

EXHIBIT A

**By-Laws
of the Bay View Association of
The United Methodist Church**

Includes Bay View Association Rules and Regulations

May 27, 2016



TABLE OF CONTENTS

MEMBERSHIP	1
1. Classifications.....	1
a. Leaseholding Members	1
b. Associate Members	1
c. Non-Leaseholding Members	1
d. Qualifications For Membership	1
e. Fees	2
f. Voting Time Qualification.....	2
BOARD OF TRUSTEES	2
2. Management; Election.....	2
3. Powers of the Board	3
3-b. Executive Director	3
4. Liabilities and Indemnification of Officers, Directors, Trustees, Employees, Agents and Volunteers	4
5. Nomination of Trustees	4
6. Notice of Candidates	4
7. Election of Trustees: Board of Elections.....	4
8. Election of Trustees: Polls	5
OFFICERS AND THEIR DUTIES	6
9. Officers of the Association.....	6
10. President	6
10-b. Vice President	6
11. Secretary	7
12. Treasurer	7
DEPARTMENTS	7
13-a. Principal Departments	7
13-b. Department Directors	8
COMMITTEES.....	8
14. Standing Committees	8
14-a. The Finance Committee	8
14-b. The Audit Committee	9
14-c. The Investment Committee	9
14-d. The Development Committee.....	9
15. The Buildings and Grounds Committee.....	10
16. The Operations Committee	11

Bay View By-Laws

17. The Performing Arts Committee 11
 18-a. The Personnel Committee 12
 18-b. The Membership Committee 12
 19. The Long Range Planning Committee 13
 20. The Recreation Committee 13
 21. The Worship and Religious Life Committee 14
 22. The Education Committee 14

ASSESSORS AND TAXES 15

23. Board of Assessors 15
 24. Duties 15
 25. Delinquent Taxes..... 15
 26. Corrections to Assessors' Report 15
 27. Assessment Review 15

LAW ENFORCEMENT..... 16

28. Enforcement Officer..... 16

MEETINGS 16

29-a. Annual Meeting..... 16
 29-b. Special Meetings 16
 29-c. Notice 16
 29-d. Robert's Rules Of Order 16
 30-a. Trustee Meetings 16
 30-b. Notice 16
 30-c. Open Meetings 17
 31. Agendas 17

LEASES 17

32-a. The Association as Owner..... 17
 32-b. Leasehold in Trust 17
 32-c. Membership Privileges and Obligations 17
 33. Leaseholding Limitations 17

TRANSFER OF LEASES 18

34. Transferability 18
 35. By Assignment 18
 36-a. By Bequest of Succession..... 18
 37. Transfer to Minors 18

SALES AND RENTAL OF LEASEHOLDS..... 18

38-a. Method 18
 38-b. Advertising..... 19

Bay View By-Laws

39.	Notice to Renters	19
LEASEHOLD CONSTRUCTION OR ALTERATION.....		19
40-a.	Building Permit	19
40-b.	Architectural Review Committee.....	20
40-c.	Permit Appeal	20
40-d.	Building Codes	21
40-e.	Leasehold Landscaping & Site Development Permit.....	21
DATES OF OCCUPANCY		21
41-a.	Hotels and Inns.....	21
41-b.	Cottages	21
41-c.	Definitions	21
FORFEITURE AND SALE OF LEASES.....		22
42-a.	Forfeiture of Leases	22
42-b.	Effect of Forfeiture	22
42-c.	Sale	22
42-d.	Proceeds from Sale	22
PUBLIC IMPROVEMENTS		22
43-a.	Declaration	22
43-b.	Notice	22
43-c.	Objections	23
43-d.	Assessment Lien	23
PROPERTY LINES		23
44-a.	The Plat	23
44-b.	Dispute Resolution	23
45.	Permanent Easements	23
UTILITIES.....		24
46.	Water Conservation.....	24
48.	Toilets and Waste Water Drains	24
UTILITY RATES.....		24
49.	Board Authority	24
50.	Non-Payment; Lien	24
OBLIGATION TO MAINTAIN ASSOCIATION GROUNDS.....		24
51.	Clean-Up	24
MAINTENANCE OF LEASEHOLD AND SIDEWALKS		24

Bay View By-Laws

52-a.	Cottages	24
52-b.	Lawns and Shrubbery.....	24
52-c.	Sidewalks	24
52-d.	Drainage	25
TREES AND SHRUBBERY		25
53-a.	Leasehold Trees.....	25
53-b.	Non-Leasehold Trees	25
53-c.	Tree Removal	25
WORK ON LEASEHOLD BY ASSOCIATION.....		25
54.	Costs for Non-Compliance	25
PREMISES DAMAGE		26
55.	Repairs or Removal.....	26
OPEN BURNING.....		26
56.	Fires	26
CONDUCTING BUSINESS ON GROUNDS		26
57.	Business Permit.....	26
58.	Solicitation	26
RULES OF PERSONAL CONDUCT		27
59.	Controlled Substances and Alcoholic Beverages	27
60.	Weapons, Firearms and Fireworks	27
61.	Breach of Peace	27
63.	Gambling	28
64.	Sunday	28
TRAFFIC AND VEHICLE REGULATIONS		28
65.	Uniform Traffic Code	28
66.	Motorcycles.	28
PENALTIES FOR VIOLATION OF BY-LAWS		28
67.	Section 10 of Act 39, 1889, Public Acts of Michigan ...	28
IMPORTANT DATES TO REMEMBER.....		29
68.	Rent Day.....	29
69.	Past Due Indebtedness; Forfeiture	29
ABSENTEE BALLOTS AND VOTING		29
70.	Procedure	29

Bay View By-Laws

ASSEMBLY TICKETS 30
71. Issuance 30

ADJUNCT BOARDS AND AGENCIES 30
72. Creation 30
 a. The Library Board 30
 b. The Woman’s Council 30
 c. The Campus Club 31
 d. The Archives Commission 31
 e. The Historical Commission 31
73. Duties of Adjunct Boards 31

FISCAL YEAR 31
74. October 31 31

CORPORATE LIFE 32
75-a. Term 32
75-b. Dissolution 32

BAY VIEW WOODS PRESERVATION 32
76. The Property Known as the Bay View Woods 32

AMENDMENTS TO BY-LAWS 32
77-a. Procedure 32
77-b. Vote 33

ARTICLES OF ASSOCIATION
Bay View Association Articles of Association 34

RULES AND REGULATIONS
Bay View Association Rules and Regulations 42

Bay View By-Laws

MEMBERSHIP

1. **Classifications.** The following are the classifications of membership in the association (the "Association"):
 - a. **Leaseholding Members.** Leaseholding Members are those persons who are currently leaseholders of property in Bay View. The term "Leaseholding Member" includes a member who is either a beneficiary or a trustee of a trust holding a Bay View leasehold. Subject to paragraphs 1-C and 1-f, only a Leaseholding Member shall be entitled to vote at any meeting of the membership of the Association. Each Leaseholding Member is entitled to one vote. They shall also be entitled to membership rates for all Bay View activities. Upon termination of a Leaseholding Membership, the member automatically becomes an associate Member.
 - b. **Associate Members.** Associate Members are those persons who are not Leaseholding Members but who have been accepted for membership by the Board of Trustees. They shall have no right to vote at any membership meeting of the Association, but they shall be entitled to membership rates for all Bay View activities.
 - c. **Non-Leaseholding Members.** Before August 7, 1982, non-leaseholding Members were given voting rights. Any current member who held a non-leaseholding Membership on August 7, 1982, and whose current annual membership fee is paid shall continue to enjoy voting rights at membership meetings and shall be entitled to membership rates for all Bay View activities.
 - d. **Qualifications for Membership.** An individual may be accepted as a leaseholding or associate Member upon a two-thirds vote of the Board of Trustees if the individual complies with the following membership qualifications and requirements:
 1. Pays the initial membership fee, which shall accompany the membership application.
 2. Completes and files the Association membership application form with the Bay View administrative office.
 3. Is at least eighteen years of age.
 4. Is of good moral character and will support the Association's purpose and objectives.

