

THE CRESCENT BEACH ASSOCIATION
CHARTER
BYLAWS
ORDINANCES AND REGULATIONS

(Updated 7/2018)

CONTENTS

<u>Title</u>	<u>Page</u>
HISTORY OF AMENDMENTS, ETC.	
THE CHARTER (Adopted as of 3/15/86, Revised effective 2/1/2017)	A-1
FOREWORD (Adopted as of 3/15/86)	B-1
BYLAWS (Adopted as of 3/15/86)	C-1
ORDINANCES AND REGULATIONS	
CHAPTER I ZONING (Adopted as of 10/18/86) (Revised as of 8/3/2006)	D-1
CHAPTER II BUILDING CODE (Adopted as of 3/15/86)	E-1
CHAPTER III BEACH REGULATIONS (Adopted as of 3/15/86)	F-1
CHAPTER IV TRAFFIC REGULATIONS (Adopted as of 10/18/86)	G-1
CHAPTER V ITINERATE AMUSEMENTS (Adopted as 3/15/98)	H-1
CHAPTER VI DEFACEMENT OF SIGNS OR PROPERTY (Adopted as of 3/15/86)	1-1
CHAPTER VII APPOINTMENT OF WATCHMEN OR POLICE MEN (Adopted as of 3/15/86)	J-1
CHAPTER VIII PLACE AND TIME OF MEETINGS (Adopted as of 3/15/86)	K-1
CHAPTER IX PENALTIES - ENFORCEMENT (Adopted as of 3/15/86)	L-1
CHAPTER X ORDINANCES AND REGULATIONS Crescent Beach Association Center (Adopted as of 3/12/88)	M-1

HISTORY OF AMENDMENTS, REVISIONS AND DELETIONS
TO CRESCENT BEACH ASSOCIATION CHARGE, BYLAWS,

ORDINANCES AND REGULATIONS SINCE MARCH 15, 1986

1. All of Chapter 1 entitled "Zoning" was revised. (Adopted 10/18/86; Revised 8/3/2006).
2. The sentence, "For such services, the Tax Collector shall be paid such annual salary as may be designated by ordinance." was added to Section 10 of the Bylaws. (Adopted 10/10/87).
3. The following sections were added to Chapter I entitled "Zoning":
 - a. 1.18.1 Trailer, Boat - Any vehicle which is used or designated to be used to carry boats and which is, has been or may be mounted on wheels. A boat is any vessel for navigating the water. (Adopted 10/10/87).
 - b. Storage of Boats and/or Boat Trailers - The storage of boats and/or boat trailers is prohibited between the building line and street line of any lot and/or any street within the Association during the period from November 1 through March 31. (Adopted 10/10/87).
4. The entire Chapter X entitled "Ordinances and Regulations Crescent Beach Association Center" was added. (Adopted 03/12/88).
5. Sections 5.3 and 6.5 of Ordinances and Regulations Zoning Chapter were amended increasing the fees for zoning certificates and for variance applications to Zoning Board of Appeals respectively. (Adopted 09/30/89).
6. Section 9 of the Bylaws was deleted and a new Section 9 was inserted. (Adopted 09/30/89).
7. Section 3(d) (Officers - Treasurer) of the Bylaws was deleted and a new Section 3(d) was inserted clarifying the voting requirements for the expenditure of tax monies. The \$2,000 contingency expense fund was eliminated. (Adopted 04/20/91).
8. Section 5 (Quorum) of the Bylaws was deleted and a new Section 5 was inserted reducing the quorum requirements for any Association meeting to twenty members, including a majority of the Governing Board. (Adopted 4/20/91).
9. Section 8 (Long Range Planning Committee) of the Bylaws was eliminated in its entirety and the section was reserved for future use. (Adopted 04/20/91).
10. Chapter I of The Ordinances and Regulations (Zoning), Section 5.3 was deleted and a new Section 5.3 was inserted changing the fees to be charged for a compliance certificate from the Crescent Beach Association Zoning Enforcement

Officer. (Adopted 04/20/91).

11. Chapter III of The Ordinances and Regulations (Beach Regulations) title was changed to "Beach, Public Ways and Public Areas". (Adopted 04/20/91).
12. Chapter III, Section 1 was deleted and a new Section 1 was inserted discussing the applicability of the Chapter's regulations. (Adopted 04/20/91).
13. Chapter III, Section 6 was deleted and a new Section 6 was inserted prohibiting any dog or other animal from being on any beach at any time. (Adopted 04/20/91).
14. Chapter III, Section 7 was deleted and a new Section 7 was inserted restricting the use of scuba diving equipment or other flotation devices within the supervised area during lifeguard duty hours. (Adopted 04/20/91).
15. Chapter III, Section 8 was deleted and a new Section 8 was inserted restricting alcoholic beverages, coolers and picnicking in the garden areas maintained by the Association and on the beaches during lifeguard duty hours. (Adopted 04/20/91).
16. Chapter III, Section 10 was deleted and a new Section 10 was inserted prohibiting any size boat within the protected area at all times. (Adopted 04/20/91).
17. Chapter III, Section 13 (Fines) was renumbered as Section 14 and a new Section 13 (Sleeping) was inserted prohibiting camping or overnight sleeping on all Crescent Beach Association property. (Adopted 04/20/91).
18. Chapter III, Section 15 (Applicability) was added to discuss the applicability of the Chapter's regulations. (Adopted 04/20/91)
19. Chapter I, Section 6 (Special Exceptions, Variances and Appeals), Paragraph 6.5 increased application fee to \$150. (Adopted 6/15/97)
20. Chapter III, Section 14 (Attachment of Equipment), Section 15 (Erection of Structure) were inserted prohibiting personal property being attached to equipment, as well as prohibiting structure erection on beach higher than six feet other than umbrellas. (Adopted 5/21/98). (Prior Section 14 [Fines] and Section 15 [Applicability] are currently Section 16 and Section 17 respectively.)
21. Chapter I, Section 1 (Definitions), Paragraph 1.10 (Junkyard) changed to more clearly define and reduce time limit. (Adopted 6/11/98)
22. Chapter IV, Section 1 (Ordinance Regarding Use of Lower Beach and Adjacent Parking Area), Paragraph b changed wording from "may" to "must". (Adopted 3/18/99)

23. Bylaws, Section 9 (Zoning Board of appeals) requires ownership in territorial limits of Crescent Beach Association. (Adopted 3/18/99)
24. Chapter III, (Ordinances and Regulations, Beaches, Public Ways and Public Areas) Section 16 prohibits launching of boats with motor vehicles between June 15 and Labor Day at the Lower Beach. (Adopted 7/2/99)
25. Chapter IV, Section 1 (Ordinance Regarding use of Lower Beach and Adjacent Parking Area), e.f.g.h. (Adopted June 5, 2000).
26. Chapter I, Ordinances and Regulations, Zoning, Section 3, General Requirements, amended Paragraph 3.10, Ordinance prohibiting portable toilets or outhouses on CBA properties (Adopted September 17, 2001).
27. Chapter I, Ordinances and Regulations, Zoning, Section 3, General Requirements added paragraph 3.14 specifying requirements governing exterior accessory equipment (adopted May 13, 2008).
28. Chapter I, Ordinances and Regulations, Zoning, Section 3, General Requirements inserted phrase in Paragraph 3.11 to reflect transparent density requirement for walls and fences (Adopted July 18, 2008).
29. Chapter I, Ordinances and Regulations, Zoning, Section 5, Paragraph 5.4.9 changed fee from \$150 to \$500 (Adopted September 18, 2009).
30. Chapter I, Ordinances and Regulations, Zoning, Section 1, Paragraph 1.32 and Chapter I, Ordinances and Regulations, Zoning, Section 4, Paragraph 4.1.3 add statement that 80% of original fee can be applied to fee for reapplication (Adopted July 6, 2010).
31. Chapter I, Ordinances and Regulations, Zoning, Section 3, Paragraphs 3.6 and 3.9 clarification of trailer definitions as regards occupancy and storage (Adopted August 3, 2010).
32. Chapter I, Ordinances and Regulations, Zoning, Section 3, Paragraph 3.6 clarification of trailer definitions as regards occupancy and storage (Adopted September 7, 2010).
33. Chapter I, Ordinances and Regulations, Zoning, Section 4, Applications, Permits and Enforcement, Paragraph 4.1.3 (first paragraph) changed to include carports, attached or free standing. (Adopted August 2, 2011).

34. Chapter IV, Ordinances and Regulations, Traffic Regulations, Section 7, Uses of Garages, Tents and Trailer Houses wording inserted to clarify occupancy (Adopted August 2, 2011).
35. Charter Revision (Adopted 2/1/2017).
36. Section 2 of the Bylaws was amended to permit warning of Association or special meetings by email or other electronic means sent to an electronic address specified by the Member for that purpose (after consent is given) (Adopted 7/10/2018).
37. The Crescent Beach Association Charter, Bylaws, Ordinances and Regulations document was reformatted for styling and font consistency. No changes to the content of the document (May, 2019).

THE CRESCENT BEACH ASSOCIATION CHARTER

The Crescent Beach Association is a municipality with certain limited powers if self-government distinct from the town in which the territory lies. The source of its powers is the General Assembly, from which all local authority in Connecticut derives. Those powers are conveyed in Number 398, Special Laws of 1935, approved June 4 of that year, as amended by Number 357, Special Laws of 1937, approved June 3, 1937, Number 362, Special Laws of 1949, approved July 1, 1949, House Bill No. 5675, Special Act No. 85-21, and Charter Revisions approved August 20, 2016.

Those enactments, taken together, constitute the Charter of The Crescent Beach Association and the foundation for exercise of authority by its governing body. The pages immediately following contain the text as presently effective, with all amendments integrated into the original except Special Act Number 450 of 1947, which is not operative. That Act would have extended the territorial limits of the Association southward, but property owners have since obtained a charter of their own. Consequently, the requisite referendum will not be held.

