

**TO: All Members of the ELBOW LAKE COTTAGE OWNERS ASSOCIATION**  
**From: The 2023-2024 Board of Directors**

The attached documents now in your possession have been duly read and explained to the membership majority of the ELBOW LAKE COTTAGE OWNERS ASSOCIATION and have been accepted by a vote of the membership majority, during the 2024 ELCOA Annual Membership Meeting.

The documents are meant to (1) convey the agreements and guidelines for the safety and protection of all Elbow Lake Residents & (2) describe the Bylaws pertaining to the operation and regulation of the Elbow Lake Cottage Owners Association officers and Directors.

These documents now replace all previous documents pertaining to the same subject matter and as required, will be filed with the State of Michigan, the County of Clare and Franklin Township offices. The DNR and the Marine Division of the Clare County Sheriff's Department will also receive copies.

It is with sincere hope of the membership that the enhancement of safety and protection will be afforded by conformance to these documents by all, where applicable.

Thank you in advance for your continued cooperation.

Mark Scott

President ELCOA

MAW/2024

**BY-LAWS**  
**OF THE**  
**ELBOW LAKE COTTAGE OWNERS ASSOCIATION, INC.**  
**Mission statement**

---

The Elbow Lake Cottage Owners Association, Inc. (ELCOA), comprised of legal property owners within the recorded SUPERVISOR'S PLAT OF ELBOW LAKE SUBDIVISION PLAT OF ELBOW LAKE RESORT and ELBOW LAKE RESORT Numbers 2,3,& 4, having been incorporated on September 8, 1967, in the State of Michigan within the United States of Americas, have joined together as an association, to acquire to retain and dispose of real and /or personal property, in such a manner that will aid and assist in the conservation, the beautification of all such properties, to enhance such personal property values, while creating and maintaining a vacation-like environment.

These Bylaws and other agreed upon guidelines have been created by and agreed upon by the ELCOA membership, addressing safety, health, welfare, and lake preservation of all families, guests, and lake acreage. These bylaws and agreements are limited to those residing in the area defined by the SUPERVISOR'S PLAT OF ELBOW LAKE SUBDIVISION PLAT OF ELBOW LAKE RESORT and ELBOW LAKE RESORT Numbers 2,3,& 4, and as such, pertain only to members of the Elbow Lake Cottage Owners association, Inc. (ELCOA)

MAW/2024

## **ARTICLE I**

### **MEMBERSHIP**

Sec.1. **MEMBERSHIP** in the **ELBOW LAKE COTTAGE OWNERS ASSOCIATION INC.** is offered to legal owners of/with possessory interests on a lot or lots described within the SUPERVISOR'S PLAT OF ELBOW LAKE SUBDIVISION, PLAT OF ELBOW LAKE RESORT and ELBOW LAKE RESORT Numbers 2. 3. & 4.

Sec.2. **MEMBERSHIP DUES**, as determined by the membership each year, shall be payable annually to the Treasurer of the Association on or before the day of the annual meeting. Payment of dues as recorded by the Treasurer of the Association shall be a pre-requisite to voting on Association issues or being eligible to serve as an officer or member of the Association Board of Directors.

Sec.3 **MEMBERSHIP VOTING** shall allow only a single vote per property owner with no exceptions permitted for marital status, number of family members, joint property ownership or multi-lot property ownership.

Sec.4. **MEMBERSHIP ASSESSMENTS** are dues and will be based on ownership of only one lot with the amounts levied in accordance with the vote of membership.

Sec. 5. **TERM OF MEMBERSHIP** shall be valid for a period of one year unless terminated at the request of the member or by the Board of Directors under conditions discussed and approved at a special meeting whereby consent must be granted by a quorum of the membership at large.

Sec.6. **MEMBERSHIP BEHAVIOR AND GUIDELINES** carries the responsibility for honoring and participation within the Association guidelines developed by the membership majority. Irresponsibility may include termination at the request of the member or by the Board of Directors under conditions discussed and approved at a special meeting whereby consent must be granted by quorum of the membership at large. The behavior, guidelines, and agreements are not part of these Bylaws, but are attached for membership information.

## **ARTICLE II**

### **MEMBERSHIP MEETINGS**

Sec.1. **ANNUAL MEETINGS** of the membership shall be held on the first Saturday of August, 10:00 am at a location to be designated by the Board of Directors, for the purpose of electing Board Officers & Directors and conduction of all other business brought before the membership.

Sec.2. **SPECIAL MEETINGS** of the membership may be called by the President and/or secretary requesting in writing or by vote of the Board of Directors, or at the request of members in writing by not less than ten (10) members, stating the intended purpose of the meeting.