Bay View By-Laws

5. Is of Christian persuasion.
 6. Provides reference letters attesting to the applicant's fulfillment of the above membership requirements from:
 - i. the pastor or designated leader of the church of which the applicant is a member or attends;
 - ii. at least two members of the Bay View Association, excluding relatives of the applicant, members of the Board of Trustees and anyone associated with the transfer of the lease; and
 - iii. at least two persons of the applicant's choice, excluding relatives.
 7. Completes a satisfactory interview with the Membership Committee or its designee and receives a favorable vote of the Committee affirming that the applicant is qualified and supports the Association's purpose and objectives.
- e. **Fees.** The initiation fees and annual dues for leaseholding, non-leaseholding and associate Memberships shall be established by the Board of Trustees.
- f. **Voting Time Qualification.** To vote at the annual or other Membership Meeting a member must be qualified under paragraphs a or c above and have been a member for at least twenty-seven days before the meeting.

BOARD OF TRUSTEES

2. **Management; Election.** The power and authority to govern the Association is vested in a board of nine trustees ("Board"). The Board may appoint those persons and delegate to them such duties and authority that the Board deems appropriate for the sound administration of the Association.

The Board shall consist of Leaseholding Members elected to the Board at the Association's annual Meeting. Three Trustees shall be elected each year for a three-year term. Trustees may not be elected more than three consecutive times to serve as trustee; however, at the next annual Meeting following completion of their last term they again become eligible for re-election or

Bay View By-Laws

reappointment. Sixty (60%) percent of the Trustees shall be members of The United Methodist Church whose election shall be ratified by the West Michigan Conference of The United Methodist Church. A majority of the Board shall constitute a quorum for the transaction of business.

Board vacancies occurring between elections shall be filled by Board appointment, and a Trustee so appointed shall hold office until the next annual Meeting. Trustees shall serve without compensation and are ineligible to hold office if they have an interest in a business licensed to operate in Bay View.

By virtue of the office, the United Methodist bishop with jurisdiction over the Michigan area shall also be a Trustee, but without a vote.

3. **Powers of the Board.** The Board shall manage and control the properties, personnel, policies, operations, business and affairs, raise necessary revenues, provide for an audit periodically, and promote the purposes of the Association; and shall exercise the powers and authority granted to it, limited by, and subject to:
 - the laws of the State of Michigan and particularly the provisions of Act 39, Public Acts of Michigan of 1889, as amended; provided, however, the Board shall limit its power under Act 39 to amend these By-Laws only to the extent required by cases of genuine emergency, subject to ratification pursuant to section 77b hereof by the membership at the next annual meeting;
 - The Articles of Incorporation of the Association, as amended
 - these By-Laws; and
 - any special directions given to the Board by a vote of the membership at an annual Meeting.

- 3-b. **Executive Director.** The Board shall appoint an executive Director (“Executive Director”) to serve at the pleasure of the Board and to administer the operations, programs, and affairs of the Association under such terms and conditions as the Board may determine to be necessary and proper for the sound administration of the Association.

Bay View By-Laws

4. **Liabilities and Indemnification of Officers, Directors, Trustees, Employees, Agents and Volunteers.** Officers, Directors, Trustees, employees, agents and Volunteers of the Association shall enjoy the indemnification and benefits afforded pursuant to the Association's Articles of Association, as amended.
5. **Nomination of Trustees.** Candidates for the office of Trustee shall first be nominated by petition signed by at least twenty Leaseholding Members on forms approved by the Board. Leaseholding Members may each sign up to three nominating petitions. Petitions may be obtained from the administrative office and must be filed with that office at least thirty-six days before the annual Meeting together with the following information about the candidate: age, past and present occupations for a ten-year period, religious affiliations, other relevant background information, and the candidate's proposed program for the Association.
6. **Notice of Candidates.** Notice of candidates for the Board, including the candidate information set forth in by-law 5 ("notice"), shall be delivered by U.S. postal service or electronically in a manner approved by the Board to each member entitled to vote. The notice shall also be posted by the Secretary at least twenty days before the annual Meeting at Hall Auditorium and the post office. The names of candidates shall be read during the twenty days before the annual Meeting at one or more public meetings in Hall Auditorium.
7. **Election of Trustees: Board of Elections.** Trustees shall be elected at the annual meeting.

At least thirty days before the annual Meeting, the board shall appoint a board of elections consisting of two Trustees and three other Leaseholding Members to have charge of the election. Those appointed shall not be candidates for election. A Trustee and one other person shall also be appointed to serve, if necessary, as alternates. The Trustees shall designate one of the non-Trustees as chairperson.

When all the vacancies to be filled at an election are for three year terms and the number of candidates does not exceed the

Bay View By-Laws

number of vacancies, the election shall be by voice vote, otherwise the vote shall be by secret ballot.

Three members of the board of elections shall supervise all aspects of the election. All of them shall be present during the counting of the paper ballots. The Members shall be members of The United Methodist Church whose election shall be ratified by the West Michigan Conference of The United Methodist Church.

At its next regular meeting, a written report of the election results shall be delivered to the Board by the board of elections and recorded by the Secretary in the Association minutes. The report shall also be posted by the board of elections for one week after the annual Meeting near the front doors of the auditoriums and the post office and circulated by electronic means as authorized by the Board.

8. **Election of Trustees: Polls.** The polls for the election shall be located in the building where the annual Meeting is held. They shall open at 8:30 a.m. and close at noon. In addition, the Board may also authorize an electronic voting system, so long as the system ensures no more than one vote per voting member, is secure, secret, reliable, easy-to-use and may be audited. Once the paper and electronic votes are counted, the board of elections shall determine the results of the election and list the results in order of the number of votes received by each candidate from highest to lowest. Subject to the church membership requirements specified in paragraph 2 of the By-Laws, those candidates receiving the highest number of votes for the vacancies on the Board shall be declared elected as follows: those candidates receiving the highest number of votes shall fill the vacant three year terms; any vacancies for terms of less than three years shall then be filled such that the candidate with the next highest number of votes shall fill the longest vacancy and so forth until all remaining vacancies are filled.

OFFICERS AND THEIR DUTIES

9. **Officers of the Association.** The officers of the Association shall consist of a president, vice-president, Secretary and treasurer. They shall be elected by the Trustees from their number promptly after the annual Meeting and shall hold office for a one-year term and until their successors are elected. When advisable, an assistant-Secretary and an assistant-treasurer, who need not be Trustees, may also be elected for one-year terms.

The Board may require, at the expense of the Association, that the Executive Director, Treasurer, the financial Director, and such employees and committee members with responsibilities for the handling and investment of Association funds and assets, provide the Association with appropriate indemnification by surety bonds or otherwise for the faithful performance of their duties in such amounts and under such terms as the Board may determine.

No trustee shall serve as the Executive Director, other than on an acting, temporary basis.

10. **President.** The president shall:
- preside at all meetings of the Association and the Board;
 - set meeting times and agendas;
 - oversee the performance of, and regularly confer with, the Executive Director on behalf of the Board;
 - make recommendations, serve ex-officio on committees and other entities and offer guidance as the president deems appropriate;
 - appoint and remove, as circumstances may require, members and chairpersons of committees provided for in these By-Laws or other committees or entities established by the Board; and
 - prepare an Annual Report of the affairs of the Association for presentation at the annual Meeting.
- 10-b. **Vice President.** In the absence of the president, the vice-president shall preside and perform the president's duties. In the absence of both, the Trustees shall select a temporary presiding officer to act.

11. **Secretary.** The Secretary shall:

- attend all meetings of the Association and the Board;
- keep and record in a minute book accurate minutes of Association and Board meetings;
- provide copies of minutes of Board meetings to each Trustee before the next Board meeting;
- provide written notice to the Trustees of all special Board meetings;
- carry on Association correspondence as the Board may designate; and
- keep filed and in proper order all papers coming under the Secretary's charge.