CHARTER

Section 1 **Name**

- a) The owners of a freehold interest in any land within the limits specified in Section 2 of this act, in the locality known as Crescent Beach in the Town of East Lyme, shall be, while they continue to be owners of such land, a body politic and corporate by the name of The Crescent Beach Association, hereinafter referred to as the "Association", and by that name they and their successors shall be a corporation in law capable of suing and being sued and pleading and being impleaded in all Courts, and shall be vested with and possess the powers hereinafter specified.
- b) Eligibility: Every individual, corporation, trust, partnership, limited liability company or other legal entity, who owns or who may hereafter become the owner of any land within said limits, while they continue to be owners of such land, shall automatically be a Member of said Association in the manner hereinafter provided;
 - i. When the ownership of any land in the Association is in the name of more than one individual, each co-owner shall be deemed a Member of the Association and shall designate a Member representative by notifying the Association Secretary of such designation in writing;
 - ii. When the ownership of any land is in the name of a corporation, trust, partnership, limited liability company or other legal entity, said entity shall designate a Member representative by notifying the Association Secretary of such designation in writing;
 - iii. Each Member or Member representative or legal spouse must reside

- at least part-time on the land within the limits of the Association to be eligible for any office in said Association;
- iv. Holders of life use of any land within the limits of the Association shall be deemed to be the owners of said land for purposes of eligibility pursuant to this section;
- c) Voting Rights: Regardless of the form of ownership or the number of Members who reside at a particular property, each property within the Association shall have only one vote to cast in Association matters;
- i. When the ownership of any land in the Association is in the name of more than one individual, the co-owners shall be entitled to only one vote among them and shall identify a designated voter. If such co-owners disagree as to how the vote shall be cast, none of them shall vote;
 - ii. The Association may accept the vote of any single co-owner as being the vote for a property, unless the Association has actual notice of a disagreement among the co-owners prior to the time of voting. The Governing Board and the Association shall not be liable to any Member or third party for accepting the vote of any owner or Member representative designated as a Member representative pursuant to this section.

Section 2 Boundaries.

The limits and territory of said The Crescent Beach Association are defined and established as follows: All territory in the Town of East Lyme bounded northerly by land of Elmer W. Russell and the New York, New Haven and Hartford Railroad Company, partly by each; easterly by land of heirs of Eliza S. and John J. McCook, and by Niantic Bay, partly by each; southerly by Niantic Bay and by lands now or formerly of Oak Grove Beach, Inc. and Rose Doherty, partly by each; and westerly by land now or formerly of Nancy D. Northrop, Nelson M. Spencer state, Andrus Champion, Harry Whiting and Elmer W. Russell, partly by each.

Section 3 Object.

The object of said Association shall be to provide for the improvement of the lands in said territory and for the health, comfort and protection and convenience of the inhabitants thereof.

Section 4 Notice of Annual Meeting.

The first meeting of the members of said corporation shall be held not later than August 31, 1935, at such time and place within the limits of said Association as the Committee hereinafter named shall appoint in a notice warning such meeting, for the purpose of electing from said members by a plurality of ballots a Governing Board of seven members, of whom two shall be elected for a term of one year, three for a term of two

years and two for a term of three years, and at every Annual Meeting thereafter the successors to the members whose terms then expire shall be elected for terms of three years each. At said meeting the Association may designate certain members of the Governing Board to act as Officers of the Association for the term of one year. Said members of the Board and Officers of the Association shall hold office until their successors shall be elected and shall have qualified, unless sooner disqualified by ceasing to have membership in the Association within the meaning as used in this Act. Annual Meetings shall thereafter be held not later than August 31 in each year, at such time and place within the Town of East Lyme as a majority of the Board shall direct and warn.

Section 5 Association Meetings.

- a) Dorothy J. Bartlett of Putnam, James T. Farrell of Hartford, George E. Gifford of Willimantic, Edward D. Hammond of Niantic, William H. Honiss of West Hartford, Edward R. May of Hartford, Edward E. Sullivan of Niantic and Robert B. Wyllie of Hartford, or a majority of them, shall constitute said Committee and shall have full power to warn said first meeting, which warning shall be written or printed, signed by a majority of said Committee and three copies at least be posted in public places within the said limits at least ten days before said meeting. Any one of said Committee may call said meeting to order and may lead the same to the choice of a temporary moderator and clerk and to the election of Officers and said Governing Board. All subsequent meetings, Annual or special, shall be warned by a majority of said Governing Board in the manner prescribed by it in rules or By-laws made by said Board.

- b) Absentee Ballot: The Governing Board may, at its discretion, identify in the call of any regular meeting or special Association meeting matters on which a Member or a duly authorized representative of a Member may vote by absentee ballot. In addition, the Governing Board, at its discretion, may conduct a vote of the Association solely by absentee ballot, provided a meeting of the Association has first been conducted to discuss the proposed action items or agenda items. The types of matters for which absentee ballots may be used are but not limited to:
 - i. the annual operating budget of the Association,
 - ii. capital projects not exceeding fifteen thousand dollars (\$15,000.00), and
 - iii. disposition of Association assets.

Voting by absentee ballots shall be conducted in the manner prescribed in the Association By-laws.

- c) Virtual Attendance: Provided that a quorum is physically present at the noticed meeting location, members of the Governing Board and committees may participate in meetings through the use of conference telephone,

videoconference or similar communications equipment if all members participating in the meeting are able to hear and identify each other. Participation in a meeting through the use of conference telephone, videoconference or similar communications equipment shall constitute presence in person at such meeting, except for purposes of determining a quorum. Any member so participating shall identify himself or herself each time he or she speaks.

Section 6 Electronic Transmission of Notices.

- a) Electronic transmission” means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved and reviewed by a recipient and may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process, such as a printer or a copy machine. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmission of images, and text that is sent via electronic mail between computers. Electronic transmission does not include oral communication by telephone.
- b) Association Notices:
 - i. The Association may opt to deliver meeting notices by electronic transmission by following these rules or by adopting By-laws that are consistent with these requirements;
 - ii. If the Association decides to stop delivery of notices by electronic transmission, the Association shall notify all Members by electronic transmission of the date on which electronic transmission of notices will cease. The Association must mail the notice to those Members whose consent has been revoked or was never given.
- c) Consent and Revocation of Consent: In order to be effective, any consent given Members to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the Member(s) of record. Consent or revocation of consent may be delivered to the Association by electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by any other commercial delivery service. Member(s) bear the risk of ensuring delivery.
- d) Delivery of Consent or Revocation of Consent: Any consent given by Members to receive notices via electronic transmission must be actually received by a current board member or the Secretary of the Association.
- e) Automatic Revocation of Consent: Consent shall be automatically revoked if the Association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to a particular Member, if and when the

- f) Association becomes aware of such electronic failure. Attachments and Other Information: In order to be effective, notice of a meeting delivered via electronic transmission must contain all attachments and information as if physically mailed to the Member(s).
- g) Effect of Sending Electronic Meeting Notice: Notice of a meeting shall be deemed effective when sent by the Association, regardless of when the notice is actually received by the Member(s), if directed to the correct address, location or number, or if posted on a web site or internet location to which the Member has consented. The Member, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, except as provided in paragraph (e) of this Section, so long as the Association correctly directed the transmission to the address, number, or location provided by the Member. An affidavit of the Association Secretary or other authorized agent of the Association filed among the official records of the Association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. The Association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same Member.
- h) Official Records: The Association shall maintain among its official records, which shall be accessible to the Members or their duly authorized representatives, all consent forms including electronic numbers, addresses and locations, all affidavits, all fax receipts of notice and related communications, copies of all electronic notices and attachments sent by the Association, and any other record created or received by the Association related to the electronic transmission of meeting notices. Electronic records may be maintained in electronic or paper format, but must be available for inspection and copying upon the Member's request in accordance with procedures established in the Association By-laws.

Section 7 Board Vacancies.

Any vacancy of said Board, thereafter occurring during any year may be filled by appointment by a majority of the remaining Board members, and such member so appointed shall hold office for the unexpired portion of the vacant term, unless sooner disqualified by ceasing to own land within the Association limits.

Section 8 Real Estate.

Said Association may purchase, acquire and own real estate or any interest therein, or other property for the use or benefit of the Association, and may sell, rent or otherwise dispose of such real estate or any interest therein, and property.

Section 9 Authority.

- a) Said Governing Board may, from time to time, enact, amend and enforce said Association By-laws, Ordinances and Regulations, not inconsistent herewith or with existing law, as it may deem necessary or desirable for the government and guidance of said Association, such as the election of Officers and Committees, defining their duties, terms of service and compensation, the bonding of Officers, the calling and conducting of meetings, including the quorum therefor; and for the following purposes:
- i. to regulate and prohibit travel over the highways, roads, walkways, and beaches public and private, and parking thereon, within the said limits;
 - ii. to protect by suitable means property within said limits from theft or injury;
 - iii. to employ and discharge one or more special policemen or watchmen who shall have the powers and duties within said limits, and on piers in connection therewith, in relation to criminal and other offenses and offenders that constables have in towns, including the power to arrest for violation of any By-law, Ordinance, or Regulation of said Association or of any law and such violation, and any resistance to or interference with such special policemen or watchmen while in the proper performance of their official duties, shall be penalized in the same manner as though they were duly constituted constables of the Town of East Lyme;
 - iv. to care for and regulate the use, maintenance and operation of beaches, water fronts, piers and other structures thereon, including the policing thereof, in the absence of express objection of private owners thereof, if any;
 - v. to keep the streets, roads, walkways and beaches, private and public, and all public places within the said limits free from unnecessary disturbing noises;
 - vi. to require owners or Lessors of land or buildings within said limits to remove leaves and other inflammable material and debris from the highway and roads adjacent to or in front of property owned, leased or occupied by them;
 - vii. to prevent the deposit within said limits of any refuse, garbage or waste material of any kind, which in the opinion of said Board may endanger the public health or safety or which may become a nuisance;
 - viii. to clean and improve any and all unsightly or neglected areas including the removal of garbage, filth, ashes and other refuse matter within said limits, and to authorize such person as the Board may designate to make entry on any private property within said limits for the purpose of cleaning, improving, taking and removing

- all filth, garbage, ashes, or any other offensive matters;
- ix. to regulate the construction of buildings and the renovation thereof, including plumbing and drainage, and to establish building lines;
- x. to protect any property from danger by fire, including the regulation of the number of cottages and structures that may be erected or placed on any single building lot within said limits;
- xi. to enact Zoning Ordinances;
- xii. to regulate the carrying on within said limits of any business that will, in the opinion of said Board, be prejudicial to public health or dangerous to or constitute an unreasonable annoyance to those living or owning property in the vicinity thereof, which Regulations shall be uniform for each class or kind of building or structures, or class of business;
- xiii. to restrict the enlargement or extension of present business and industry, within said limits, and the entry and operation of any new or addition business or industry;
- xiv. to regulate peddling, sales and solicitation as provided for in the regulations of the Town of East Lyme and the Connecticut General Statutes;
- xv. to regulate the use, maintenance and operation of any amusement or amusement places including dance halls, theatres and other similar enterprises;
- xvi. to erect and maintain suitable signs directing attention of the public to Restrictions or Regulations authorized or permitted herein;
- xvii. to promote the planting of trees and shrubbery and other work leading to the improvement of the general appearance of the community, and;
- xviii. to regulate the maintenance and operation of hotels, boarding and rooming houses and the like.