Sec.3. **SPECIAL MEETING NOTICE** must be communicated in written form mailed to each member at his last recorded address, at least ten (10) days prior to the meeting, briefly indicating the time, place and purpose of the meeting. Should members waive written notice of the subject meetings or have provided incorrect address information for mailing, such a meeting shall be considered valid for all purposes providing proper membership quorum is in attendance.

Sec.4. **MEETING QUORUM** shall consist of one third of the membership recorded in the latest Treasurer's list of those attending the meeting. Meetings with less than the required quorum can be rescheduled for another date decided by a majority of those members in attendance at the meeting. No further notice other than the announcement at the meeting will be required to schedule the next meeting and when such a meeting takes place; all issues and business may be conducted providing a quorum of the membership present.

Sec.5. **MEETING ORGANIZATION** shall consist of the President calling the meetings to order and acting as chairman through adjournment unless otherwise determined by a majority of all members present. The secretary shall perform duties as required, however, in the absence of the secretary, or the inability to perform as secretary, the presiding officer may appoint any member to act as temporary secretary. Roberts Rules of Order will be used as parliamentary authority.

Sec.6. **MEETING INSPECTORS** shall be requested by the majority of the membership at such meetings where the right to vote and election returns may be challenged. Inspectors need not be members in order to avoid a bias situation. The results of their activity shall be final.

## **ARTICLE III**

### **BOARD OF DIRECTORS**

Sec.1. **THE BOARD OF DIRECTORS** shall be a minimum of five in total numbers. Delegated with the responsibilities for managing the business and controlling the issues of the Association. Should more than five be elected, the total must be odd in numbers. All Directors shall hold a term of office as follows:

- Even year elected is for a term of two years
- Odd year elected is for a term of three years
- Or until their successors are elected and qualified.
- The Board shall be comprised of officers and directors.

Sec.2. **DIRECTORS MEETINGS** may be held in such a place or places in our County of Clare, in our State of Michigan as determined by the Board of Directors. Special funding for “out of town” meetings must be voted on and approved by membership. Meetings shall be called at any time by the President or Secretary or by a majority of the Board of Directors. Notice of such meetings shall be given in e-mail or written form to all members of the Board, specifying the time, place, and purpose of the meeting. Any Director shall, however, be deemed to have waived such a notice by attendance at any meeting.

Sec.3. **DIRECTORS QUORUM** shall be defined as two officers (one the President or his elect) and 4 Directors. With 6 members present, business transactions shall be conducted and a majority vote is needed of those in attendance. Any Director missing 3 meetings shall be subject to removal by The Board of Directors.

Sec.4. **DIRECTORS VACANCIES** shall be filled by the remaining members of the Board and he/she shall remain as a Director until such time as replaced by a

successor duly elected by the membership at a special meeting or at the Annual Meeting of the membership.

Sec.5. **DIRECTORS COMPENSATION** or salary for services as a Director shall not be permitted unless specifically ordered by these **BYLAWS**.

## **ARTICLE IV**

### **OFFICERS**

Sec.1. **THE MEMBERSHIP** shall nominate and vote into office for a two year term, a President, Vice President, Secretary, and Treasurer and Membership. Any two of the above offices, with the exception of the President and Vice President, may be held by the same person. Officers shall not receive salaries or other compensation for their services rendered to and/or on behalf of the Association.

Sec.2. **THE BOARD OF DIRECTORS** may appoint other officers and agents as they deem necessary for the transactions of business of the association. Such appointment shall carry the responsibility and authority as designated by the Board of Directors and may require the fidelity of any/or all such officers, by bond or otherwise. All appointees must be qualified members of ELCOA.

Sec.3. **THE BOARD OF DIRECTORS** shall have the right to remove any officer or agent whenever, in their judgment, the business interest of the Association will be served thereby. This action may be taken without limitation of any right of an officer or agent, to recover damages for breach of written or any form of intended contract.

Sec.4. **THE BOARD OF DIRECTORS** shall maintain a professional conduct in all interactions with residents and guests. In failure to do so, you may be asked to resign from the board or the Board of Directors may take action.

## **ARTICLE V**

### **DUTIES OF OFFICERS**

Sec.1. **THE PRESIDENT** shall be the chief executive officer of the Association and in the recess of the Board of Directors, shall have the general control, authority for management of the Association's business and affairs, subject, however, to the authority granted by the Board of Directors to any other officer(s) appointed on their behalf. The President shall preside at all meetings of the Directors and all meetings of the membership, unless otherwise directed by the majority of the members present. Internet communications and voting may be used by all members of the Board. Roberts Rules of Order will be used for parliamentary authority.

Sec.2. **THE VICE PRESIDENT** shall assist in the duties of the president and shall assume these duties should the office of President be vacated through death, resignation, removal, absence or disability to properly discharge the duties of the Office of President. The Vice President shall also perform all other duties so directed and authorized by the Board of Directors.