An assistant Secretary, if appointed, shall perform duties assigned by the Secretary or the Board.

12. **Treasurer.** The Treasurer shall:

- participate in the formulation of financial policy for the Association with the Executive Director, the finance Director, the finance Committee, and such other committees as the Board may establish or designate;
- receive and properly care for all money and property of the Association which has not been put in charge of other persons;
- render to the Board an account whenever requested and an Annual Account to the membership showing income of the Association from dues, gifts, interest or other sources together with an itemized statement of income and expenses of each operating department or entity of the Association;
- distribute the Annual Account to the membership;
- deliver to the next treasurer all monies and properties belonging to the Association.

An assistant Treasurer, if appointed, shall perform duties assigned by the Treasurer or the Board.

DEPARTMENTS

13-a **Principal Departments.** The following departments are established: (1) buildings and Grounds, (2) recreation, (3) performing arts, (4) Worship and religious life, (5) education, and (6) finance. The departments are subject to the authority of the Board to allocate responsibilities among departments, establish additional departments, and make such changes in the Association's management and organization as it deems necessary and proper.

- 13-b **Department Directors.** Each principal department shall be headed by a Director, titled as in these By-Laws or as the Board may designate, and appointed by the Board, after consultation with the Executive Director, and chairperson of the relevant standing committee. Department Directors shall report to and serve under the direction of the Executive Director.

COMMITTEES

14. **Standing Committees.** To facilitate the work of the Association the following standing committees are hereby established: (1) Finance, (2) Audit, (3) Investment, (4) Development, (5) Buildings and Grounds, (6) Operations, (7) Performing Arts, (8) Personnel, (9) Membership, (10) Long Range Planning, (11) Recreation, (12) Worship and Religious Life, and (13) Education.

Subject to the provisions of these By-Laws, these committees and others as may be established by the Board, are subject to the authority and direction of the Board, which may allocate and reallocate responsibilities among the committees.

Except as expressly stated in these By-Laws, the number of committee members, their terms, status, and qualifications shall be established by the Board.

- 14-a. **The Finance Committee** shall provide advice and assistance to the finance Director, the Executive Director, relevant standing committees, and the Board concerning the Association's financial, budgetary planning, and operations by:
- examining the financial condition of the Association
 - devising plans and recommendations to fund the programs and operations of the Association
 - making recommendations with respect to proposed revenues and expenditures;
 - assisting in the preparation and submission of an annual budget to the Board for its consideration
 - reviewing and reporting to the Executive Director concerning the effectiveness of the finance Director,
 - assisting the Executive Director and the Board in selection of the Finance Director.

- 14-b. **The Audit Committee** shall be comprised of no fewer than three members and no more than five members, appointed by the president with the advice and consent of the Board, and shall

provide information, advice and assistance directly to the Board by:

- recommending and evaluating the independent auditors to be engaged by the Association and recommend:
 1. The scope and extent of the work to be performed, the standards for the performance of which at all times shall meet or exceed the standards of the professional body to which the auditors belong and any additional standards imposed by law;
 2. The amount of indemnification for the faithful performance of their undertakings; and
 - evaluating the audit fees proposed by the independent auditors
 - meeting with the auditors as often as circumstances require but in no case fewer than once at the beginning of the undertaking of the audit or review and at least once at the completion of the audit or review without management present to review the audit or review, the management, the financial condition of the Association, and any other observations that the auditors may deem relevant concerning any aspect of the operations of the Association;
 - reviewing and evaluating the performance of the independent auditors and internal auditors;
 - performing such other functions as assigned to the Committee by law, the Association's By-Laws, or the Board; and
 - reporting directly to the Board, independently of the Executive Director and finance Director, concerning such matters as the Board may request or as the audit Committee, in its sole discretion, shall deem appropriate.

14-c. **The Investment Committee** shall provide advice and assistance to the Executive Director, the finance Director and the Board by:

- recommending to the Board sound investment goals, methods and practices;
- recommending and monitoring a qualified professional investment consultant(s) or investment advisor(s);
- reviewing invested assets with the investment consultant(s) or investment advisor(s) on no less than a quarterly basis and reporting results to the Board; and

- performing such other functions as requested by the Board.

14-d. **The Development Committee** shall provide advice and support to the Director of Development, the Executive Director, relevant committees and the Board by:

- Assisting The Director of Development in organizing, coordinating, and centralizing development strategies.
- Assist the fund raising efforts of the programs and activities.
- Creating opportunities for donors to give to the Association through designated gifts, undesignated gifts and planned giving.
- Assisting in the accurate recording and acknowledgement of gifts.
- Assisting in meeting the goals for Endowment Funds, Capital Reserve Funds, and the Development Budget.
- Reviewing and reporting on the effectiveness of the Director of Development.
- Assisting the Executive Director and Board in the Selection of the Director of Development.
- Recommending to the Board fund raising policies establishing the best practices for the stewardship of gifts.
- Assisting in the consideration and feasibility of fund raising projects brought forward by members of the Association.
- Crafting and recommending to the Board Fund raising policies such as the Donor Privacy Policy, and the Fund Raising Policy Manual.

15. **The Buildings and Grounds Committee** shall provide advice and assistance to the Superintendent of Buildings and Grounds ("Superintendent"), the Executive Director and the Board by:

- assisting the Superintendent in the development and implementation of a program of upkeep and maintenance of the buildings, parks and grounds owned by the Association;
- making recommendations for the maintenance of a healthful, quiet, safe and orderly environment;
- recommending measures for the abatement of nuisances;

- deciding the kind and suitability of any variances to the building regulations of the Association and appeals from decisions of the Superintendent as provided in the building regulations and these By-Laws, subject to appeal to the Board
- deciding issues pertaining to property, boundary easements and rights-of-way lines, and lease licenses subject to appeal to the Board;
- reviewing and reporting to the Executive Director concerning the effectiveness of the Superintendent; and
- assisting the Executive Director and the Board in selection of the Superintendent.

16. **The Operations Committee** shall provide advice and assistance to the Superintendent, Executive Director and the Board by:

- assisting the Superintendent in the development and implementation of a program for safety and good order in the use and management of the Association's streets, alleys, sidewalks and utilities;
- determining, subject to the approval of the Board, (i) the character and construction of all streets and sidewalks, (ii) when streets and sidewalks shall be repaired or improved, and (iii) the laying out of any new street or sidewalk;
- developing and carrying out with the Superintendent, subject to the approval of the Executive Director and the Board, programs for water, electricity, garbage collection, recycling, cable television, internet services, telephone, and sanitary sewage and similar services;
- reviewing and reporting to the Executive Director and the Board concerning the effectiveness of the Superintendent; and
- assisting the Executive Director and the Board in selection of the Superintendent.

17. **The Performing Arts Committee** shall provide advice and assistance to the Director of performing arts ("Director"), the Executive Director and the Board in all aspects of performing arts within the Association by:

- working in cooperation with and in support of the Director to provide enriching, imaginative and entertaining programs;

- representing the Bay View membership by communicating to the Director the membership's concerns with respect to the performing arts program;
- recommending to the Director of Performing Arts and the Executive Director for approval by the Board the general fee structure for performing arts programs;
- supporting the department's programs through the recruitment and supervision of volunteer help from within and without the Bay View community;
- conducting and compiling reviews and surveys of performances and programs under the aegis of performing arts;
- advising the Director, the Executive Director, and the Board of concerns and needs of the various performing arts programs;
- reviewing professional staff and making recommendations about the staff to the Director
- reviewing and reporting to the Executive Director and the Board concerning the effectiveness of the Director;
- assisting the Executive Director and the Board in selection of the Director.

18-a. **The Personnel Committee** shall advise and assist the Executive Director and the Board with respect to personnel policies and practices by:

- developing and assuring implementation of equitable personnel policies concerning employees of the Association;
- recommending programs for the maintenance of productive and satisfying working conditions and relationships for Association employees in order to promote efficiency and continuity of service; and
- ensuring that the Association complies with governmental requirements concerning employment practices.

