode.

Section 11. Said association may purchase, acquire, hold, own, sell or convey such real or personal estate as its purposes may require, and the board of governors may enact by-laws or ordinances for the following purposes: To clean and improve ditches and to care for the beaches and water fronts; to keep streets and all public places within the limits of said association quiet and free from noise; to regulate the parking of motor vehicles; to build, repair and improve highways, roads and sidewalks within the limits of said association; to establish building lines; to protect any property from fire, such protection to include the regulation of the number and kind

of cottages and structures that may be erected or placed on any building lot within said limits; to regulate the carrying or within the limits of said association of any business that will, in the opinion of said board, be prejudicial to public health or dangerous to, or will constitute an unreasonable annoyance to, those living or owning property in the vicinity thereof, which regulations shall be uniform for each class or kind of buildings or structures, and for each class of business; to regulate peddling as provided for in towns under the general statutes; to restrict the right of entry on the property of said association except upon the highways and to promote the planting of trees and shrubbery and other work leading to the improvement of the appearance of property within the limits of said association as shown on map referred to in section 2 of this act, which is not under state or town control. Said board of governors may fix a penalty for each violation of any such by-laws, ordinances or regulations of not more than twenty-five dollars, and the penalties may be recovered in an action brought for the purpose in the name of The Lake Harwinton Association before any court having jurisdiction, for the use and benefit of said association. No by- law, ordinance or regulation shall take effect until ten days after its passage nor until it shall have been posted on a signpost which shall be erected within the territorial limits of the association at a place designated by the board of governors for at least seven days. A certificate of the secretary of said association of the posting of any by-law, ordinance or regulation as provided herein shall be prima facie evidence of such posting.

Section 12. At any annual meeting or adjourned annual meeting of said association, upon notice to all members of said association by posting a notice on the signpost provided for under the provisions of Section II of this act, signed by the president or by any four members of the governing board, at least ten days before the date of such meeting, designating the time and place thereof the association may, by a majority vote of the members present at such meeting, levy a tax on all real property within the limits of said association which tax shall be in the same amount for each lot within said limits and shall not exceed five dollars per lot. Any person claiming to be aggrieved by any such assessment may appeal to the court of common pleas for Litchfield County in the manner provided by the general statutes for appeals from the board of tax review. The tax so established shall be collected by the treasurer or any collector specially appointed by the governing board for the purpose. Each assessment so made, with interest thereon, shall be due to said association from the record owner or owners of real estate, on the first day of June before such assessment was made. Written notice of the rate of such tax and the amount thereof, or of the assessment apportioned to each member of the association, shall be sent by the treasurer or collector to each member of the association within ten days from the laying of such tax, and such tax shall be due and payable within thirty days from the levying of such tax and in the manner stated therein, and, such tax or assessment shall be a lien upon the property upon which it shall be laid and may be collected by suit in the name of the association by foreclosure of such lien. Such lien may be continued by certificate which shall be recorded in the land records in the town or towns in which land is located , pursuant to the provisions of the general statutes relating to the continuance of tax liens. The treasurer or other collector shall have all the powers of collectors of town taxes and shall be accountable to selectmen. Such treasurer or collector may be required to give the association sufficient surety bonds in such form as may be determined by the governing board contingent on the faithful performance of their respective duties. The cost of such bonds shall be borne by the association.

Section 13. No contract which shall involve an expenditure of money in excess of two hundred dollars in any fiscal year shall be made by the board of governors if said sum is not provided for

in the budget, unless the same is specifically authorized by a vote of the association.

Section 14. The restrictions, at the time of the passage of this act, applying to property within the limits of the association as noted in deeds shall remain in force until changed as hereinafter provided, but in no case shall such restrictions be removed prior to the date provided in such deeds. The existing restrictions contained in deeds may be extended in time from the date of expiration thereof by the board of governors, but nothing herein shall be construed as authorizing the board of governors of the association to change restrictions in deeds. The board of governors shall appoint a member or members of the association whose duty it shall be to inspect all buildings on property within the limits of the association during the process of erection to determine their conformance to the restrictions and by-laws. Appeals from the rulings of said building inspector may be taken to the board of governors. Property owners seeking approval of such plans shall pay a fee of one dollar at the time such approval shall be given. Failure to build plans as approved shall constitute a violation of the by-laws and regulations of said association, and the board of governors may petition any court having jurisdiction to direct the demolition of that part of the structure erected contrary to such approved plans and the erection in lieu thereof the building conforming to the approved plans.

Section 15. If any by-law or regulation adopted by The Lake Harwinton Association shall conflict with any lawful ordinance of the town of Harwinton, the ordinance of said town shall prevail and supersede the by-law or regulation of said association. Any tax liens levied by said town of Harwinton on property within the limits of The Lake Harwinton Association shall have priority over any liens for assessments levied on the same property by said association.

Section 16. This act shall take effect upon its approval by a majority vote of the qualified members of the association voting at a meeting called for that purpose.

Approved: June 5, 1951

Date of Vote: August 4, 1951.

Vote For: 90

Vote Against: None

See Ordinance 75