- b) Said Governing Board may fix a penalty for each violation of any such Association By-laws, Ordinances or Regulations, or for the defacing or removal of signs, notices or other property of the Association, which violations may be prosecuted as such before the trial justice of East Lyme in the same manner as any other offense, and said justice may impose therefor the penalties prescribed by such Ordinances and Regulations and enforce such penalties in the manner judgments of said justice are enforced in other cases. No By-law, Ordinance or Regulation shall take effect until ten days after its passage nor until it shall have been posted for at least seven days on a signpost to be designated by the Association within its limits, or posted on the Association web site or internet location identified by the Association. A certificate of the Secretary of said Association of the posting of any By-law, Ordinance or Regulation as provided herein shall be prima facie evidence of its adoption.

Section 10 Regulation of Propelled Transportation

Within said limits the laws of the State of Connecticut relating to the operation and parking of all modes of transportation including but not limited to self-propelled or motorized motor vehicles, recreational vehicles, bicycles and tricycles on highways, roads, walkways and beaches shall apply to the operation and parking of all such modes of transportation on such highways, roads, walkways and beaches within Association limits, in addition to such Regulations not inconsistent with said state laws, as may be adopted by said Governing Board pursuant to authority herein contained. In case of private roads, said state vehicle laws of the State of Connecticut, together with said Regulations of said Association, shall be applicable in the absence of express objection of the owner or owners thereof.

Section 11 Association Taxes.

- a) The territorial limits of said Association shall constitute a separate taxing district within the Town of East Lyme, and the Secretary of the Association shall, within a reasonable period after each assessment list of the Town of East Lyme shall become available and in the manner directed by the Association or the Governing Board, make an assessment list of all the real estate within said limits as shall appear by the said assessment list of the said town, and the list so prepared by the Secretary shall correspond in description, amount and value of said real estate with said town list.
- b) When real estate so entered in the town list shall be located partly within and partly without the limits of said Association, and there shall be no distinct and separate value put by the town assessor upon the part lying within said limits, the Secretary of said Association shall assess the part within said limits in the proportion which the value of the part within said limits shall bear to the value of the whole tract or property as so assessed by the town, using his/her best judgment as to such proportional value.
- c) When the title to any property shall have changed before the time of laying of such tax said Secretary shall, within such time as may be limited by the Governing Board, return such list to the Governing Board, which shall review such list, and if such Board shall find that that list fails to correspond with the town assessment list or, if said Board shall find that there are any errors in the proportional valuation of such parts of any piece of property partly within and partly without the said limits, said Secretary or said Board shall correct the same and such list shall then be adopted by said Board, and when signed and sworn to by the Secretary, shall be and constitute the assessment list for the Association.

- d) Any person claiming to be aggrieved by the list as thus adopted shall have the right of appeal to the Superior Court for the Judicial District in which the Association is situated as is provided by the general statutes for appeals from boards of relief to the Superior Court.
- e) Said Board shall prepare and submit to said Association, at a meeting held at a time to be prescribed in the By-laws, a budget, and recommend a tax rate sufficient to provide funds to meet the requirements of such budget, which rate shall not exceed five (5) mills on the dollar upon the assessment list adopted by the Governing Board, which budget and recommended tax rate shall be posted on the signpost of said Association or Association web site or internet address identified by the Association not less than five (5) days before such meeting.
- f) Said Association at any Annual Meeting shall have the power to increase or decrease such budget and it shall be final unless thereafter said Governing Board is warranted to decrease it, and any recommended rate of taxation approved by the Association at any such Annual Meeting, shall be tentative. Thereafter, said Governing Board shall, either upon such adopted budget or upon a lesser one, together with the assessment list it shall adopt, as hereinbefore prescribed, fix a rate of taxation, but in no case, nor in any one year, shall such rate of taxation exceed five (5) mills on the dollar. (g) The tax so laid shall be collected by any collector specially appointed by the Board for the purpose, and a rate book shall be prepared and signed by the Secretary within such time and in such manner as may be directed by said Board, and warrants shall be issued for the collection of money due on such rate bill pursuant to the provisions of Section 1208 of the Connecticut General Statutes. Said Association shall have the power to determine all other matters pertaining to the levy or collection of such tax.
- g) Written notice of the rate of such tax and the amount thereof, and of the assessment apportioned to him or her, and of the date when the tax is due and payable, shall be sent by the treasurer or collector to each Member of the Association within thirty days from the sending of the town tax notice, and if such tax shall not be paid when due, it shall bear interest at the rate established by Connecticut General Statutes Section 12-146 as amended from time to time.
- h) The Treasurer or other collector shall have all the powers of collectors of town taxes and shall be accountable to the Governing Board in the same manner as town collectors are accountable to selectmen. Such tax or assessments shall be a lien upon the property upon which it shall be laid and may be collected by suit in the name of the Association by foreclosure of such lien or in such manner as town taxes may be collected. Such lien may be continued by certificate which shall be

recorded in the land records of the town or towns in which it is located, pursuant to the provisions of the general statutes relating to the continuance of tax liens. The provisions of this section shall supersede any provisions of the state statutes which are inconsistent herewith.

Section 12 Effect on Deeds.

Nothing herein shall be construed to enlarge or impair any rights or restriction either in deeds or arising by operation of law, in relation to property located within said Association limits.

Section 13 Sale of Liquors.

The sale of alcoholic liquor as provided for under Chapter 151 of the 1933 supplement to the general statutes and any amendments thereto shall be permitted within the said limits of said Association unless prohibited by vote of the Town of East Lyme or by a plurality vote of the said Association, taken as provided in this section. Upon the petition of not less than ten percent of the members of the said Association whose names appear on records thereof, lodged with the Secretary within twenty days before the date of the Annual Meeting of said Association, the Governing Board shall warn the members of said Association that, at the Annual Meeting, a ballot will be taken to determine whether the sale of alcoholic liquor shall be permitted within said limits of said Association. The ballot shall be cast either in favor of or against the granting of permits to sell alcoholic liquor and such vote, which shall become effective on the first Monday of the month next succeeding such Association meeting, shall remain in force until a new vote shall be taken. Votes upon the question of liquor permits shall be taken by separate ballot at the Annual Meeting. The designations of the question which shall be used on such ballots shall be "Liquor Permit, Yes" and "Liquor Permit, No." When said Association shall have voted upon the question of liquor permits, any liquor permit granted within said limits of said Association which is not in accordance with such vote shall be void except manufacturers permits, railroad permits and druggist permits.

Section 14 Power to Borrow.

The Board of Governors may borrow not more than Two Hundred Thousand (\$200,00.00) Dollars in anticipation of taxes and for public improvements, when authorized by a majority vote of the eligible Member voters or eligible Member representative voters present at any regular or special meeting duly warned for such purpose.

Section 15 Charter Revision.

The Charter for said Association shall take effect February 1, 2017 upon adoption by a majority of the voting members at its Annual Meeting August 20, 2016 duly warned for this purpose.

NOTES

(Note: Number 450, Special Acts of 1947, extended the territorial limits of the Association southward, but property owners have since obtained a charter of their own. Consequently, the requisite referendum will not be held.)

(Note: House Bill No. 5676, Special Act No. 85-21 An Act Concerning the Borrowing Power of The Crescent Beach Association, granted the Board of Governors power to borrow not more than One Hundred Thousand (\$100,000.00) Dollars in anticipation of taxes and for public improvements, when authorized by a majority vote of the members present at any regular or special meeting duly warned for such purposes.)

(Note: Charter revised through July 26, 2016 and adopted at the Association Annual Meeting held on August 20, 2016 to become effective February 1, 2017.)

ORDINANCES AND REGULATIONS

BYLAWS

AND

ORDINANCES AND REGULATIONS

FORWARD

The Bylaws, Ordinances and Regulations of the Crescent Beach Association in this issue dated March 15, 1986 contain adoptions and enactments included in the last printing, changes and/or amendments to those adoptions or enactments, and additions to existing Bylaws, Ordinances and Regulations as passed by the Board of Governors as of March 15, 1986.

BYLAWS

Section 1 Governing Board.

The property and affairs of this Association shall be under the care and management of a Governing Board of seven members who shall be owners of freehold interests within the territorial limits of The Crescent Beach Association, as set forth in the Articles of Incorporation, and who shall be elected in accordance with the provisions of said Incorporation. Said Governing Board shall represent the Association in all ordinary matters as provided in said Act and shall adopt Rules for its procedures, designate such of its member as members of such Committees as it may deem advisable or as may be called for by Ordinance or by Law; prepare a budget and present same to the Association at an Association meeting in each year or at such other time as may be designated by said Association. All Ordinances shall originate in and be passed by said Governing Board in such manner as it, by Ordinance, may determine and when same are signed by, certified to, and posted by the Secretary in accordance with the provisions of the Articles of Incorporation they shall have full force and effect as Laws under the provisions of said Act. Said Board shall upon the petition signed by at least twenty members of this Association, act upon any Ordinance suggested in such petition.