18-b. **The Membership Committee** shall advise and assist the Board with respect to membership procedures and practices by:

- assuring By-Law and other Bay View requirements for membership in the Association are met by applicants;
- communicating to applicants the purpose and programs of the Association and urging and seeking their

commitment to participation in the work, programs and spirit of the Association; and

- making recommendations, after appropriate investigation and interview, to the Board for or against acceptance of an applicant for membership.

19. **The Long Range Planning Committee** shall advise and assist the Executive Director and the Board with respect to the duties assigned to the Committee by these By-Laws or by the Board. In general, the Committee shall:

- regularly review and update the Bay View strategic plan for the Board's consideration;
- assess, evaluate and report to the Executive Director and the Board the Committee's conclusions and findings concerning the Association's programs, challenges and organization; and
- plan for the future by formulating recommendations to the Board in areas such as program, physical facilities, organization and finance.

20. **The Recreation Committee** shall provide advice and assistance to the recreation Director, the Executive Director, and the Board by:

- working with the Recreation Director to develop, enhance, and support the athletic and recreational programs and activities of the Association (excepting activities under the charge of the Campus Club), including, but not limited to:
 - reviewing and recommending appropriate staffing levels;
 - recommending personnel policies for youth employees of the recreation program;
 - assisting the Recreation Director in preparing and monitoring operating and capital budgets for the recreation program;
 - reviewing and recommending recreation asset acquisition and disposal; and
 - actively participating in long-range planning for recreation activities.
 - recommending to the Recreation Director and the Executive Director for approval by the Board the fees to be charged and collected for recreation privileges and activities.
 - monitoring, reviewing and reporting to the

Executive Director and the Board concerning the effectiveness of the Director.

- assisting the Executive Director and the Board in selection of the Director.

21. **The Worship and Religious Life Committee** shall provide advice and assistance to the Director of Worship and religious activities (“Director”), the Executive Director, and the Board with respect to the Association’s worship and religious activities by:

- working in cooperation with the Director to develop programs to maintain and enhance the spiritual emphasis of the Association and its identity and perception as an institution of Christ’s Church;
- aiding the Director in the implementation of worship, guest speakers, the religion and life hour, and all other religious programs of the Association;
- assisting the Director in identifying and recruiting preachers and lecturers of high caliber for the assembly programs;
- reviewing and reporting to the Executive Director and the Board concerning the performance and effectiveness of the Director; and
- assisting the Executive Director and the Board in the selection of the Director.

22. **The Education Committee** shall provide advice and assistance to the Director of the Education Department (“Director”), the Executive Director, and the Board with respect to the Association’s educational programs by

- working in cooperation with the Director to develop, enhance and maintain the educational programs of the Association;
- participating in the recruiting of outstanding teachers for course offerings
- reviewing operations and the general fee structure of the Education Department and making recommendations to the Director, the Executive Director, and the Board;
- reviewing and reporting to the Executive Director and the Board concerning the effectiveness of the Director; and
- assisting the Executive Director and the Board in selection of the Director.

ASSESSORS AND TAXES

23. **Board of Assessors.** The Association shall have a board of assessors consisting of three leaseholders. At each annual

Meeting of the Association, or at a special meeting called for that purpose, one leaseholder shall be elected to serve as an assessor for a three-year term. Vacancies on the board of assessors shall be filled by the Board. The assessors shall elect a chairperson annually.

24. **Duties.** The board of assessors, acting through a majority, shall -
- notify the Association Treasurer of the amount of taxes and collection fees to be paid to the Bear Creek Township Treasurer; and
 - apportion such amount among Leaseholders in proportion to the value of their leasehold, which amount then becomes a lien on the property until paid; and
 - promptly notify Leaseholders of the amount of any increase in their assessed valuation.
25. **Delinquent Taxes.** If Leaseholders fail to pay their taxes on the due date set by the Board of Trustees and printed on the tax bill, interest of 1½ percent per month shall be added until the tax is paid.
26. **Corrections to Assessors' Report.** The Board shall correct any error in the assessors' report, including the name of any leaseholder, description of the premises and the omission of any property. In the latter event the Board shall determine the assessment with the same effect as if made by the board of assessors.
27. **Assessment Review.** The board of assessors shall meet on Saturday of the eighth week of the assembly season from 10 a.m. to noon and at such other times as the assessors may designate to hear complaints by leaseholders regarding their assessed valuations and to make adjustments thereof as the assessors deem fair.

Public notice of the date and place of the meeting shall be given by announcement at Hall Auditorium and by posting at Hall Auditorium and the post office at least one week before the meeting.

LAW ENFORCEMENT

28. **Enforcement Officer.** The Board may appoint marshals to serve as law enforcement officers whose duties shall be the

preservation of security, peace, and good order in Bay View. a marshal shall have the power of arrest and enforcement as provided by law.

MEETINGS

- 29-a. **Annual Meeting.** There shall be an annual Meeting of this Association on Saturday of the seventh week of the assembly season at 9 a.m. in John M. Hall Auditorium. Seventy-five leaseholders shall constitute a quorum for conducting business.
- 29-b. **Special Meetings.** Upon the written request of at least 50 leaseholders, the president shall call a special Meeting of the Association by notice in writing setting forth the object of the meeting. Fifty leaseholders shall constitute a quorum for conducting business at special meetings.
- 29-c. **Notice.** Notice of the annual Meeting and of any special Meeting of the Association shall be posted by the Secretary at least two weeks before the meeting at Hall Auditorium and the post office. Notice shall also be read at least five days before the meeting at one or more public meetings in Hall Auditorium.
- 29-d. **Robert's Rules of Order.** Annual and special Meetings shall be conducted according to Robert's Rules of Order.
- 30-a. **Trustee Meetings.** Regular meetings of the Board shall be held during June, July and August and at such other times as the Board may deem necessary. The president may call special meetings of the Board at any time and shall also do so upon written request of three Trustees. A majority of the Board shall constitute a quorum for the transaction of business. Meetings of the Board may be conducted by conference telephone call or other electronic means. All meetings of the Board and its committees shall be open to Leaseholding Members of the Association. Portions of such meetings may be closed to all persons except Trustees and their invitees for the purpose of discussing personnel matters, membership or litigation matters requiring confidentiality.
- 30-b. **Notice.** The Secretary shall give notice to the Trustees of the time, agenda and place for the meetings and, except in emergencies, shall post the notice at Hall Auditorium and the post office at least two days before a meeting.

- 30-c. **Open Meetings.** Meetings of the Board and its committees shall be open to leaseholders. The Board may, however, close portions of the meetings for purpose of discussing personnel, membership, or litigation matters requiring confidentiality.
31. **Agendas.** The agendas for meetings of the Board and the Association shall be as determined by the Board.

LEASES

- 32-a. **The Association as Owner.** All real property in Bay View is owned by the Bay View Association. Individual lots are leased to members for fifteen-year periods and leases are renewable at the end of each such period.
- 32-b. **Leasehold in Trust.** A leasehold interest may be transferred by the lessee to a trust without approval of the Board provided that at least one beneficiary or trustee of the trust is fully qualified as a Leaseholding Member. In the event a trust no longer has a trustee or beneficiary who is a Leaseholding Member of Bay View, the trust shall add such a trustee or beneficiary within one year. If the trust is unable to satisfy the requirements of this section, the trust, within an additional eighteen months, shall sell the leasehold interest to a person eligible for membership.
- 32-c. **Membership Privileges and Obligations.** A trust with a Leaseholding Member as a trustee or a beneficiary shall be listed on the records of the Association as the owner of the leasehold. Only a trustee or beneficiary approved as a leasehold Member under by-law #1-d shall be entitled, on behalf of a trust, to the full privileges of a Leaseholding Member, including voting. A trust owning a leasehold and its Leaseholding Members shall be responsible for all obligations of a Leasehold interest and membership in the Association.
33. **Leaseholding Limitations.** A leaseholder may lease up to four lots (i) from the Association by paying the value thereof as determined by the Board, or (ii) by transfer from another leaseholder.

