

# Horseshoe Lake Corporation Bylaws

## ARTICLE I

**Section 1** Name: The name of this Corporation shall be Horseshoe Lake Corporation

**Section 2** Purpose: The purposes of this Corporation are as follows:

- A. To make Horseshoe Lake a better community to live in for all residents within the established boundaries of the Corporation.
- B. To provide regulations for the common good of all residents living therein.
- C. To exercise certain police powers over the lands owned by said Corporation and within its jurisdiction, establish bylaws, to provide penalties for the violation thereof and to do all things prescribed in, allowable under and incidental to the powers and duties set forth in Act No. 137 of the Public Acts of Michigan for the year 1929, as amended.

**Section 3** Compliance: The Corporation shall comply with Act No. 137, known as "summer Resort Owners," of the Public Act of Michigan for the year 1929 as amended, in that.

Any action required to be performed by the Corporation pursuant to the Act shall be a required action of the Corporation; and,

Any action allowed to be performed by the Corporation pursuant to the Act may be performed consistent with the Public Act; and,

The Corporation shall adopt such bylaws, rules, and regulations to promote the purposes of the Corporation provided such adopted Bylaws are not in conflict with the Public Act.

**Section 4** Management: Business of this Corporation shall be managed and controlled by a Board of Trustees consisting of twelve (12) qualified members, to be elected by qualified voters (see Section 6-Voting). Three (3) Trustees each shall be elected from Schrum, Shady Beach, Lincoln Realty, and Leocadia Park Subdivisions, of which two trustees shall be elected one year and one trustee shall be elected the following year. All trustees shall serve two-year terms.

The Board of Trustees shall consist of a President, Vice-President, Secretary, and Treasurer and individual trustees making up the total of twelve (12) and shall have the power to transact the Corporation's business including all minor improvements requiring expenditures up to and including \$750.00 within one year, providing funds are in the bank to cover same. Major expenditures exceeding this amount require a vote of the membership attending any general or special meeting where a quorum presides and a majority decides, except in cases where a Special Assessment is created, then a vote of the majority of the membership is required.

**Section 5** Membership: The membership of Horseshoe Lake shall consist of persons who own or are purchasing land contract property within the boundaries of the four subdivisions and the unplatted lands bordering on Horseshoe Lake.

**Section 6** Voting: Persons eligible to vote at any election of the Corporation shall be members within the meaning of Section 5 (Membership) and shall have government issued photographic evidence, such as a driver's license, to verify identity. These persons shall have attained the age of 18 years. Persons owning by the entireties shall each have one vote provided each person's name is on the deed. No person shall have more than one vote in any event.

**Section 7** Meetings: Meetings of the Board of Trustees shall be held in April, July, August, and October each year at a time and place designated by the President. Meeting of the Board of Trustees

may be called at any time by the President or Secretary, or by a majority of the members of the Board upon proper notice.

A general meeting of the Corporation shall be held annually for the purpose of transacting necessary business. The Board of Trustees, at their April Board Meeting or prior to, will set the date for the annual meeting of the membership. The annual meeting must be held on a date within the months of June, July or August as required by statute.

Special meetings of the membership shall be called by the Board of Trustees upon proper notice to the membership.

An election of Trustees shall be held at the annual meetings.

The Board of Trustees shall meet in October following the election of Trustees, at which time the newly constituted Board of Trustees shall elect its officers and committees for the coming year.

- Section 8** Notice of Meetings: Trustees or members shall be notified in writing not less than ten days in advance of the time, place, and purpose of all meetings of the corporation.
- Section 9** Quorum: Two-thirds of the Board of Trustees shall constitute a quorum for the transaction of business of the Board. Twenty-five or one-third of the membership, whichever is the small number, shall constitute a quorum at general meetings.
- Section 10** Vacancies: Vacancies in the Board of Trustees shall be filled by the remaining members of the Board, and each person so elected shall be one of the trustees until his/her successor is elected at the next annual meeting of the corporation. Vacancies shall be filled from the district of the vacancy. A vacancy in an officer's post shall be filled by appointment of the Board of Trustees for the remaining term.
- If any duly elected trustee shall fail to attend two meetings of the of trustees in succession without explanation for such failure, the Board of Trustees by majority vote of the members present at any meeting may declare the office of such Trustee vacant and fill the same as herein provided.
- Section 11** Compensation: No member of the Board of Trustees shall receive any salary or other remuneration except the Secretary and Treasurer. The secretary will receive \$5.00 per month and the treasurer will receive \$25.00 per month for expenses related to their respective functions.
- Section 12** Fiscal Year: The fiscal year of this Corporation shall October 1 to September 30.