Section 2 Meetings of Association and Governing Board.

Two meetings of said Association shall be held each year as follows: the first, which is the presentation of the budget meeting, no later than June 30th, and second, which is the election meeting, no later than August 31st in each calendar year. Special or emergency meetings may be called by a majority of the Governing Board. Association and special meetings will be warned by mailing, postage paid, to each member at his or her last known address, or by email or other electronic means sent to an electronic address specified by the Member for that purpose at least five days prior to date of such meeting, a warning, signed by majority of said Board, stating therein the date, time, and place of said meeting and the purpose thereof, and said warning shall be posted by the Secretary on the public signpost at least five days prior to said meeting. Association meetings and special meetings shall be held at such time and place within the Town of East Lyme as the Governing Board shall direct and warn.

All meetings of the Governing Board shall be held at such time and place as shall be designated by said Governing Board within the corporate limits of East Lyme.

Section 3 Officers.

At the meeting of the Association held no later than August 31st in each calendar year, the membership shall elect, by a plurality of ballots, from the members of the Governing Board, the following Officers who shall hold office for one year, or until their successors have been elected and qualified:

- a) A President who shall preside or who shall appoint a chairperson to preside at any or all official meetings of the Association. It shall also be the duty of the President to have general supervision of said Association, and power to enforce all Regulations and Ordinances in the name of the Association as may be adopted, under and in pursuance of, the provisions of the Articles of Incorporation and of these Bylaws. He or she shall, with the approval of the Governing Board, appoint such policemen, watchmen and lifeguards as the Governing Board may deem necessary; regulate their hours of employment; receive reports from such policemen, watchmen, and lifeguards; regulate, under such Rules as the Governing Board may adopt, their tour of duty and general activities. He or she shall have the power to suspend or dismiss such policemen, watchmen, and lifeguards. The President shall act as liaison between the Association and the Association's attorney. The Governing Board may appoint a member of the Association to act as liaison between the President and said attorney. The Governing Board may appoint such liaison annually at its September meeting.
- b) A Vice President who shall perform the duties of the President in his absence or inability to act.
- c) A Secretary who shall act as clerk at all meetings of the Governing Board and of this Association, and keep a correct record of the doings of said meetings in a minute book especially kept for such purpose; post on the signboard such Ordinances and Regulations as may be adopted by said Governing Board in the manner and at the time provided in the Articles of Incorporation, and to certify to such posting, such certification to be recorded by the Secretary in the records of said Association; to prepare a list of all properties with the owners thereof within the territorial limits of this Association and assess value thereon for taxation purposes in accordance with the provisions of the Articles of Incorporation; to return said list to the Governing Board not later than the fifteenth day of May in each year, and when said list shall have been corrected and approved by the Governing Board, he shall sign same and turn it over to the Treasurer of this Association, and when so prepared said list shall constitute and be

the list of electors within this Association who shall be eligible to vote at the meetings of the Association; to prepare and turn over to the Treasurer a tax rate book when such rate is determined by the Association; to prepare and care for all ballots to be used at the annual meeting of this Association, or any special election or meeting that may be legally called by the Governing Board; to keep a true record of all doings of the Governing Board and of this Association, said records to be open for the inspection of the members, or any of them, of this Association at reasonable hours; to transmit to the members of the Governing Board of this Association all notices required by the Articles of Incorporation, these Bylaws, or any Ordinance or Regulation enacted by the Governing board for this Association, or by Law. For such services the Secretary shall be paid such annual salary as may be designated by Ordinance.

- d) A Treasurer, who shall be the custodian of all money of the Association, and all other public money coming into his hands as Treasurer of this Association; all money received by an Officer or employee of this Association for, or in connection with, any business of the Association, shall be promptly paid into the Association treasury, and shall be deposited with such responsible banking institution as may be designated by the Governing Board; all interest on money so deposited shall accrue to the Association; the governing Board shall provide by Ordinance for the prompt and regular payment and deposit of all Association money as required by this section; the Treasurer shall disburse Association money only upon warrant issued by the Secretary and countersigned by the President and one other member of the Governing Board. The Board shall not authorize expenditure of tax monies, until and unless it has previously been budgeted by a majority of the voting members who are present at a special or regular meeting. The Treasurer shall provide the membership at an Association meeting with a list of the Contingency expenses; he or she shall perform all other acts and duties especially required of Town Treasurer by the General Statutes of the State of Connecticut insofar as they are applicable to this Association, and he or she shall give bond in the sum of ONE THOUSAND (\$1,000) DOLLARS to the acceptance of the Governing Board for the faithful performance of his or her duties. For such services, the Treasurer shall be paid such annual salary as may be designated by Ordinance.

Section 4 Meeting Rules and Elections.

All meetings of this Association and of the Governing Board shall be conducted

in accordance with the Rules of Parliamentary Procedure contained in Robert's Rules of Order. A copy of Robert's Rules of Order shall be available at all meeting Election of members and Officers to the Governing Board shall be limited to qualified property owners within The Crescent Beach Association and, unless there is no competition, it shall be decided by written ballot. The Association shall elect a Board member for each open Board seat by a plurality of ballots and by separate nominations and a separate vote for each open Board seat. Officers must be a Board member.

Section 5 Quorum.

The presence of not less than 20 members, including a majority of the Governing Board at any Association meeting shall constitute a quorum of this Association. A majority of the Governing Board shall constitute a quorum at meetings of said Governing Board.

Section 6 Amendments.

These Bylaws may, from time to time, be amended by the Governing Board. These Bylaws may be amended at any Association or special meeting called for that purpose upon petition signed by members of said Association, a certified copy of said petition shall be posted on the public signpost, a copy thereof mailed to each member of the Association at least ten days prior to the date of said meeting. Said petition shall be filed with the Secretary of the Association at least twenty-five days prior to the date of the meeting. Said petition shall set forth specifically the amendment or amendments proposed for adoption. For consideration at an Association meeting, such petition must be signed by not less than twenty-five (25) members, and for consideration at a special meeting, must be signed by not less than fifty (50) members.

Section 7 Special Meeting by Petition.

A petition requesting the convening of a meeting of The Crescent Beach Association signed by not less than fifty (50) members of the Association, shall cause the President to call a special meeting within thirty (30) days.

Section 8 Long Range Planning Committee.

This Section is eliminated in its entirety and the Section will be left available for future use.

Section 9 Zoning Board of Appeals.

The Zoning Board of Appeals, consisting of five (5) Regular members and three (3) Alternate members, each of whom shall be owner of freehold interest within the territorial limits of the Crescent Beach Association, none of whom shall be members of the Governing Board, shall be elected at a membership meeting of the Crescent Beach Association. At the first meeting of the membership of The Crescent Beach Association following the adoption of this amendment duly called for purposes of electing members and alternatives to the Zoning Board of Appeals, the terms of the members and alternates to the Zoning Board of Appeals shall be as follows:

- Two (2) members for three (3) years;
- Two (2) members for two (2) years;
- One (1) member for one (1) year ;
- One (1) alternate for three (3) years;
- One (1) alternate for two (2) years; and
- One (1) alternate for one (1) year.

Thereafter, each board member and alternate shall be elected for a three (3) year term. Any Board vacancy may be filled by the Governing Board at any regular or special meeting, for the unexpired term.

The Zoning Board of Appeals by vote of its Regular members shall elect a Chairperson and a Secretary from among its member. Said elections shall be held within thirty (30) days after the annual August meeting of the Crescent Beach Association and shall be for terms of one (1) year. Any vacancies in the offices of Chairperson or Secretary shall be filled by a vote of the Regular members of the Zoning Board of Appeals for the unexpired portion of the terms.

Section 10 Tax Collector.

A Tax Collector shall be appointed by the Governing Board annually. The term of office will extend from July 1 through June 30. The Secretary shall deliver the warrant to the Tax Collector who shall then issue tax bills and collect the same in the manner and form designated in the Articles of Incorporation and the Laws of the State of Connecticut. Such appointment shall be made no later than April 1 for the next fiscal year. For such services, the Tax Collector shall be paid such annual salary as may be designated by Ordinance.

Section 11 Zoning Enforcement Officer.

A Zoning Enforcement Officer for the Crescent Beach Association shall be appointed by the Governing Board and shall serve at the pleasure of said Board and be under the general control of said Board.

Section 12 East Lyme Council of Beaches.

Two representatives from the Crescent Beach Association shall be appointed annually by the Governing Board to the East Lyme Council of Beaches, one of whom shall be a member of the Governing Board. A report shall be submitted to the membership at an Association meeting.

Section 13 Absences From Meetings.

Absences from their respective meetings by Board and/or Committee members shall be limited to three meetings in each calendar year. If more than three absences from meetings by any one member, the Governing Board, at its discretion, shall request a resignation be submitted and the member replaced.

Section 14 Tellers.

Four regular tellers, one of whom shall be head teller, and three alternate tellers shall be appointed by the Governing Board annually at the September meeting of the Governing Board.

Tellers shall be responsible for counting votes or ballots at all meetings of the Association. Tellers shall determine that only votes or ballots of members of the Association who are eligible to vote at meetings of the Association are counted. Tellers shall also be responsible for verifying signatures on all petitions submitted to the Association and/or its Governing Board.