No member may own more than two cottages unless authorized by two-thirds vote of the Board for special reasons to be recorded with the lease. Member spouses living together are considered as one for purposes of this rule.

TRANSFER OF LEASES

34. **Transferability.** Leases may be transferred by sale, assignment, bequest or intestate succession on the following conditions:
- a. membership of the transferee in the Association and payment of the required fees
 - b. approval of the transfer by the Board of Trustees; and
 - c. if a cottage is to be transferred, certification or other satisfactory evidence of compliance with the applicable electrical code.
35. **By Assignment.** Following compliance with paragraph 34, a transfer takes effect upon proper execution of the existing lease's assignment form on file at the administrative office. If a lease has been lost or misplaced a duplicate shall be provided to the leaseholder by payment of the fee set by the Board.
- 36-a. **By Bequest or Succession.** An individual who is bequeathed a leasehold by will, trust or by transfer under the law of intestate succession shall meet all the qualifications of becoming a Leaseholding Member of the Association within one year of the event triggering the bequeathal or transfer. If the individual is unable to satisfy the qualifications for membership, that individual shall sell the leasehold interest to a person eligible for membership within an additional eighteen months. In extraordinary circumstances the Board may grant an exception to this policy.

Where a proposed transfer is in a trust document, by will, or by the law of intestate succession, the request for Board approval shall be accompanied by certified copies of the trust document or of the will (where applicable), the death certificate and an order of the applicable Probate Court assigning the leasehold.

37. **Transfers to Minors.** For a transfer to be effective where title to a leasehold passes to a minor, a guardian must be appointed for the minor and the guardian must become a Leaseholding Member of the Association.

SALE AND RENTAL OF LEASEHOLDS

- 38-a. **Method.** Leaseholders may sell or rent (including lease and sub-lease) their leaseholds, not as permanent residences but for use during permitted occupancy dates. They may do so -
- a. through the Association;
 - b. through a real estate broker authorized to do business in

Bay View; or

c. by acting directly as their own agent.

38-b. **Advertising.** Leaseholders, their agents or other persons, shall not post signs in Bay View or elsewhere advertising the sale or rental of all or a portion of a leasehold, except by discrete advertising at the authorized brokers' offices or on the post office bulletin board.

39. **Notice to Renters.** In the interest of preserving and enhancing the religious, cultural and educational purposes of the Association, members and real estate brokers authorized to do business in Bay View shall -

- notify a prospective renter of the By-Laws, rules and regulations of the Association before execution of any rental agreement;
- require as a condition of any rental agreement that the renter agrees to comply with all By-Laws, rules and regulations of the Association; and
- strictly enforce such compliance.

Failure to comply with this paragraph shall be grounds by the Association for (i) forfeiture of the leasehold and (ii) revocation of a broker's Bay View license.

LEASEHOLD CONSTRUCTION OR ALTERATION

40-a. **Building Permit.** Persons desiring to construct a new building in Bay View or alter an existing one shall obtain a building permit from the Superintendent of Grounds and Bear Creek Township. Applications for the permit shall -

- describe the work contemplated;
- state its estimated cost;
- be accompanied by detailed plans of the building, alteration or site development, including a rendering of its appearance upon completion of the work; and be accompanied by approvals of (i) the Architectural Review Committee (as required in paragraph 40-b), (ii) the appropriate governmental building, electrical and plumbing inspectors, and (iii) verification that the completed structure, alteration or site development will be within leasehold boundaries.

The Superintendent and the inspectors shall have the right to inspect all work for permit compliance. If the work fails to comply, the Superintendent shall issue a written order to stop the work or

order the work to be corrected. Failure of a leasehold to comply with this paragraph shall be grounds for forfeiture of the lease.

- 40-b. **Architectural Review Committee.** In order to preserve and enhance the status of the Bay View Association as a National Historic Landmark, an Architectural Review Committee is hereby established. The Committee shall be composed of from three to five leaseholders who shall be appointed by the Board of Trustees for a term of three years. The terms of Committee members shall be staggered so that at least one member's term shall expire each year. No member shall serve more than three consecutive terms.

The Committee shall be responsible for reviewing all applications for building permits involving the erection of new buildings or structures or the modification of the external appearance of an existing building in Bay View, to determine whether the proposed construction conforms to and blends harmoniously with the general architectural design of the buildings and structures of the Association and satisfies the following additional standards:

1. is compatible with the re-use of the structure;
2. avoids destruction of distinguishing qualities;
3. recognizes and respects changes to the structures over time;
4. repairs rather than replaces distinguishing characteristics; and
5. conforms to the Association's latest guidelines.

When an application for a building permit involves construction which, in the opinion of the architectural review Committee, does not conform to and blend harmoniously with the general architectural design of the buildings in Bay View the Committee may deny issuance of the permit. Decisions approving or denying a permit shall be written to the applicant and, if the permit is denied, the Committee shall state its reasons.

- 40-c. **Permit Appeal.** Any person denied a building permit by the Superintendent of Grounds or the Architectural Review Committee or who has been issued an order to stop or correct work may, within fifteen days, appeal to the Board by filing with the Secretary a request for review accompanied by any desired supporting materials. The Board shall hear the appeal within a reasonable time and give reasonable notice to the appealing

party of the hearing date and time. The decision of the Board shall be final.

- 40-d. **Building Codes.** The Board of Trustees is authorized to adopt by resolution rules, standards, and requirements for construction and maintenance of buildings and structures in Bay View. In addition, all buildings and structures in Bay View shall conform to state and local building, plumbing and electrical codes. Buildings and structures not in conformity with these codes must be brought into compliance by their leaseholders. Failure to do so shall constitute grounds for forfeiture of the leasehold.
- 40-e. **Leasehold Landscaping and Site Development Permit.** Leaseholders desiring to make changes to leasehold grounds, including installation of sprinkler systems or modification to landscaping which may affect stormwater runoff or natural water drainage, shall obtain a building permit from the Superintendent of Grounds as defined by paragraph 40-a.

DATES OF OCCUPANCY

- 41-a. **Hotels and Inns.** A hotel or inn may be occupied year round upon written application to and approval by the Board.
- 41-b. **Cottages.** Leaseholders' cottages may be occupied between the Friday preceding May 1 and the Monday following November 1 of any given year. Because of the threat of fire, the expense and difficulty of ice and snow removal and the terms of the Association's charter (providing for summer homes), occupancy may not occur at other times, except in residences owned by the Association and occupied by employees whose presence is deemed necessary by the Board for the protection and maintenance of buildings and grounds.
- 41-c. **Definitions.** The following definitions apply to paragraph 41:
1. a cottage is "occupied" when it is used for (i) living, (ii) the preparation or consumption of meals, or (iii) staying overnight.
 2. "hotel" or "inn" is a building containing 20 or more lodging rooms for hire and with facilities for the preparation and service of meals.

FORFEITURE AND SALE OF LEASES

- 42-a. **Forfeiture of Leases.** Upon non-payment of rent or the violation of other obligations under a lease or under these By-Laws, the Board of Trustees may declare a forfeiture of a lease. If the Board decides to declare a forfeiture, it shall notify the leaseholders (i) of the non-payment or violation, (ii) of the opportunity to respond in writing and (iii) to the leaseholders' right to a hearing before the Board, if requested, within the time set forth in the notice. Thereafter, the Board may forfeit the lease and, if so, shall notify the leaseholders of its decision.
- 42-b. **Effect of Forfeiture.** Upon the giving of final notice of forfeiture, the leaseholders shall immediately vacate their cottage and any other buildings on the leasehold and the cottage, buildings, and remaining personal property immediately become the sole property of the Association.
- 42-c. **Sale.** Within a reasonable time after a lease is forfeited, the leasehold, buildings and other property shall be sold by the Association at public auction and transferred to the highest bidder, subject to membership and leasehold transfer requirements.
- 42-d. **Proceeds from Sale.** The proceeds from the sale of a leasehold shall first be used to pay any charge or obligation owing on the leasehold and the cost of the forfeiture procedure and sale. Any remaining proceeds shall be paid to the forfeited leaseholders, as representing the value of the leasehold and buildings.