## ARTICLE II

- Section 1** President: The President shall be the chief executive of the Board of Trustees and shall have the general control and management of its business in the recess of the Board. He/She shall preside at all meetings of the Board of Trustees or of the Corporation.
- Section 2** Vice President: It shall be the duty of the Vice President to perform all the duties of the President in his/her absence.
- Section 3** Treasurer: The Treasurer shall be the custodian of all funds and property of the Corporation and shall render such accounts and present such statements as required by the Board of Trustees. He/She shall in the same manor deposit all funds of the Corporation in such banks as the Trustees may designate, keeping the bank accounts in the name of the Corporation and

he/she shall pay out money only by check upon the written order of the President or Secretary or as provided in these bylaws or by action of the Trustees. He/she shall perform, in addition, such other duties as may be delegated to him/her by the Board of Trustees. Checks shall be countersigned by their Secretary and/or President.

**Section 4** Secretary: The Secretary shall keep the minutes of all meetings of the Board and the Corporation in books provided for that purpose. He/She shall sign, with the President or Vice President, in the name of the Corporation all contracts authorized by the Board and when necessary, shall affix the Corporation Seal thereto. His/Her books shall always be in condition to submit to the Board of Trustees. He/She shall perform, in addition, such other duties as may be delegated to him/her by the Board.

**Section 5** Clerk: The Board of Trustees may hire a clerk, at a rate of pay to be determined by the Board of Trustees, to assist the board or any officer in the general business of the Corporation.

**Section 6** Books and Records: Corporation books and records may be examined upon petition of any five (5) members.

**Section 7** Marshall - The Board of Trustees may hire a marshall to enforce the provisions of these bylaws and any rules and regulations of the Corporation. Compensation of said marshal shall be fixed and paid by the Corporation. The marshal may be removed at any time by a majority vote of the Board of Trustees, with or without cause.

**ARTICLE III**

**Section 1** Membership Dues: For general operation of the Corporation and to provide for the general welfare of its members by the Board of Trustees, and for general improvement of the lake and surrounding property, the following annual dues and membership fee shall be established.

- Initial, one-time membership fee.....25.00
- Annual dues per household.....\$50.00
- Additional dues for more than one dwelling unit.....\$5.00
- Additional dues for more than five lots owned.....\$5.00

The Initial membership fee shall be due and payable at the time the property is acquired.

A Household is described as an individual or individuals owning property within the boundaries of Horseshoe Lake Corporation in accordance with the deed or land contract reflecting said ownership. A copy of the deed or land contract may be required to change ownership records. The above-stated Annual Dues increase per Household to \$50.00 per year is ratified as of 2014.

**Section 2** Assessments: For special projects requested by members of the Corporation and approved by a majority vote thereof, a special assessment shall be levied in the amount to cover the project.

- A. Weed Control: Assessments for weed control treatment shall be levied annually per household based on whether the property is lakefront or backlot. The assessment shall be determined by the Board of Trustees upon its review and approval of the licensed weed treatment contractor's written bid for work to be performed in accordance with State of Michigan license regulations for lake treatment permits. The Board shall use the following to determine said annual assessment and levy said assessment in accordance with membership records:

1. Determine number of lakefront Households and the number of total households.
2. Determine delinquency factor for previous year.
3. Multiply total contract price by delinquency factor and add to contract price.
4. Multiply results by percentage of Lakefront Households and subtract therefrom.
5. Divide remainder by number of total households and this shall be referred to as the "backlot" assessment.
6. Divide portion determined for lakefront households in paragraph 4 by number of lakefront households and add to the "Backlot" assessment; this result shall be referred to as the "Lakefront" assessment.
7. The assessments shall be rounded to the nearest whole dollar.

B. Road Maintenance: Per the Michigan Summer Resort Owners Act 137, Horseshoe Lake Corporation is responsible for maintaining the Common Areas (parks, roads, and road ends) of each neighborhood. Road maintenance is the job of the Road Maintenance Committee. Assessments for road maintenance shall be determined and collected annually by the Corporation through its Board of Trustees upon its review and approval of the Road Committee's annual budget and any contractor bids for road maintenance and improvements. The assessments shall levy annually among the membership as follows:

1. All members shall be responsible for the costs of road maintenance, except as otherwise stated in this Section:
  - a. Each occupied structure, including additional undeveloped lots owned by the same member(s) within the same platted subdivision, shall be assessed as one (1) Road Unit.
  - b. All undeveloped lots owned by the same member(s), who does not have an occupied structure within the same platted subdivision, shall be assessed as one (1) Road Unit.
  - c. Duplexes shall be assessed as one (1) Road Unit.
2. All lots that abut an undeveloped roadway only, and that are not accessible from a developed roadway, shall not be included for purposes of assessing the costs of road maintenance until such road surface is developed.
3. All members whose lot(s) are accessed solely by a public roadway (Coyle Road, Six Mile Road, or Whitmore Lake Road a.k.a Main Street) shall not be responsible for the costs of road maintenance, unless road maintenance costs for such public roadway are assessed by the County Road Commission or other government agencies to the Corporation.