ORDINANCES AND
REGULATIONS ZONING

Effective August 7, 2006

CHAPTER I

PURPOSE

The following regulations are promulgated for the purpose of promoting the health, safety, and general welfare of the community; for the purpose of lessening the congestion of the streets; for the purpose of securing safety from fire panic and other dangers; for the purpose of providing adequate light and air; for the purpose of conserving the value of buildings and encourage the most appropriate use of land within the territorial limits of this Association; for the purpose of providing for public health, comfort and general welfare in living conditions; for the purpose of regulating and restricting the location of trades and industries, and the location of buildings designed for specific uses; for the purpose of regulating and limiting the height, bulk and construction of buildings hereafter erected or altered within the territory of this Association. Many of the changes included in this edition address issues that were dominant in the results of the resident survey conducted in the Fall of 2004.

Section 1 Definitions

For the purpose of these regulations, certain terms or words used herein shall be interpreted or defined as follows: The present tense includes the future; the singular includes the plural; the words "used" and/or "occupied" shall apply to both existing and proposed conditions and shall be construed to include the words "intended, arranged or designed to be used or occupied," the word "structure" shall include the word "building," the word "person" includes persons, a family, a partnership, "corporation," or other entity as well as "individual."

- 1.1 Accessory Building - Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot and not for human habitation.
- 1.2 Accessory Use - A use subordinate to and customarily incidental to the principal use of land or buildings and on the same lot.
- 1.3 Building - Any structure having a roof and intended for the shelter, housing, or enclosure for persons, vehicles, animals or materials.
- 1.4 Building Area – The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed buildings and any decks

- or other structures with an elevation in excess of four (4) inches above the adjacent undisturbed ground level at any point around its entire perimeter. Roof overhangs in excess of twenty-four (24) inches will have the total overhang included in the area calculation.
- 1.5 Building Coverage – The percentage which the aggregate building area on the lot bears to the area of the lot.
 - 1.6 Building Height – The vertical distance from the highest undisturbed ground level within five (5) feet from the walls of the building to the highest point of the building excluding chimneys and antenna.
 - 1.7 Building Line – A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise established by the Association.
 - 1.8 Court - An open space, other than a yard, on the same lot with a building, which space is bounded on three or more sides by the walls of such building
 - 1.9 Dwelling, Single Family - A detached building designed for or occupied by one family.
 - 1.10 Family - A family shall be:
 - a. One or more persons living together as a single housekeeping unit, who are all related by blood, marriage or adoption; or
 - b. A group consisting of not more than three (3) persons living together as a single housekeeping unit who are unrelated by blood marriage or adoption; or
 - c. A combination of (A) and (B) above provided that such persons shall live together as a single housekeeping unit and the number of unrelated individuals shall not exceed three (3).
 - 1.11 Family Dwelling Unit – A dwelling or part of a dwelling occupied or intended to be occupied by one family for residence purpose.
 - 1.12 Front Yard – For the purposes of these Regulations, the front yard shall be on the water (ocean front) side for those lots adjacent to the water (oceanfront), on the bluff side for those lots adjacent to the bluff, and on the street side in all other cases.
 - 1.13 Ground – The solid surface of the earth, firm or dry land.
 - 1.14 Ground Level — The elevation level of the ground at a specified point of interest.

- 1.15 Household Pet - Including but not limited to dogs, cats, birds or other domesticated animals which are customarily housed within the living quarters of a dwelling.
- 1.16 Junkyard - An area of land, within or without a building, used for, or occupied by a deposit or collection of materials, such as waste paper, rags or sheet-metal, used building materials, house furnishings, machinery, including but not limited to construction equipment, vehicles or parts thereof, and boats or parts thereof. A deposit or the storage on a lot of one (1) or more unregistered cars or trucks or those not in condition to be driven on public roads or parts of one (1) or more such vehicles for one (1) month shall be deemed a junkyard. A deposit or the storage on a lot of one (1) or more broken down boats or parts of one (1) or more such boats for six (6) months shall be deemed a junkyard.
- 1.17 Lot, Building - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, provided that such a lot complies with the lot size and lot frontage requirements of these regulations.
- 1.18 Lot, Corner - A lot at the intersection of and abutting on two or more streets, where the angle of intersection is not more than one hundred thirty-five (135) degrees or where the intersection is rounded by a curve having a radius of less than one hundred (100) feet.
- 1.19 Lot, Interior - A lot other than a corner lot or a through lot.
- 1.20 Lot, Through - A lot other than a corner lot which abuts two or more streets which do not intersect at the lot.
- 1.21 Lot, Line - The established division line between lots or between a lot and the adjacent street, a lot and the adjacent bluff, or a lot and the adjacent water.
- 1.22 Lot Line, Front - All dividing lines between a lot and the street, a lot and the bluff, or a lot and the adjacent water shall be considered front lines.
- 1.23 Lot Line, Side - The line or lines bounding a lot that extend in the direction approximately perpendicular to the street from the street towards the rear. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.
- 1.24 Lot Line, Rear - The line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.
- 1.25 Non-Conforming Use - A use of land, buildings, or premises which is not a use permitted by the provisions of these Regulations
- 1.26 Non-Conforming Building - A building the use or structure of which does not conform to all the applicable provisions of these Regulations.

- 1.27 Non-Conforming Lot – A lot having less than 75 feet of lot frontage and/or less than 7,500 square feet in area.
- 1.28 Open Space – As applied to a lot, a space, not occupied by a building, accessory building or deck or other structure greater than four (4) inches in height above the adjacent undisturbed ground level on the same lot as the principal building.
- 1.29 Raised – Four (4) inches or more above the adjacent undisturbed ground level.
- 1.30 Set-back - The required open space between any building or structure and a lot line or street line. For corner lots, the required set-back shall be applied to the narrower street front.
- 1.31 Special Exception - A modification to the general terms of these regulations which is itemized herein and upon which the Zoning Board of Appeals for the Association is required to pass.
- 1.32 Start of Construction – For new construction or substantial improvements, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 12 months of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. If reapplication is necessary, 80% of the original fee can be applied to the fee for reissuance of the permit.
- 1.33 Street – A public way or private thoroughfare which affords legal access to an abutting property. "Street" shall be deemed to include the entire width of the public way.
- 1.34 Street line—The line dividing the street and the lot.
- 1.35 Structure – anything constructed or which is installed on, above, or beneath the ground, including a building as a permanent location on the ground, including anything installed on, above, or beneath the water which is not primarily utilized or intended for navigation. Driveways, sidewalks, parking areas, and curbing are exempted.

- 1.36 Trailer, Boat - Any vehicle which is used or designated to be used to carry boats and which is, has been or may be mounted on wheels. A boat is any vessel for navigating the water.
- 1.37 Trailer, Mobile Home - Any vehicle which is used or designated to be used as a residence and which is, has been or may be mounted on wheels or inserted in the bed of a truck.
- 1.38 Transparent Density – Transparent density is that percentage of a fence which is visually open from one side to the other. The percentage of transparent density shall be distributed evenly over the entire length of the fence.
- 1.39 Utilities – Shall include water, sewer, electricity, telephone, television and fiber optic cables.
- 1.40 Variance – Variance means a grant of relief from the requirements of these Regulations, which permits construction in a manner that would otherwise be prohibited by these Regulations. A variance may only be granted by the Crescent Beach Association Zoning Board of Appeals. A variance may be granted where, owing to conditions affecting a specific parcel but not generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship.
- 1.41 Yard, Front – An open space between the building and the front lot line, extending the full width of the lot.
- 1.42 Yard, Rear – An open space between the building and the rear lot line, extending the full width of the lot, or in the case of a corner lot, there is no rear yard.
- 1.43 Yard, Side – An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.
- 1.44 Yard, Required Front, Rear or Side - The front, rear, or side yard as is required by the applicable provisions of Section 2.4 of these Regulations.

Section 2 Designation of District

- 2.1 Division of District - For the purpose of these regulations, the area of the Crescent Beach Association (CBA) is hereby divided into one district to be known as a residence district, designated as CBA-RD.
- 2.2 Permitted Uses - The following are the permitted uses of buildings and/or land in the CBA-RD zone, and uses not listed here are not permitted of buildings and/or land and no others are permitted
 - 2.2.1 Single family dwelling.

- 2.2.2 2 One Single Family Dwelling structure per lot. Accessory Uses – Uses which are customarily incidental to the above permitted uses, and do not change the residential character of the property are permitted uses.
- 2.3 Accessory Uses – Uses which are customarily incidental to the above permitted uses, and do not change the residential character of the property are permitted uses.
 - 2.3.1 Parks and playgrounds operated by the Crescent Beach Association, a non-profit organization, or a community association.
 - 2.3.2 Accessory uses customary with and incidental to permitted use, but no accessory building shall be used for human habitation. The storage of contractor's equipment, building supplies, or similar material, or of commercial motor vehicle exceeding one (1) ton capacity, whether inside or outside a building, shall not be a permitted accessory use in a residence district unless such storage is in conjunction with a building project.
- 2.4 Open Space Requirements
 - 2.4.1 Lot size - within the residence district, no lot shall be less than 7,500 square feet in area.
 - 2.4.2 Frontage - Each lot shall have not less than 75 feet of lot frontage at the street line.
 - 2.4.3 Set-back, Non-corner lot - No building or structure shall be erected or placed and no building or structure shall be reconstructed, altered or placed on a lot less than fifteen (15) feet from the street line or seven (7) feet between the sides of the building or structure and the side lines of the lot or then (10) feet between the rear of said building or structure and the rear lot line. No existing or new building or structure shall be reconstructed or altered to extend further toward the bluff or adjacent water.
 - 2.4.4 Set-back, Corner lot - A building erected on a corner lot shall be required to comply with the setback line on its narrower street front. In cases of a corner lot where the street frontage is the same on both streets, the owner of the premises may elect which street is to govern the setback line of the building.
 - 2.4.5 Building Coverage - The total building coverage of all buildings and structures on a lot shall not exceed 60% of the lot area. Wetlands, watercourses and land under water shall be excluded in the calculation of the lot area.
 - 2.4.6 Raised patios and decks are included in the calculation of building coverage in paragraph 2.4.5 and are required to meet the setback requirements of paragraphs 2.4.3 and 2.4.4. Patios and decks less than

four (4) inches above the adjacent undisturbed ground level at all points around their perimeter may be built to the property line and are not included in the building coverage calculation.