PUBLIC IMPROVEMENTS

- 43-a. **Declaration.** When improvement of any sidewalk, street, lane or other public betterment is deemed necessary, the Board shall so declare by resolution, describing the nature of the improvement, the estimated time of completion, its estimated cost, and a description of the property (by lot and block) deemed to be benefited.
- 43-b. **Notice.** The Secretary shall post a notice of the proposed improvement at Hall Auditorium and the post office for ten days, and shall also mail to affected leaseholders (by certified mail, return receipt requested) a copy of the notice, including the estimated assessment to be levied against the leaseholds to be benefited by the improvement.

- 43-c. **Objections.** Leaseholders may object to the improvement or the assessment if they write to the Board within ten days from receipt of the notice and give their reasons. The decision of the Board to proceed with or abandon the improvement shall be final but shall not be made earlier than 14 days after the mailing of notices to the assessed leaseholders.
- 43-d. **Assessment Lien.** The amount assessed shall be a lien against the property and shall be due and payable as and when the Board determines. Delinquencies in payment shall bear interest at the rate of 1½ percent per month until paid. The assessment and interest shall be collected in the same manner as are taxes and indebtedness due the Association.

PROPERTY LINES

- 44-a. **The Plat.** The original plat of Bay View property showing lot numbers and sizes is presumed to be correct.
- 44-b. **Dispute Resolution.** In case of disputes about property lines the following procedures shall be followed:
- (a) Where a building has been erected on any leasehold with consent of the Board, the building is a part of the leasehold. If the building is built partly on another lot, then the line of the eaves of the building is deemed to be the property line between the contiguous lots.
 - (b) Where there is a common private walk or drive used by contiguous property owners under a previous agreement then, upon the request of the Board, the agreement shall –
 - be written by the contiguous Leaseholders describing the common walk or drive;
 - be filed with the Association; and
 - become part of the leases of the contiguous Leaseholders and also part of the Association's records.
 - (c) Where a leaseholder desires to have property lines determined, written request may be made to the Board and the Board shall determine and establish the lines. The leaseholder shall pay all reasonable survey fees and other costs incurred in making the determination.
45. **Permanent Easements.** To be effective, all permanent easements or rights-of-way shall first be submitted to and approved in writing by the Board. Copies of the approval shall

become a part of the leases of the affected leaseholders and shall also be filed with the Association.

UTILITIES

46. **Water Conservation.** Leaseholders shall be conservative in their use of water both inside and outside their cottages.
48. **Toilets and Waste Water Drains.** Cottage toilets and wastewater drains must be connected to Association sewers by properly fastened tile, iron or other building code approved drain conduit. Leaseholders shall keep their drains clean and in good repair.

UTILITY RATES

49. **Board Authority.** The Board shall establish the rates, regulations and assessments for water and sewer services. Bills for the services are due and payable as the Board determines.
50. **Non-payment; Lien.** The charges are a lien upon the leasehold, and non-payment constitutes grounds for forfeiture of lease under the provisions of these By-Laws.

OBLIGATION TO MAINTAIN ASSOCIATION GROUNDS

51. **Clean-Up.** Members, tenants and others entering Bay View shall keep and assist in keeping the public streets, grounds and buildings in a neat and clean condition, free from litter, noxious weeds and anything which might endanger public health, safety and welfare.

MAINTENANCE OF LEASEHOLD AND SIDEWALKS

- 52-a. **Cottages.** Cottage leaseholders and tenants shall keep their cottages, buildings and grounds in a neat, clean and sanitary condition and in good repair, free from anything which might endanger public health, safety and welfare.
- 52-b. **Lawns and Shrubbery.** Leaseholders shall keep their lawns, grass and shrubbery well-trimmed between June 21 and September 1. If the Superintendent of Grounds determines that a leasehold fails to comply with this section, the Superintendent may cause the leasehold's grass and shrubbery to be cut and trimmed in accordance with paragraph 54.
- 52-c. **Sidewalks.** Leaseholders shall be responsible for maintaining their walks and sidewalks in good repair and safe condition and

free from obstructing foliage. If the Superintendent of Grounds determines that a leasehold fails to comply with this section, the Superintendent may repair or replace the sidewalks in accordance with paragraph 54.

- 52-d. **Drainage.** Leaseholders shall be responsible for maintaining leasehold drainage systems required to manage stormwater and natural water flow. If the Superintendent of Grounds determines that a leasehold fails to comply with this section, the Superintendent may modify drainage systems on the leasehold in accordance with paragraph 54.

TREES AND SHRUBBERY

- 53-a. **Leasehold Trees.** Persons shall not cut down or destroy any living tree located within any leasehold which has a trunk of 5" or more in diameter as measured at a point 4 ft. above grade without approval of the Superintendent of Grounds.
- 53-b. **Non-Leasehold Trees.** Trees or shrubbery located on the grounds outside of any leasehold shall not be cut, trimmed, removed, or destroyed without the approval of the Superintendent of Grounds.
- 53-c. **Tree Removal.** Leaseholders shall be responsible for the removal of all dead trees, tree trunks and shrubbery from their premises.

WORK ON LEASEHOLD BY ASSOCIATION

54. **Costs for Non-compliance.** When a leaseholder fails to comply with paragraphs 52 or 53, the Superintendent may issue a written notice to the leaseholder of the work required. If the leaseholder fails to perform the work within thirty days of the notice, the Superintendent shall have the work completed. The Superintendent's notice may be appealed to the building and Grounds Committee and then to the Board of Trustees in writing within the time specified for performance of the work and the work shall be delayed until the Board decides the appeal. The Board's decision is final.

The cost of performing the work is the obligation of the leaseholder and shall be added to the leaseholder's tax bill, shall constitute a lien against the leasehold and shall be collected in the same manner as taxes under these By-Laws.

PREMISES' DAMAGE

55. **Repairs or Removal.** If a cottage or building is damaged or destroyed by fire, storm, or other cause, the leaseholders shall have the building repaired or removed within a reasonable time. If the Superintendent of Buildings and Grounds determines that the premises are a danger to public health, safety and welfare, the Superintendent shall notify the leaseholders in writing to remove the offending cottage or building and restore the premises to a good and safe condition as soon as reasonably possible after receipt of the notice. The Superintendent may grant time extensions for the performance of the work and appeals to the Board are permitted in the manner set forth in paragraph 54. If the cottage or building has not been restored or removed within the time specified or extended, the Board or its agents may (i) enter the leasehold, (ii) remove the damaged property and (iii) restore the leasehold to a good, safe and slightly condition. The cost of the removal and restoration is the obligation of the leaseholder, shall constitute a lien upon the leasehold and shall be collected in the same manner as taxes under these By-Laws.

OPEN BURNING

56. **Fires.** Open fire or burning is not permitted in Bay View except (i) open fires and burning carried out under the direction of the Board in accordance with state law, (ii) occasional recreational campfires approved by the Superintendent of Grounds and (iii) out-of-door cooking grills.

CONDUCTING BUSINESS ON GROUNDS

57. **Business Permit.** Other than activities constituting a part of the approved Bay View program, shows, exhibitions, businesses or professions may not be conducted on any leasehold or elsewhere in Bay View unless a permit to do so is first obtained from the Board. The granting or denial of permits and the establishment of permit fees are matters solely within the discretion of the Board.
58. **Solicitation.** Persons or entities may not solicit in Bay View for the sale of goods or services without first having obtained a permit from the Board. Applications for permits may be made at the administrative office. The granting or denial of permits and the establishment of permit fees are matters solely within the discretion of the Board.