**Road Assessments shall be calculated as follows:** Delinquency Factor shall equal total delinquent units divided by total Road Units.

1. Total Road Committee annual budget multiplied by Delinquency Factor equals Contingency Fund.
2. Total Road Committee annual budget plus contingency fund equals the Total to be Assessed among the members.
3. Total to be Assessed, less any previous year's road budget surplus, if any, shall be divided by total number of Road Units to determine the annual assessment for each Road Unit, rounded up to the nearest whole dollar.

- 4. The assessments shall be rounded to the nearest whole dollar.
- C. The Board of Trustees shall determine whether any assessment with a term longer than one year and with remaining monies above the project costs shall be improved, increased, or reduced by said amount for the following year.

**Section 3**

Billing Date: Annual dues and special assessments shall be due and payable on June 1, and a late payment penalty of 10% shall be levied at the end of each year and every year thereafter, if unpaid. Any general or special assessment which shall become delinquent shall constitute a lien upon the property against which the same is assessed.

A lien arising from delinquency in the payment of dues and assessments shall be perfected by the filing in the offices of the Washtenaw County Register of Deeds of an affidavit given under oath by the treasurer. Liens may be foreclosed in the same manner as permitted by statute for the foreclosure of mortgages. Upon payment of the lien by the property owner together with any interest or penalty thereon, the treasurer is authorized to release the lien.

**Section 4**

Committees:

A. Registration and Election Committee (Term-2 Years)

- 1. Compile and maintain a file of eligible voters of this corporation, consisting of the names and address of all persons eligible to vote at any election.
- 2. For the election of officers or to obtain the vote of the members of this corporation upon any questions, the committee shall publicize by posting notices conspicuously in each subdivision ten (10) days prior to any election.
- 3. Absentee ballots will be available two (2) weeks prior to the election and returned three (3) days prior to the election.
- 4. It shall be the duty of this committee to check the eligibility of each voter, to issue the ballots, to conduct the election, and to present the ballots to the Board of trustees for opening and counting.
- 5. The trustees shall enter the results of such election in the minutes of the corporation and confirm the same if no irregularity appears.

B. Road Committee. It shall be the duty of each subdivision to provide for its own road committee and to maintain its own roads.

- 1. The Road Committee shall be comprised of four (4) members, one from each subdivision. It shall be the duty of each individual subdivision to elect one member to serve on the Road Committee. The elected member will oversee all maintenance to the roads in the member's subdivision. Members shall be elected at the annual meeting.
- 2. Following the Annual Meeting the Road Committee will meet prior to the next Trustee Meeting, to select a chairperson, prepare an annual budget, and discuss concerns of road maintenance, repairs and improvements. The elected chairperson shall report to the Board of Trustees.
- 3. The road committee chairperson is authorized by the Board to coordinate and manage the road committees' maintenance of the roads and related infrastructure in the four subdivisions as may be specifically directed by each individual road committee member within the Corporation, including but not limited to:
  - a) Snow and ice removal;
  - b) Grading, including adding gravel and filling of pot holes;
  - c) Dust and weed control;
  - d) Trimming and maintaining brush, trees and vegetation in roadways and clear

- sight distance areas;
- e) Maintenance of road signs and installation of signs as directed by the Board of Trustees.
  - f) Maintenance, cleaning, and replacing of culverts; and installation of culverts as directed by the Board of Trustees or required by the Northfield Township.
  - g) Maintaining ditches, drains, and other storm water management infrastructure.
4. The Creation of any new form of the above referenced items must be approved by the Board of Trustees after discussion with the Road Committee in the subdivision where the improvement is proposed.
  5. All contractors and contracts shall be approved by the Board of Trustees. The Chairperson will be an authorized agent to sign any approved contracts for road maintenance and improvement on behalf of the Corporation and sign checks from the Road Maintenance Fund, while performing his or her duties in maintaining the roads, and shall report to the Board of Trustees on a regular basis.
  6. Any major improvements or repairs of roads, in excess of the Road Committee's Annual Budget as approved by the Board of Trustees, shall require the approval of the Corporation Board of Trustees. The Corporation Board of Trustees shall obtain the approval of a majority vote of its voting members to make such improvements or repairs. The Board of Trustees shall appoint such other committees as it deems necessary. At least one member of the Board of Trustees shall be on each committee.