2.4.7 Building Height - No building or structure shall exceed 35 feet in height.

Section 3 General Requirements

- 3.1 Compliance with Regulations - No lot or building, shall be used, and no building or part thereof or other structure shall be constructed, reconstructed, or replaced in whole or in part, extended, enlarged, moved, or altered except in conformity with these Regulations.
- 3.2 Nonconforming Uses - Any lawful use of a building or land existing after the effective date of these regulations may be continued subject to the following conditions:
- 3.2.1 A nonconforming use shall not be enlarged or extended.
 - 3.2.2 A nonconforming use which ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, shall not thereafter resume.
 - 3.2.3 A building and its attendant foundation may be removed and/or demolished in conjunction with an approved reconstruction of the building subject to the following conditions and procedures.
 - 1. Prior to any demolition or removal an Application for a Zoning Permit for the reconstruction of the building shall be filed and approved by the Zoning Enforcement Officer.
 - 2. The applicant shall submit a class A-2 survey to the Zoning Enforcement Officer showing the location of the existing building(s) and proximity to boundary lines as well as the proposed location of the new building(s). The survey shall show all existing and proposed non-conforming conditions. An "as-built" survey shall be prepared and submitted to the Zoning Enforcement Officer upon completion of construction to confirm conformance with the proposed building location. Reconstruction shall not increase an existing nonconforming condition or create a new nonconforming condition. A request for a variance must be filed for any increase in an existing non-conforming condition or a new non-conforming condition.
 - 3.2.4 In the event of a partial or total loss of a pre-existing, non- conforming building or structure due to fire, flood, windstorm or other casualty, such building or structure may be re-built in its entirety provided such re-built

structure is of the same area and in the same location on the lot as the building or structure which was damaged or destroyed and also providing that an application for a permit to rebuild or restore shall be made within six (6) months unless an extension is granted by the CBA Zoning Board of Appeals.

- 3.2.5 Any lot which is a pre-existing building lot of record may be built upon, providing such building or structure meets the Open Space Requirements of Sections 2.4.3, 2.4.4, 2.4.5 and 2.4.6 of these Regulations
- 3.2.6 Reduction of Lot Size - No lot shall be reduced in size as to make either its area or its width at the street line less than the minimum required (by Paragraphs 2.4.1 and 2.4.2)
- 3.2.7 Division of Lot - Where a new lot is formed by the division of a lot already occupied by a building, no permit shall be granted for the erection of a building upon the new lot thus created unless both lots comply with the provisions of these Regulations. Any proposed division of a lot or parcel of land that involves additions or changes to lot lines irrespective of whether or not a building already occupies the lot or parcel of land must comply with the applicable sections of these regulations. A Class A-2 survey will be required for a division of a lot. The proposed lot division is subject to review for compliance with the applicable requirements of these Regulations by the CBA Zoning Board of Appeals.
- 3.2.8 Determination of Lot Area - In determining the area of a lot for the purpose of building coverage, the area below mean high water mark, the area covered by wetlands, watercourses, or land under water shall be excluded regardless of coverage by a dock or similar structure.
- 3.2.9 Patios, Terraces, Raised Patios and Decks - A ground level (less than four (4) inches above the adjacent undisturbed ground level at all points around its entire perimeter) patio, terrace or deck may be constructed on a building lot and may extend to the limit of the property lines. Property owners are responsible for the effect of increases and/or other changes to drainage/runoff of water onto adjacent lots or streets caused by construction of patios, terraces and decks. A ground level patio/terrace/deck will not be included in the computation of building coverage.

A raised patio, terrace or deck (higher than four (4) inches above the adjacent undisturbed ground level at any point around its entire perimeter) must adhere to the required front, side and rear yards and will also be included in the computation of building coverage. The area of an elevated deck projected down to ground level shall be included in the calculation of building coverage.

- 3.3 Vision Obstruction - No wall or other structure shall be erected, and no hedge, tree or other obstruction shall be maintained on a lot which may cause danger to traffic on a public street by obscuring the view. Prohibited Uses - Within the Crescent Beach Association, no building or structure shall be used or occupied for any of the following purposes: Junkyard, motor vehicle junkyard or boat junkyard.
- 3.4 Signs - Signs not more than two (2) square feet in area when placed in connection with the sale, rental, construction or improvement of the premises, provided that there shall be only one sign in connection with the premises.
- 3.5 Trailers - One (1) unoccupied trailer (to include but not limited to recreational vehicles (RV), campers, mobile home) may be stored on a lot except that it shall not be located between the face of the structure and street line, or within any of the required side or rear set back lines. The side yard setbacks will be three (3) feet for trailers only.
- 3.6 East Lyme Zoning Regulations - The Crescent Beach Association is a special act community and these ordinances are adopted in accordance with proper legislative authority granted a special act community. The zoning regulation of the Town of East Lyme shall apply except where they conflict with these regulations.
- 3.7 Video and Electronic Games – Public use of video, electronic games and such other similar games for consideration is prohibited within the limits of the Association.
- 3.8 Storage of Boats, Boat Trailers and/or Jet Ski Trailers - The storage of boats, boat trailers and/or jet ski trailers is prohibited between the building line and street line of any lot and on any street within the Association during the period from November 1 through March 31.
- 3.9 Portable toilets or outhouses are not permitted. The Zoning Enforcement Officer may grant temporary permission during construction or special events.
- 3.10 Walls and Fences - Fences, walls or similar structures, singularly or in combination, cannot exceed a total height of eight (8) feet from the ground. Any fence, wall, or structure projecting beyond the front plane of a building shall be three (3) feet in height from the average ground level or less and shall have a transparent density of not less than fifty (50) percent. The height of a fence, wall, or other structure shall be measured from the average ground level to the highest point of the structure at several points along the structure. Average ground level is determined before any grading for the project has begun.

No fencing shall be constructed beyond the front plane of a building using metal such as chain link fencing or exposed metal post- balusters. Fences shall be installed and placed on a lot with the finished side facing the adjacent lot (s).

Notwithstanding other requirements as set forth in these regulations, walls and/or fences may be erected along the lot lines provided that they comply with all other regulations and building codes and that are located within the limits of the lot or lots owned by the applicants.

- 3.11 Lighting Fixtures - On any lot, lighting fixtures used to illuminate any outside area shall be so arranged as to direct the light away from any neighboring premises used for residential purposes. In carrying out the intent of this article it is incumbent upon the owner to respect the neighbors whose property might be affected. This article is not intended to prevent the judicious use of landscape lighting, sensor security lights, or other lights used for architectural purposes.
- 3.12 Landscaping - Maintenance of public and private water views is an essential part of maintaining property values. Every effort should be made to ensure that all plantings of trees and bushes take into account the impact on views by neighboring premises and public spaces.
- 3.13 Exterior Accessory Equipment, defined as fixed heating, air conditioning and fuel storage tanks, not attached to the building or accessory building, shall meet the following requirements: Accessory equipment shall not be located in the front yard. Accessory equipment shall not extend into the setback line more than three (3) feet. Accessory equipment shall be screened by plantings or other materials acceptable to the Zoning Enforcement Officer and of sufficient height so that it is obscured from view from the street.

Section 4 Applications, Permits and Enforcement

- 4.1 The provisions of these regulations shall be enforced by the Zoning Enforcement Officer of The Crescent Beach Association.
 - 4.1.1 It shall be the duty of the Zoning Enforcement Officer to receive applications and to issue zoning permits and certificates of zoning compliance and he or she is hereby given the power and authority to enforce the provisions of these regulations.
 - 4.1.2 No Zoning Permit shall be issued for any real property on which Crescent Beach Association property taxes are past due.
 - 4.1.3 No construction, reconstruction, alteration or other work of a plumbing, electrical, heating, or structural nature shall be done on any lot, including but not limited to buildings, walls, fences, carports (attached or free standing) until a zoning permit has been duly issued. No zoning permit shall be issued for the construction, alteration, or moving of any building or part thereof unless the plans and intended use are such that said building or structure and the lot on which it stands or will stand will conform in all respects with the provisions of the Regulations.

Every application for a zoning permit shall be accompanied by a detailed plan drawn to scale of the land and building(s) in question and by such information as the Zoning Enforcement Officer shall require to establish full compliance with the provisions of these Regulations as to contemplated

work and of all other codes and regulations currently in effect at the time of application.

Depending on the nature, extent and location of the proposed work, the zoning officer may require a Class A-2 survey to be included with the application for a zoning permit.

Zoning permits will expire after twelve (12) months of approval if construction has not started. Construction on site shall be started within one (1) year of approval of the site plan. If reapplication is necessary, 80% of the original fee can be applied to the fee for reissuance of the permit. New construction and substantial renovation shall be completed (Certificate of Occupancy issued by Town of East Lyme) within twenty-four (24) months from the start of construction.

4.1.4 The Zoning Enforcement Officer shall upon notice and after inspection of the premises and building, issue a certificate of zoning compliance if the work done complies with the plans as authorized. It shall be unlawful to use any part of any building or structure hereafter erected, until a certificate of zoning compliance shall have been issued therefore by said Zoning Enforcement Officer showing that the proposed use and construction are in accordance with these regulations.

4.2 These Regulations shall be enforced by the Zoning Board of Appeals or the Zoning Enforcement Officer appointed by the Governing Board who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remediation of any condition found to exist therein or thereon in violation of any provision of the Regulations made under the authority of the provisions of the State statutes.

Any person convicted of a willful violation of the Zoning Regulations of The Crescent Beach Association shall be penalized in accordance with the penalties outlined in Section 8-12, Chapter 124 of the Connecticut General Statutes, as amended.

4.3 No building permit shall be issued by the Town of East Lyme for property subject to these regulations until the Crescent Beach Association Zoning Enforcement Officer has certified that the proposed building or alteration complies with the provisions of these regulations or is a valid nonconforming use under these regulations. The applicant shall pay to the Crescent Beach Association Zoning Enforcement Officer a fee for such certificate as set by the Governing Board.