Sec.3. **THE TREASURER** shall have custody of these accounts relating to money, all funds and property of the Association, unless otherwise determined by the Board of Directors and shall render such accounts and present such statements as may be required by the President and/or Board of Directors.

The treasurer shall deposit all funds under the name of the Association in such bank(s) as approved by the Board of Directors and pay out money as the business of the Association requires and/or upon the request of a constituted officer(s), taking proper vouchers therefore; provided. However, that the Board of Directors, in accordance with their authority, shall have delegated any of the duties of the Treasurer, to other officers for any reason of Association business. The Treasurer shall perform, in addition, all such other duties as may be delegated by the Board of Directors.

Sec.4. **THE SECRETARY** of the Association shall keep the minutes of all Membership and Board of Directors meetings. The secretary shall maintain such records for future reference as to Association Business Activities. The Secretary shall sign, with the President or Vice President, on behalf of the Association, all

contracts authorized by the Board of Directors and shall have charge of all such records/papers as directed, all of which shall be available at reasonable times, for examination of any Director upon application to the Secretary. The Secretary shall, in addition to these duties, be required to discharge other responsibilities as may be delegated by the Board of Directors.

Sec.5. Membership Secretary of the association shall keep a listing of all paid members and their contact information. Dues are to be turned over to the Treasurer. The Membership Chair shall welcome new residents to our community through newsletters, Elbow Lake Community page , events and meetings as well as the Elbow Lake website. The Member Chair shall, in addition to these duties, be required to discharge other responsibilities as may be delegated by the Board of Directors including providing new member contact information.

MAW/2024

## **ARTICLE VI**

### **AMENDMENTS**

Sec. 1--**AMENDMENTS** to these bylaws may be made by a majority vote of the members, constituting a quorum at a proper meeting held in accordance with these bylaws, to alter, add, or repeal these **BYLAWS**, including fixing and altering of the Board of Directors and Officers of the Association.

These bylaws supersede all those adopted by the membership at previous Membership Meetings held by the Elbow Lake Cottage Owners Association. These **BYLAWS**, as amended and approved by the Board of Directors, having been submitted to, voted on and approved by the membership of the Elbow Lake Cottage Owners Association at their officially scheduled annual membership meeting, held on the 3rd day of August, 2024, are now recorded as the official **BYLAWS** of the ELBOW LAKE COTTAGE OWNERS ASSOCIATION.

PRESIDENT: Mark Scott

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Vice President: Rick Elenbaas

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Secretary: Mary Ann Wood

Signed: \_\_\_\_\_ Date \_\_\_\_\_

Treasurer: Deb Smith

Signed: \_\_\_\_\_ Date \_\_\_\_\_

MAW/2024

# **ELBOW LAKE COTTAGE OWNERS ASSOCIATION ELCOA**

---

## **MEMBERSHIP AGREEMENTS AND BEHAVIOR GUIDELINES**

---

The membership of the Elbow Lake Cottage Owners Association have recommended and agreed upon by majority, to abide by the following guidelines for maintaining neighborly respect, safety and welfare for the protection of personal and ELCOA properties and the preservation of the lake and surrounding areas.

The safety of the Elbow Lake Subdivision area will depend on each and every one of the ELCOA members respecting these guidelines, cooperating with all its members. Including their families and guest, and further sharing these agreements with all residents of the Elbow Lake area propped even though they may not be members of ELCOA.

It is further understood by the membership the Michigan Waterways Laws governing the use and operation of watercraft, will be enforced on Elbow Lake, by the DNR and the Marine Division of the Sheriff's Department and further understood that if these agreements and guidelines set forth in this document are followed, outside law enforcement will not be required

MAW/Aug2024

**ELBOW LAKE COTTAGE OWNERS ASSOCIATION**  
**ELCOA**  
**MEMBERSHIP AGREEMENTS & GUIDELINES**  
**PRESERVING PROPERTY, SAFETY, AND RESPECT**

The members of the Elbow Lake Cottage Owners Association have recommended and agreed upon by majority, to abide by the following guidelines for maintaining neighborly respect, safety and protection of property values.

It is well understood by all that the success of the Elbow Lake Cottage Owners Association and the Elbow Lake area in general, will depend on everyone respecting these guidelines. Through the cooperation of all members, residents, their families and guests, the Elbow Lake area will be a beautiful place for vacation and year round living for all.

**BOATING/WATERCRAFT**

Members and their families and guests will be totally responsible for the safe and respectful operation of their watercraft in accordance with State Laws covering regulations of speed limits, waterskiing, jet-skiing, tubing, and mandatory personal safety equipment. Members or their guests wishing to use the lake must launch a clean boat to prevent invasive species from entering the lake.

When operating motor-powered watercraft in excess of 5 mph, operators must travel in a safe, respectable counterclockwise direction, staying **at least 100 feet** from shore, docks, rafts, and boats (whether anchored or not under power).