## ARTICLE IV

**Section 1**     Rules and Regulations: All members, guests, and tenants are subject to the rules and regulations following, set upon in order that all may enjoy their property in peace and safety.

- A. **Temporary Quarters** - The use of tents or house trailers shall not be permitted for living quarters.
- B. **Wells-Ramps** - There shall be no commercial boat wells or ramps allowed on Horseshoe Lake.
- C. **Signs** - No commercial advertising signs shall be erected or maintained within the area of said corporation.
- D. **Dumping**- There shall be no dumping or throwing of any waste or refuse into Horseshoe Lake or onto properties of said corporation.
- E. **Waste** -All refuse and garbage must be carried *off* the subdivision weekly. Each member shall be responsible for his premises whether self-occupied or rented. Burning of garbage or other material which creates an offensive odor is prohibited.
- F. **Speed Limit** - The speed limit on all roads under the jurisdiction of this corporation shall be 15 miles per hour.
- G. **Dogs** - All dogs owners shall comply with the laws enforced in Washtenaw County and Northfield Township and shall be responsible for his and his guests' dogs' actions.
- H. **Boats** - Boats and boaters are subject to the Marine Safety Act and Washtenaw County Boating Rules and Regulations, except as they conflict with those outlined by the corporation. Noise emitted from the motors of boats shall be limited under the provision of the Sound Control rules and regulations from the Washtenaw County Marine Division.

Jet boats, not including jet skis, hydra boats, and those boats with capabilities of 50 mph (miles per hour) or more and/or with open exhaust shall be restricted from the lake, except those boats fitting this description currently owned by members and presently used (May 1, 1987) shall not be restricted.

The speed limit in the channel between the two bodies of water shall be 10 miles per hour. No skiing through the channel will be allowed. A "NO WAKE" position shall be maintained in the channel.

After 9:00 p.m. or before 9:00 a.m., there will be no speeds in excess of 10 miles per hour on the lake. Skiing will not be allowed during this time.

All power boating, except trolling fishing boats and skiing on the lake, shall be counterclockwise. Boats shall not pick up or drop off skiers in bathing areas/access points.

Due to the small size of the lake, members are responsible to see that all guests and tenants are informed of these regulations. Members should exercise prudent judgment in limiting the number of guests who use motorized boats on the lake at any one time.

- I. **Boat Launching** - All motorized and trailered boats shall be launched at the Horseshoe Lake Corporation Boat Launch located at the road end between Lincoln Realty and Leocadia Park Subdivisions, more commonly known as Six Mile Road and Lakeshore Drive.
- J. **Property**- It shall be the responsibility of each member to remove objectionable weeds and underbrush from his property. Complaints of this nature should be brought to the board for appropriate action. If members fail to keep their property clear of tall weeds and underbrush, the corporation may do so and charge cost to the member.
- K. **Outbuildings** - No structure shall be used for living quarters or toilet facilities unless same has been designated as a dwelling by Washtenaw County or Northfield Township. There shall be not outbuilding constructed, temporary, or otherwise, to use for toilet facilities. There shall be no garages built unless there is also ample room for a dwelling. No violation of Washtenaw County and/or Northfield Township Building Codes will be permitted.
- L. (a) **Facilities** - The facilities controlled by this Corporation such as parks, easements, and other centers are to be used by members and their guests only. For purposes of this rule, a guest is any person who is on Horseshoe Lake property at the invitation of and/or in company with a member.  
 (b) **Subdivision Access** - Each subdivision has designated areas for members' access to Horseshoe Lake. If subdivision wishes, easement rules may be posted on easement (access). For swimming and picnicking, easements will be open at 9:00 a.m. and close at 10:00 p.m. No parking of cars or boat trailers will be allowed on easement. All common area access points are for purpose of swimming only and boats shall neither be docked, nor personal property stored in such areas.
- M. **Swimming**- People swimming between the hours of 10:00 p.m. and 9:00 a.m. must conduct themselves in an orderly manner so as not to disturb the neighbors.
- N. **Canals** - No canal, boat well or other open drain or ditch shall be dug on Corporation property within the meander line as described in the recorded plat of the Corporation property.
- O. **Lots** - No lot shall be filled lake ward of the meander line as described in the recorded plat of the Corporation property.