Section 5 Special Exceptions. Variances and Appeals

5.1 The CBA Zoning Board of Appeals shall hear and decide special exceptions, variances and appeals in accordance with Section 8-5 of the Connecticut General Statutes, as amended.

5.2 A nonconforming use may not be changed to another nonconforming use without a

special exception from the CBA Zoning Board of Appeals and then only to a use more nearly in conformity with these regulations.

5.3 The CBA Zoning Board of Appeals is empowered to grant special exceptions subject to such reasonable conditions, restrictions and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, and general welfare of the community.

5.4 Variances and Appeals.

5.4.1 The applicant for a variance from the provisions of these regulations shall show to the satisfaction of the CBA Zoning Board of Appeals that such relief shall not be contrary to the public interest and that, owing to special and peculiar conditions, the portion of the provisions of these regulations would result in unnecessary hardship to the applicant.

5.4.2 The unnecessary hardship which an applicant seeks to avoid shall not be imposed by any prior action of the applicant. Such hardship shall arise only from special or peculiar site conditions, features of the land or structures in question, from physical infirmities of the applicant rather than the desire to realize greater financial gain.

5.4.3 Nonconforming use of neighborhood lands, structures or buildings in an adjacent district shall not be considered grounds for the issuance of a variance.

5.4.4 In granting relief from the provisions of these regulations, the CBA Zoning Board of Appeals shall grant the least variance from the provisions needed to remove the unnecessary hardship and may impose any condition or safeguard as may be deemed in the public interest.

5.4.5 A variance granted by the CBA Zoning Board of Appeals shall not become valid until and unless recorded in the land records of the Town of East Lyme.

5.4.6 A variance shall become null and void twelve (12) months after said variance is granted by the CBA Zoning Board of Appeals unless the construction has started.

5.4.7 The CBA Zoning Board of Appeals has the power to grant the variance subject to such reasonable conditions, restrictions, safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety and general welfare of the community.

5.4.8 Under no circumstances shall the CBA Zoning Board of Appeals grant a variance to allow use not permissible under the terms of these regulations in the district involved or any use expressly or by implication prohibited by the terms of this regulation in said district.

5.4.9 The CBA Zoning Board of Appeals shall charge a fee in the amount of FIVE HUNDRED DOLLARS (\$500.00) for any variance application or other question brought before it, such fee to be paid at the time of the filing of the application by the applicant or petitioner as the case may be.

5.5 A Special Permit may be obtained from the Zoning Enforcement Officer (ZEO) for a temporary modification to a structure in order to accommodate access to the structure required to accommodate any physical infirmities of the applicant. An application for a Special Permit shall be obtained from the ZEO. The ZEO has the authority to issue a Special Permit under the terms of this paragraph. The permit application must be accompanied by a dimensioned plan showing the location and size of the temporary modification as well as a letter from a treating medical doctor confirming the special needs permit of the applicant.

The Special Permit will require annual renewal with appropriate documentation of the continued special needs from the treating medical doctor. The annual renewal must be filed with the ZEO within 30 days of the anniversary date of the initial application or any subsequent renewal of the application. If that does not occur then the ZEO will issue a Cease & Desist Order allowing 30 days for removal of the temporary modification. Further action will follow the provisions of Para. 4.2 of these regulations.

Section 6 Amendment of Ordinances

These regulations may from time to time be amended or changed by The Crescent Beach Association as provided in the Act incorporating said association.

Section 7 Validity

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of these regulations shall be deemed valid and effective.

Section 8 Interpretation of Regulation

8.1 In their interpretation or application, the provisions of these regulations shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

8.2 It is not intended by these regulations to repeal, abrogate, annul or interfere with any existing provision of the law or ordinances, or any rules, regulations or permits previously adopted or issued pursuant to law, relating to the use of buildings or premises, nor is intended by these ordinances to interfere with or abrogate or annul any easements, covenants or other arrangements between parties, provided,

however, that where this ordinance imposes a greater restriction upon the use of the building or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these regulations have control.

ORDINANCES AND REGULATIONS
BUILDING CODE
(Enacted July 8, 1961)
CHAPTER II

Section 1 Building Code

The building codes of the State of Connecticut and the Town of East Lyme as they may be amended from time to time are hereby incorporated by reference and are adopted by The Crescent Beach Association

ORDINANCES AND REGULATIONS
BEACHES, PUBLIC WAYS AND PUBLIC AREAS
CHAPTER III

Section 1 Regulations

The regulations of this Chapter III apply to all beaches, public ways and public areas, as the case may be, of The Crescent Beach Association.

Section 2 Changes of Clothing

Dressing and undressing in any vehicle in any public street or park, or in any parking space used for public parking or on beaches is prohibited.

Section 3 Solicitations

No person shall solicit any subscription or contribution or distribute any circulars for advertising matter upon the bathing beaches or on the public ways of Crescent Beach.

Section 4 Sale of Goods

No person shall peddle, vend, or sell or offer for sale upon the bathing beaches or public ways of Crescent Beach any goods, wares or merchandise.

Section 5 Boisterous Behavior Prohibited

Boisterous, rough and dangerous activities or behavior which unreasonably interfere with the use of bathing beaches is prohibited. Parents will direct and control the activities of their children in order to require them to conform to the Ordinances and Regulations. Parents will be responsible for violations, or damage caused by their children whether the parents are present or not.

Section 6 Animals

No person owning, keeping or having charge of any dog or other animal, shall permit it to be upon any beach within the limits of the Association; or permit it to be upon any street or walk or space used or available for use by the public except while held by a leash or its equivalent.

Section 7 Flotation and Other Devices

Scuba diving equipment or flotation devices are prohibited in the water within the protected, supervised area during lifeguard duty hours.

Section 8 Alcoholic Beverages

Alcoholic beverages, coolers, and picnicking are prohibited in the garden areas maintained by the Association, and on the beaches during lifeguard duty hours.

Section 9 Unruly Behavior

Unruly behavior on the raft such as bombing or pushing is prohibited.

Section 10 Boating

Any type or any size boat is prohibited within the protected area at all times.

Section 11 Trespassing

Trespassing on the groin is prohibited.

Section 12 Disorderly Conduct

No person or persons shall engage in disorderly conduct. A person is guilty of disorderly conduct when , with attempt to cause inconvenience, annoyance or alarm, or recklessly creating a risk there of; said person: (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) by offensive or disorderly conduct annoys or interferes with another person; or (3) makes unreasonable noise; or (4) without lawful authority, disturbs any lawful assembly or meeting of person; or (5) obstructs vehicular or pedestrian traffic; or (6) congregates with other persons in a public place and refuses to comply with a reasonable official request or order to disburse .

Section 13 Sleeping

Camping and overnight sleeping are prohibited on all Crescent Beach Association property.

Section 14 Attachment of Equipment

No personal property shall be attached to beach property, including but not limited to: life lines, life line anchors, lifeguard chair, benches, railings, and flagpole.

Section 15 Erection of Structure

No structure shall be erected on the beach, higher than six feet, other than beach umbrellas.

Section 16 Boat Launching

Boats may not be launched with motor vehicles between June 15 and Labor Day at the Lower Beach.

Section 17 Fines

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or as otherwise provided in the Connecticut General Statutes, as amended.

Section 18 Applicability

The aforesaid regulations apply to all beaches, public ways and public areas, as the case may be, of The Crescent Beach Association.

ORDINANCES AND
REGULATIONS TRAFFIC REGULATIONS
CHAPTER IV

*All of Chapter IV was revised and adopted 3/15/86. In addition, Section 8 of Chapter IV was revised and adopted 10/18/86.

Section 1 Ordinance Regarding Use of Lower Beach and Adjacent Parking Area

- a. Use of designated areas of the lower beach for storage of vessels or any associated equipment and of the adjacent areas for parking of vehicles shall be limited to the members of the Crescent Beach Association who shall have been granted permits to do so by the Governing Board. All use and/or storage of vehicles, vessels, or any associated equipment in the lower beach or adjacent area shall be at the owner's risk and the Crescent Beach Association assumes no liability for any theft or damage to said vehicles, vessels or any associated equipment. The above- mentioned items, without an affixed permit, shall be deemed abandoned and shall be subject to disposition under the Connecticut General Statute.
- b. Any member of the Association must obtain a permit for parking in these areas and/or storage of a boat on the lower beach by making application to the Governing Board or such individual as shall be designated by the Governing Board. Permits shall only be available for boats and vehicles owned by a member of the Association or said member's immediate family.
- c. The owner of any boat or vehicle parked or stored in violation of this Ordinance shall be subject to a Twenty-Five (\$25.00) Dollar fine for each instance or occurrence.
- d. The Governing Board may cause any vehicle or boat parked or stored in violation of this Ordinance to be removed, and the owner shall be liable for any charges incurred in the removal.
- e. Overnight parking of cars, boats and trailers is prohibited in the lower beach parking lot.
- f. Masts must be lowered while boats are parked in the lower beach parking lot and while stored on the beach. This is an insurance requirement.
- g. Boats, may not be stored on the lower beach from November 1st to May 1st.
- h. Numbered CBA stickers will be issued to property owners who have obtained permits. This sticker should be displayed on the car, boat or boat trailer. This will help locate the property owner if any problem should occur.

Section 2 Parking

- a. No vehicle shall be parked, at any time, on any of the streets within the territorial

limits of this Association unless a special permit is granted by the Governing Board of the Crescent Beach Association.

- b. Parking is prohibited on approved sidewalks within the territorial limits of this Association.

Section 3 Penalty

Any person who shall park any vehicle in violation of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five (\$5.00) Dollars or more than Twenty-Five (\$25.00) Dollars.

Section 4 Speed Limits

- a. No motor vehicle shall be driven on the streets or highways within the territorial limits of this Association at a speed greater than 20 miles per hour.
- b. Any violation of this Ordinance shall be a misdemeanor, and upon conviction, shall be punishable by a fine of not more than Twenty-Five Dollars (\$25.00).