**Boating wake hours:**

- *No wake* before **11:00 a.m.** on any day.
- *No wake* after **5:00 p.m.** Monday–Thursday.
- *No wake* after **6:00 p.m.** Friday–Sunday.

There is no extension for holidays falling midweek. Evening limits ensure “quiet time” for all residents and must be respected.

State law requires two people in a boat when pulling a skier.

## **Personal Watercraft (Jet Ski / Wave Runner) Operation Rules**

1. **Less than 14 years of age** – May not legally operate a personal watercraft.
2. **14–15 years of age** – May operate only if they:
  - Possess a valid boating safety certificate **AND**
  - Are accompanied **on board** by someone at least 21 years old.
3. **At least 16 years of age and born after Dec. 31, 1978** – May operate only if they possess a boating safety certificate.
4. **Born on or before Dec. 31, 1978** – May operate without restriction.

## **Motorized Boat Operation (Excluding Personal Watercraft)**

### **Less than 12 years of age:**

- Up to **6 horsepower** – May operate without restriction.
- More than **6 horsepower**, up to **35 horsepower** – May operate only if they:
  - Possess a valid boating safety certificate on board, **AND**
  - Are directly supervised on board by someone at least 16 years old.
- More than **35 horsepower** – May not operate under any circumstances.

**Born on or after July 1, 1996** – May operate a motorized boat over 6 horsepower only if they possess a boating safety certificate.

**Born before July 1, 1996** – May operate without restriction.

## **SWIMMING**

Members and their families will be totally responsible for the education of their guests as to their expected safe and respectful swimming/beach behavior.

Members, and their families and guests will accept full personal responsibility for their own individual conduct relating to safe swimming/beach behavior.

Members, and their families and guests, will swim only 100 feet from shore during the hours of 11:00 am to 6:00 pm. This would eliminate the risk of injury from powered watercraft operating beyond the 100 foot boundary.

Members, their families and their guests, will limit their swim activity at the swim site to 10:00 pm. Noise and further disturbing activity is limited till 11:00 pm. The site must be vacated by 11:00 pm.

Members and their families will be present with or provide written permission allowing their guests the privileges at the North Central Access Site designated for swimming only. Members and their families and guests, will maintain the general cleanliness of the North Central Access Site designated for swimming only.

Members, and their families and guests, will use a boat escort with a person aboard capable of handling an emergency situation, if encountered by the swimmer, when swimming out beyond 100 ft. from shore only during the times before 11:00 am and after 6:00 pm. NO WAKE AFTER 6:00 pm. Non-swimmer should wear a life jacket at all times when in or on the lake.

## **FIREWORKS**

**Fireworks users MUST abide by current Michigan state laws regarding the use of fireworks and the times and days.**

Fireworks will be limited to the hours of 10 pm to 12 am on legally documented days by the State of Michigan.

During the 4th of July celebration, the flare boat indicates when shore flares are to be lit. Also to ensure the safety of the flare boat drivers, no fireworks over the lake until the flare boat returns to shore after circling the lake twice.

Fireworks Users please make sure you are aiming them carefully, preferably straight up in the air. Some have landed on others' roofs, property, pontoon boats, and in one case, Hair!

Members will exercise caution, safety and respect for other people and their property, when using fireworks. Dry Conditions in the area may preclude the use of all fireworks due to risk of grass or forest fires.

Members and their families and guests will clean up debris left by fireworks to keep the environment safe and clean.

## **LAKE AND SURROUNDING AREA**

Members will remove and visually identify submerged objects in the water to prevent potential safety hazards.

Members will pay strict attention to the performance of their septic and drain systems in their lakefront homes and cottages, so as not to pollute the water in Elbow Lake.

Members will contact the Association Board Members before adding any chemicals to the lake which could prove harmful to the ongoing treatment of our lake.

Members will use the provided containers at the lake access sites only for garbage and refuse created during the use of these sites. Garbage and refuse from cottages may be disposed of by contracted garbage pick-up service.

Members will abide by our residential road 25 mph speed limits and show common sense and respect for their neighbors and others, when operating vehicles on the roads and trails. This applies to all seasons of the year and all forms of vehicles used during these seasons.

Members will keep their animals restricted to personal property or on a leash when leaving their property such as walking along the roads.

Members will maintain general cleanliness of their properties regarding garbage, refuse, and other junk items that would detract from the beauty and may offer risk of health concerns in the area.

Members with cottages and homes on the lake must only use non-phosphorus fertilizer on their lawns.

Members and their families and guests must wash and rinse all watercraft going into or coming out of the lake, if being used on another body of water.

Neighborhood watch is a volunteer service offered by the Board of Directors and involves checking on area homes through drive bys.

MAW/Aug2024