- P. **Identification** - To prevent unauthorized persons using our lake and other facilities, the Corporation can arrange to secure tags for swimmers and decals for boats if a majority requests. It is every member's responsibility to prevent unauthorized persons from using our lake and facilities.
- Q. **Property** - No property within the boundaries of the corporation shall be developed for commercial or general public, i.e., parks, beaches, etc.
- R. **Flood Conditions** - There shall be not excessive use of power boats or motorboats or water-skiing during flood conditions on the lake.
- S. **Hunting**- There shall be no hunting within the boundaries of the corporation.
- T. **Wake surfing** - The activity of Wake surfing is not permitted on Horseshoe Lake.
- U. **Prohibition on the use of Profanity within Horseshoe Lake Boundaries-**  
It shall be a violation to display any manner of profane, abusive language or sign/banner/flag, etc. that contains vulgar, profane, or threatening language or images within earshot or view of the Common Areas of Horseshoe Lake Corporation. What constitutes vulgar, profane, or threatening is completely up to the Board of Trustees but includes swear words and racial pejoratives. Context will be considered. Common Areas of HLC include parks/accesses, roads, the boat launch the lake, etc.; anywhere that is not privately owned land.

#### **Levying of Fines for Bylaw and Rules & Regulations Violations.**

1. An attempt will be made to contact the resident in person to warn of the violation.
2. A fine of \$25 per documented offense (witness testimony, video testimony, or other corroboration) shall be levied.
3. For repeated, ongoing, or habitual offenses a fine of more than \$25 can be discussed and agreed upon by the Board of Trustees (BoT) at any scheduled meeting of that body.
4. The President, Clerk, or Secretary must send a letter to the offending member explaining the Bylaw or rule violated, the fine imposed, and the action that must be taken to avoid further fines. Compliance will be requested within 15 days. The fine can be appealed by the Member to the BoT at any regularly scheduled meeting of the BoT. The decision on an appeal rests with a majority vote of the BoT.
5. The President shall be empowered to establish initial situations where fines are warranted, subject to approval of the BoT at the next scheduled meeting of the BoT.
6. All Fines, if not paid in a timely manner, will be added to the offending member's Annual Dues Assessment.
7. This rule extends to guests, renters, or anyone else within the borders of HLC. It is the responsibility of the Property Owner/Member to resolve any issues.
8. The Board may choose to pursue further legal action, at the member's expense, if the issue is not resolved in a timely manner.

## **Section 2**

The Board of Trustees shall have the authority to enact, modify, or rescind rules and regulations, subject to repeal or modification by the members at any regular or special meeting, which are directed and designed to carry into effect the provisions of these bylaws and compliance with Act 137, PA 1929, as amended.



## Article V

- Section 1**     Enforcement: The Board of Trustees shall be empowered to enforce any of the provisions of these bylaws. Violation of these bylaws shall be a misdemeanor punishable under the provisions of Act No. 137, Public Acts of Michigan for the year 1929, as amended.
- Section 2**     Indemnification: The officers, employees, agents, and servants of Horseshoe Lake Corporation shall be indemnified for any costs, expenses, or liabilities incurred as a result of the performance of their duties as provided in the Public Acts of Michigan, Act, No. 137, or any amendments thereto.
- Section 3**     Liability of Trustees: A volunteer trustee shall not be personally liable to the Corporation or its members for monetary damages for breach of the trustee's fiduciary duty, except where there is:
- A. A breach of the trustee's duty of loyalty to the Corporation or its members;
  - B. Acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law.
  - C. A violation of Michigan Statutes annotated, Section 21.197(551)(1);
  - D. A transaction from which the trustee derived an improper personal benefit; or
  - E. An act or omission that is grossly negligent.

If the Michigan Nonprofit Corporation Act is subsequently amended to authorize corporation action further eliminating or limiting to the fullest extent permitted by the Michigan Nonprofit Corporation Act, as so amended. Any repeal or modification of the foregoing provisions of this article by the members of the Corporation shall not adversely affect any right or protection of a trustee of the corporation existing at the time of such repeal or modification.

Bylaws adopted June 26, 1971

Amended - July 7, 1974

Amended - May 16, 1974

Amended - May 3, 1987

Amended - April 24, 1998

Amended - June 6, 1988

Amended - April 30, 1995

Amended - April 28, 1996

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Amended – February 14, 2011

Amended - April 27, 2014

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