RULES OF PERSONAL CONDUCT

59. **Controlled Substances and Alcoholic Beverages.** Controlled substances are not permitted anywhere in Bay View except in accordance with the Controlled Substances Act. Persons in violation of this provision subject themselves to prosecution.

Alcoholic beverages are not permitted in any of the public buildings or on the public grounds of the Association.

60. **Weapons, Firearms and Fireworks.** Persons shall not use any firearms, air guns, slingshots, fireworks or other dangerous weapons or instrumentalities in Bay View.

61. **Breach of Peace.** No person shall:

- a. Create or engage in any disturbance, fight or quarrel within any public area of the Association.
- b. Create or engage in any disturbance, fight or quarrel that causes or tends to cause breach of peace.
- c. Disturb the public peace and quiet by loud boisterous conduct on any leasehold or public area of the Association.
- d. Disturb without lawful authority any lawful assembly or meeting of persons within the Association.
- e. Utter profane, obscene, or injurious language directed at or in the presence of another person, which language causes or would tend to cause an immediate breach of peace.
- f. Allow any of the following to occur in a manner so as to cause a breach of the peace: Unmuffled exhausts from motor driven vehicles, unnecessary sounding of horns, sirens or signal, appliances, boisterous persons, excessive volume of radios, phonographs, televisions, musical instruments or loudspeaker attachments, and barking dogs uncontrolled by their owners.

Except in cases of emergency, construction shall not be carried on nor shall power tools and power equipment such as saws and lawn mowers, be operated between 8 p.m. and 8 a.m. and throughout the day on Sundays.

- g. Dogs and other pets. Persons may have a dog or other pet in Bay View if they -
- keep it (i) on a leash or (ii) confined within a Leasehold building or (iii) within an enclosed fenced area on the leasehold; and
 - promptly clean up any droppings.
- Dogs with vicious propensities, however, are forbidden in Bay View.

63. **Gambling.** Gambling is forbidden in Bay View.

64. **Sunday.** In accordance with the custom and tradition of the Christian church, Sunday is regarded as a day of rest in Bay View. Thus, organized programs, waterfront activities and activities other than religious services or activities, shall not be carried on Sundays between the hours of 7:00 a.m. and 12:00 noon.

TRAFFIC AND VEHICLE REGULATIONS

65. **Uniform Traffic Code.** The Association hereby adopts the Uniform Traffic Code of the State of Michigan, as amended, as the traffic regulations governing all streets, lanes and alleys in Bay View.

66. **Motorcycles, etc.** Persons shall not operate gasoline-fueled motorcycles, mopeds, motorbikes or motor scooters in Bay View, excepting vehicles operated by or for the physically challenged.

PENALTIES FOR VIOLATION OF BY-LAWS

67. **Section 10 of Act 39, 1889, Public Acts of Michigan.** “Any person who shall violate any By-Laws made as provided shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding twenty-five dollars, or imprisonment in the County Jail not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court; which fine shall go to the same fund as other fines for misdemeanors in the Township where such Association lands may be located.” In addition, violation of any of the By-Laws, rules and regulations of the Association may subject the violator to prosecution under state or local law and may be grounds for forfeiture of a leasehold.

IMPORTANT DATES TO REMEMBER

68. **Rent Day.** The annual lot rent and all other charges due the Association, as fixed by the Board of Trustees, is due and payable on the due date set by the Board of Trustees and printed on the bill. On all leases made on or after July 1, a monthly pro-rated amount, including the month the lease is made, is due and payable when the lease is executed.
69. **Past Due Indebtedness; Forfeiture.** The Treasurer shall notify (by certified mail, return receipt requested) Leaseholders who are delinquent in the payment of taxes, lot rentals, utility bills, lot maintenance charges or any other indebtedness due the Association. Unless the indebtedness is paid by the time set forth in the notice, the lease may be (i) declared forfeited by the Board of Trustees and (ii) offered for public sale (to be held as set forth in paragraph 42) to satisfy the indebtedness.

The lease may be redeemed after forfeiture but before the sale by the payment of all indebtedness together with a redemption fee of \$100. A penalty of 1½ percent per month shall be added by the Treasurer to all lot rentals, maintenance fees and other charges which are not paid within the time set by the Board of Trustees and printed on the bill.

ABSENTEE BALLOTS AND VOTING

70. **Procedure.** Voting members may vote at the annual Meeting by absentee ballot for the election of Trustees and in regard to proposed amendments to the Articles of Association or By-Laws. As provided in by-law 8, the Board may also authorize a system of electronic voting.

Members may apply to the administrative office for an absentee paper ballot at any time from May 1 until 5 p.m., on the Wednesday preceding the annual Meeting. Members may apply in person, or in written or other form approved by the Board. The application must be signed by the voter and specify the desired postal address to which the paper ballot materials should be sent. If the voter applies in person after the ballots have been prepared, the ballot shall then be issued, and, when voted, placed in a sealed envelope and deposited with the Secretary in the locked ballot box.

Absentee ballot application forms, as approved by the Board,

shall be made available to all members before May 1 in accordance with procedures established by the Board. Completed applications sent by post must be postmarked at least 30 days prior to the election.

The administrative office shall then mail to the voter's requested address, a ballot for the election of Trustees and a ballot on any proposed amendments to the Articles of Association or By-Laws with an envelope enclosed into which the ballot is to be placed and sealed and then placed in another envelope addressed to the Secretary and returned to the administrative office by noon on the date of the annual election. Upon receipt by the administrative office, such sealed envelope shall be deposited with the Secretary in the locked ballot box.

ASSEMBLY TICKETS

71. **Issuance.** Leaseholds upon which cottages have been erected shall be charged a sum each year for the support of Bay View assembly programs. The charges shall be due and payable on July 1 and shall be collected by the Treasurer in the same manner as are other charges. Each leasehold shall be entitled to receive a book of tickets for admission to certain designated programs for the current season.

ADJUNCT BOARDS AND AGENCIES

72. **Creation.** Subject to the general authority and control of the Board to manage and control the respective properties of the Association mentioned below, the following adjunct boards and agencies of the Association are created:
- a. **The Library Board** composed of nine members appointed by the president with the approval of the Board, each for a term of three years. The terms shall be staggered so that three members shall be appointed each year. The library board shall be responsible for overseeing the day-to-day management and control of the library.
 - b. **The Woman's Council** which shall be governed by an executive board elected by its members. Membership in the Woman's Council shall be open to all women upon payment of the membership fee established by the executive board. The Woman's Council shall be responsible for the day-to-day management and control of the Woman's Council building and its programs.

- c. **The Campus Club** which shall be governed by a board of Directors elected by its members. The Club shall be responsible for the control and management of the Campus Club building, bowling, shuffleboard, croquet and related facilities, programs and activities. Membership in the Campus Club shall be open to all adults upon payment of the membership fee established by the Club's board of Directors.
- d. **The Archives Commission** composed of members appointed by the president of the Association after consultation with the current commission and with the approval of the Board. The archives Commission shall be responsible for overseeing the day-to-day management and control of the archives.
- e. **The Historical Commission** composed of members appointed by the president after consultation with the current Commission and with the approval of the Board. The historical Commission shall be responsible for overseeing the day-to-day management and control of the museum programs and buildings.

73. **Duties of Adjunct Boards.** All adjunct boards and agencies shall -

- (i) within 60 days after the close of the Association's fiscal year, provide the Board with a statement of the assets and liabilities managed by the organizations, and their receipts and disbursements during the preceding fiscal year;
- (ii) carry on their programs and activities in accordance with the By-Laws of the Association;
- (iii) submit their calendars of program activities to the Board for seasonal coordination with other Association programs; and
- (iv) establish their own By-Laws, rules and regulations provided they are not in conflict with these By-Laws.

FISCAL YEAR

74. **October 31.** The fiscal year of this Association shall close on October 31 of each year.