Section 5 Traffic Direction

Traffic in one direction only applies to Bayview Avenue from Columbus Avenue to Atlantic Street; Spencer Avenue to Carpenter Avenue; and Carpenter Avenue from Spencer Avenue to Crescent Avenue.

Section 6 Off-Street Parking Facilities (enacted August 8, 1953).

For all dwellings constructed after the effective date of this Ordinance, adequate provisions shall be made for off-street parking of motor vehicles owned or operated by the owners, or occupants thereof, or their guest.

Section 7 Uses of Garages. Tents and Trailer Houses

- a. Garages, trailers (to include but not limited to recreational vehicles "RVs", campers, mobile homes) shall not be occupied as a residence within the territorial limits of the Crescent Beach Association.
- b. Any violation of this Ordinance shall be a misdemeanor, and upon conviction, shall be punishable by a fine of not more than Twenty-Five Dollars (\$25.00).

Section 8 Motorcycles, Mopeds, Bicycles and Skateboards

The use of motorcycles, mopeds, motorized bicycles, other similar motorized vehicles, bicycles and skateboards is prohibited from all passageways, walkways, and paths within the territorial

limits of the Association which are not accepted as public highways or roads by the Town of East Lyme.

Section 9 Traffic Signals

All traffic signs and parking control signs shall remain in place during the entire year.

ORDINANCES AND REGULATIONS
ITINERATE AMUSEMENTS
CHAPTER V

Section 1

No circus, carnival or merry-go-round will be permitted to exhibit within the limits of this Association without a written permission having first been granted by the Governing Board.

Section 2

Any person convicted of a violation of this Ordinance shall be fined not more than One Hundred (\$100.00) Dollars for each violation.

ORDINANCES AND REGULATIONS
DEFACEMENT OF SIGNS OR PROPERTY
CHAPTER VI

Section 1

No person shall deface, destroy or remove any sign or other property of this Association.

Section 2

Any violation of this Ordinance shall be a misdemeanor, and upon conviction thereof shall pay a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00)

ORDINANCES AND REGULATIONS
APPOINTMENT OF WATCHMEN AND POLICEMEN
CHAPTER VII

Section 1

The president may appoint in writing, upon approval of the Governing Board, for such terms of service as he or she may determine not exceeding one year from the date of such appointment, such number of security officers and special police officers as the Governing Board may deem necessary to preserve the public peace and order, who shall have the powers of constables to serve criminal process and arrest for crimes and misdemeanors within the corporate limits of the Association and to bring offenders before the proper authority. Such person shall also have such other powers as may be included in the Articles of Incorporation of this Association. For such duties such security officers or special police officers shall receive such compensation as the Governing Board may determine.

Section 2

All watchmen or policemen appointed under the provisions of this Ordinance shall be citizens of this State, shall be sworn to the faithful discharge of their duties and shall wear, when on duty, a shield indicating the job title and the town designation.

ORDINANCES AND REGULATIONS
PLACE AND TIME OF MEETINGS
CHAPTER VIII

Section 1

All meetings of the Governing Board shall be held at such time and place as shall be designated by said Governing Board.

Section 2

Regular meetings of the Governing Board shall be determined at the September meeting of the Governing Board. Notice of the time and place of said meetings shall be filed with the Town Clerk of East Lyme in accordance with State Statutes. Any of these meetings may be postponed or cancelled at the Board's discretion, with notice given in accordance with State Statutes.

Special or emergency meetings of the Governing board may be held upon twenty-four (24) hours' notice posted on the Association's signposts.

Emergency meetings may be held without complying with the preceding notice requirements.

Section 3

Special meetings of the Governing Board may be called by a written or printed notice signed by three members of the Board stating the time and place of the meeting, a copy of which notice shall be left with, or at the usual place of abode or business, or temporary summer residence, of each member of the Board, by mail, postage paid, or by an indifferent person, at least twenty-four (24) hours before the time of such meeting.

Section 4

The Crescent Beach Association shall conform with the Freedom of Information Act, Chapter 3 of the Connecticut General Statutes effective July 1, 1997.

ORDINANCES AND REGULATIONS
PENALTIES - ENFORCEMENT
CHAPTER IX

Section 1

Violation of any duly enacted Ordinance of The Crescent Beach Association for which a penalty is not otherwise specifically provided shall be punishable by a fine of not more than One Hundred (\$100.00) Dollars

Section 2

Each and every day on which any violation of any Ordinance contained herein shall occur shall constitute a separate offense.

Section 3

In accordance with the provisions of Section II, Number 362 of the Special Laws of 1949, approved July 1, 1949:

- a. the words "payable into the Treasury of The Crescent Beach Association" or "payable into the Treasury of this Association", wherever the same shall appear in the penalty clause of any Ordinance heretofore enacted, is hereby elided therefrom; and
- b. any violation of any Ordinance may be prosecuted in accordance with the Statutes of the State of Connecticut.

Section 4

Property owners within The Crescent Beach Association territorial limits are held responsible for informing Tenants by Lease or Agreement, written or verbal, of Ordinances and Regulations of The Crescent Beach Association. Owners or Landlords of the property are held liable for the action of Tenants which violate the Association's Ordinances and Regulations and said owners or Landlords are subject to a Five Hundred (\$500.00) Dollar fine.

ORDINANCES AND REGULATIONS
CRESCENT BEACH ASSOCIATION CENTER
CHAPTER X

Section 1 Use of Center

The Crescent Beach Association Center and the real estate upon which it is located shall be used by members of the Association in accordance with Rules and Regulations promulgated from time to time by the Governing Board of the Association.

Section 2 Boisterous Behavior Prohibited

Boisterous, rough or dangerous activities or behavior which unreasonably interferes with the use of this Center is prohibited. Parents will direct and control the activities of their children in order to require them to conform to the Ordinances and Rules and Regulations of the Association. Parents will be responsible for violations or damage caused by their children whether the parents are present or not

Section 3 Disorderly Conduct

No person or persons shall engage in disorderly conduct at the Center and the real estate upon which it is located. A person is guilty of disorderly conduct when, with attempt to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof; said person (1) engages in fighting or violent, tumultuous or threatening behavior; or (2) by offensive or disorderly conduct annoys or interferes with another person; or (3) makes unreasonable noise; or (4) without lawful authority, disturbs any lawful assembly or meeting of persons or (5) obstructs vehicular or pedestrian traffic; or (6) congregates with other persons in a public place and refuses to comply with a reasonable official request or order to disperse .

Section 4 Fines

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or as otherwise provided in the Connecticut General Statutes, as amended.

CRESCENT BEACH ASSOCIATION CENTER USE APPLICATION AND RULES

The Crescent Beach Association Center and surrounding premises (hereinafter "Center"), are available for use by any Member of The Crescent Beach Association¹ (hereinafter "Association") on a first-come, first-served reservation basis during any day of the period from April 15 through October 15, and based on the following Rules and upon submission and approval of the attached application

The attached "Application" must be filled out in entirety, signed and forwarded to the Center Chairperson for his/her approval, and/or the approval of the Governing Board if applicable

1. A refundable security deposit of \$200 must accompany your Application. This deposit will be returned to you, without interest, after inspection of the Center by and to the satisfaction of the Center Chairperson subsequent to your use. The Center Chairperson will inspect and must find the Center in the same condition as was delivered to you, including but not limited to, the Center being clean with all refuse removed from the premises, in good order and without breakage or damage of any kind. The Center Clean-Up Rules must be followed. The inspection of the Center by the Center Chairperson may result in deductions from your security deposit for the repair of damages or cleaning and shall be in the sole determination of the Center Chairperson. If repair of damages exceeds the security deposit, the applicant is fully responsible to pay the cost for the CSA to repair damages.
2. Use of the Center is limited to the Members of the Association and their guests, and such use must be in full compliance with the laws and ordinances of the State of Connecticut and the Town of East Lyme, respectively, as well as in full compliance with the CSA Regulations. Use of the Center shall only be as expressly permitted on the Application.
3. Total occupancy of the Center is limited to 153 with chairs and 72 with tables and chairs or in accordance with the orders of the East Lyme Fire Marshal.
4. Use of the Center on the reserved day is limited to the hours of 9:00 a.m. to 10:00 p.m. Any greater and/or later use of the Center must be approved in writing by the Governing Board of the Association. The member requesting use of the Center must be personally present during such use, at all times, on the day reserved.
5. If the Center is to be used for a CBA function, there will be no application fee or deposit. However, an application must be filed with the Center Chairperson and all other rules must be followed.
6. The sale of tickets relating to the use of the Center for a party, gathering or any occurrence by a member must be approved in writing by the Governing Board. If approved, any collection or payment of any tax is to be taken care of by the applicant.
7. Complaints of excessive noise, any violation of these Rules, or disturbances of any kind occurring as a result of your use, your guests, your invitees or any person attending the

occasion of your use of the Center shall result in the immediate revocation of the right to use the Center is the sole determination of the Chairperson. If the Center Chairperson is not available, such sole determination shall be by the President of the Association or any two (2) member of the Governing Board. ·

8. The sale, consumption, dispensing or use of alcoholic beverages during your use of the Center is strictly prohibited.
9. Decorations may be attached only by designated hooks. Decorations shall not be attached to walls, doors, or ceiling.
10. Parking is not permitted on the Center premises.
11. Kitchen facilities are not available.
12. You must indemnify and hold the Association harmless from and defend against, on behalf of the Association, any claim, loss, damage , injury, cost, expense or liability arising out of your use of the Center including, but not limited to (I) motor vehicle accidents involving a member of guest invitee attending the occasion of your use of the Center, prior, during or subsequent to such use of the Center , (ii) injuries to persons and/or damages to property caused by your negligence or misconduct while using the Center, (iii) injuries to persons and/or damages to property arising out of the negligence or misconduct of your guest, invitee or any other person attending the occasion of your use of the Center.

For information purposes, these Rules and Regulations are in accordance with The Crescent Beach Association Charter, Bylaws, Ordinances and Regulations.