CORPORATE LIFE

- 75-a. **Term.** Article VI, of the Bay View Articles of Association provides that the term of existence of the Association shall be perpetual.
- 75-b. **Dissolution.** Upon dissolution of the Association, the assets of the Association shall be transferred to the West Michigan Conference of the United Methodist Church.

BAY VIEW WOODS PRESERVATION

76. **The property known as the Bay View Woods** is defined by survey dated March 1, 2000, and consists of 167.662 acres, subject to written easements for parking, maintenance and boat storage.

The property shall be preserved in its natural state as a place for meditation, the study of nature and non-vehicular recreational activities. Except as set forth in this by-law, such area shall not:

- a. be subdivided or divided;
- b. be the site of any modifications, other than interpretative trails, markers and boardwalks, reasonable perimeter fencing necessary to control access, or necessary erosion control;
- c. be logged, mined or excavated, except as necessary to permit the removal of dead or diseased trees which may interfere with the stated use of the Bay View Woods;
- d. be subjected to any other use or activity which is inconsistent with the purposes of preservation set forth in this by-law.

AMENDMENTS TO BY-LAWS

- 77-a. **Procedure.** Amendment of these By-Laws and the Articles of Association may be initiated by -
- (i) a two-thirds vote of the Board, or
 - (ii) by petition to the association signed by at least twenty members holding separate leases.

In either case, proposed amendments shall be typewritten, signed by the initiators, and filed with the Secretary not less than

thirty-six days before the annual Meeting. Upon receiving a properly initiated amendment, the Secretary shall post the proposed amendment at Hall Auditorium and the post office at least twenty days before the annual Meeting and shall certify that the amendment has been properly filed and will be submitted for adoption or rejection at the next annual Meeting or special Meeting. Copies shall also be mailed by the Secretary to voting members at least twenty days before the annual Meeting or special Meeting called for that purpose.

- 77-b. **Vote.** A two-thirds favorable vote of the membership voting on the issue shall be required to adopt a proposed by-law or by-law amendment. In addition, any amendment to paragraphs 2 regarding the Methodist majority and conference ratification requirements only, 75-b or 77-b, must be approved by the West Michigan Conference of the United Methodist Church.

Bay View By-Laws

Bay View Association Rules and Regulations

Adopted February 7, 2004

Revised June 8, 2007

The Bay View Association of the United Methodist Church is a private, voluntary membership institution. The Bay View community contains more than 30 public buildings, 440 cottages and 2 inns situated on 337 acres of land available for the use and enjoyment of its members and guests. To assure and enhance the use and enjoyment of these facilities by all, the Board of Trustees requests that By-Laws and rules and regulations be strictly observed by all persons, including but not limited to members, lessees, tenants, renters and guests. For more information please refer to the by-law that is cited at the end of each section.

Qualifications for Membership. An individual that wishes to become a member of Bay View must: (1) be at least 18 years of age, (2) complete and file a membership application along with the initial membership fee, (3) be of good moral character and support the association's purpose and objectives, (4) be of Christian persuasion, (5) provide references to the applicant's fulfillment of the membership requirements, (6) complete a satisfactory interview and receive a favorable vote of the Membership Committee, (7) be accepted by the Board of Trustees. [1D]

Leasehold Sale. A leasehold sale shall not be approved unless (1) The purchaser is a Bay View member, (2) The seller notifies the Superintendent to order a lot survey and an acceptable lot survey has been filed at Russell Hall, (3) a Certificate of electrical safety inspection is received from a licensed electrical contractor, (4) Bay View receives payment of all fees, and (5) The buyer completes and files a purchaser's affidavit at the administration office.

Advertising Sale of Leasehold. Leaseholders, their agents or other persons, shall not post signs in Bay View or elsewhere advertising the sale or rental of all or a portion of a lease- hold, except by discrete advertising at the authorized brokers' offices or on the post office bulletin board. [38-b]

Renters. Every member, lessee and real estate agent shall be responsible for seeing to it that persons renting or subleasing any cottage through them shall strictly comply with those regulations. [39]

Bay View By-Laws

Residency Period. Cottages may be occupied between the Friday preceding May 1 and the Monday following November 1. [41-b]

Building Permit. Persons desiring to construct a new building or alter an existing one shall obtain a building permit from the Bay View Superintendent and Bear Creek Township. Applications for the permit shall: (1) describe the work contemplated, (2) state the estimated cost, (3) be accompanied by detailed plans of the building or alteration, including a rendering of its appearance upon completion of the work; and (4) be accompanied by approvals of (i) the architectural review Committee, (ii) the appropriate governmental building, electrical and plumbing inspectors, and (iii) verification that the completed structure will be within leasehold boundaries. [40-a]

Maintenance of Leasehold.

- Cottages, buildings and grounds are to be kept in a neat, clean and sanitary condition and in good repair, free from anything which might endanger public health, safety and welfare. [52-a]
- Lawns, grass and shrubbery shall be well trimmed between June 21 and September 1. [52-b]
- Walks and sidewalks shall be kept in good repair, safe condition and free from obstructing foliage. [52-C]

Leasehold Trees. Persons shall not cut down or destroy any living tree within any leasehold which has a trunk of 5" or more in diameter as measured at a point 4 ft. above grade without approval of the Superintendent. [53a]

Fires. Open fires are not permitted in Bay View except when carried out under the direction of the Board of Trustees in accordance with state law, occasional recreational campfires approved by the Superintendent of Grounds, and out-of-door cooking grills. [56]

Business Permit. A Board of Trustee approved permit is required for any business activity conducted in Bay View other than activities that are part of the approved Bay View program. [57]

Solicitation. Solicitations shall not be conducted without first obtaining a permit from the Trustees. [58]

Controlled Substances and Alcoholic Beverages.

- Controlled substances are not permitted anywhere in Bay View except in accordance with the Controlled substances act.

Bay View By-Laws

- Alcoholic Beverages are not permitted in any of the public buildings or on the public grounds of the association. [59]

Weapons, Firearms and Fireworks shall not be used in Bay View. [60]

Breach of Peace. No person shall cause any disturbance, noise or otherwise conduct themselves in such a way as to create a breach of peace. [61]

Dogs and Other Pets. Dogs or other pets shall be allowed on the grounds if they are kept on a leash or confined within an enclosed building or enclosed area and kept in such a manner as not to disturb neighbors. Dogs with a vicious propensity are not allowed in Bay View. [62]

Gambling is forbidden in Bay View. [63]

Sunday. In accordance with the custom and tradition of the Christian church, Sunday is regarded as a day of rest. Organized programs, waterfront activities and activities other than religious services or activities, shall not be carried on Sundays between 7 a.m. and noon. [64]

Traffic and Vehicle Regulations. The association has adopted the Uniform Traffic Code of the State of Michigan, as amended, as the traffic regulations governing all streets, lanes and alleys in Bay View. [65]

The posted speed limit in Bay View is 20 miles per hour. Drivers shall take special precautions for children, whether riding bicycles or on foot. Stop signs are to be observed.

No Motorcycles. No person shall operate gasoline-fueled motorcycles, mopeds, motorbikes or motor scooters in Bay View. [66]

No Smoking. There shall be no smoking in public buildings and in recreation areas.

Boats or motor homes, trailers, vans or recreational vehicles containing sleeping accommodations shall not be permitted on the grounds for more than 72 hours per season except at an approved parking area designated by the Superintendent.

Bay View By-Laws

PENALTIES FOR VIOLATION OF BY-LAWS

(Copied from Sec.10 of Act 39, 1889, Public Acts of Michigan)

“Any person who shall violate any By-Laws made as provided shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding twenty-five dollars, or imprisonment in the County Jail not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court; which fine shall go to the same fund as other fines for misdemeanors in the Township where such association lands may be located.”

In addition, violation of any of the By-Laws, rules and regulations of the association may subject the violator to prosecution under state or local law and may be grounds for forfeiture of a leasehold.

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Bay View Association

of The United Methodist Church

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