

**Bylaws Of  
Boynton Waters Homeowners Association, Inc.  
Amended July 26, 2008**

**Article I  
Location**

**Section 1.** The principle office of the Association shall be located at: 9390 Jog Road, Boynton Beach, FL 33437. The primary mailing address of the Association shall be: P.O. Box 740065, Boynton Beach, FL 33474. Phone & Fax: 561-737-8696.

**Article II  
Membership**

**Section 1.** Membership of the Association is as set forth in the Declaration.

**Section 2.** The rights of membership are subject to the payment of quarterly and special assessments levied by the Association. The obligation for such assessments is imposed against each Owner of the Lot against which such Assessments are made, and such assessments become a lien upon the Lot against which the same are assessed as provided in Article IV, Sections 3 and 4 of the Declaration. Members more than 6 months (2 quarters) in arrears shall receive notice of intent to lien. If full payment is not received within 14 days of such notice our attorney will be instructed to begin the lien process on said lot.

**Article III  
Board of Directors**

**Section 1.** The Directors of the Association shall be elected at the annual meeting of the members as specified the Articles of Incorporation of the Association. The election shall be separate consisting of the top seven recipients of all tallied votes of those persons voting in each election. This election shall be by secret ballot either in person or by proxy, as defined in the Declaration, Article III, section 2. There shall be no cumulative voting, and proxy ballots must adhere to the rules in the Declaration and Florida Statute 720. The elected Directors shall decide by a majority vote on Officers.

**Section 2.** Any Officer may be removed from office at any time with or without cause by a majority vote of the Board of Directors. Removal of a Board member shall require a majority vote of the members present at a published general meeting consisting of a quorum of members. There will be no monetary compensation for directors of the Board.

**Section 3.** Duly elected Directors of the Board shall serve a term of two years. There shall be no limit on the number of terms served. The initial Board elected in April 2001 took office 3/12/2002, and shall serve out their 2 year term as of the Turnover date unless certain members resign. If any member resigns, then those vacancies shall be filled at an election to be held in conjunction with the next annual meeting in March 2003. This should create staggered terms, which is desirable to maintain continuity of Board functions. In the event that two or more Board members resign, the Board shall have the option to fill such vacancies by reviewing the vote tallies from the previous election. Those candidates who received the next highest vote tally shall be contacted by phone or mail and invited to fill any said vacancies. This shall be a decision of the majority of remaining Directors of the Board.

**Section 4.** Regular meetings of the Board of Directors may be held at any place or places within Palm Beach County, Florida, on such days and at such hours as the Board of Directors may, by resolution, designate. A majority of the Directors of the Board shall constitute a Quorum at any Board Meeting providing that all Directors have been properly notified of such meeting as outlined in section 5 below.

**Section 5.** Subject to any contradictory provisions of the Florida Statutes, notice of each meeting of the Board of Directors stating the time and place shall be given by or on behalf of any two members of the Board not less than 2 days prior to such meeting by a sign posted near the exit of Boynton Waters. Members may attend all Board

meetings, except those with the Association's attorney relating to pending or potential litigation. No member shall have the right to speak at or interrupt a Board meeting, except at the Board's request.

#### **Article IV Officers**

**Section 1.** The Officers of the Board shall consist of a President, Vice President, Secretary, Treasurer, and Communications Director. Such other Officers and assistants as may be deemed necessary may be appointed by the Board of Directors from time to time. Any 2 or more offices may be held by the same person provided, however, that the same person shall hold neither the offices of President and Vice President nor the offices of President and Secretary.

**Section 2.** The President shall be the chief executive officer of the Board. The President shall preside at all meetings of the Board, and shall have the general powers and duties of supervision and management, which usually pertain to that office. In the absence or disability of the President, the Vice-President shall perform the duties and exercise the powers of the President.

**Section 3.** The Secretary or Communications Director shall issue notices of all meetings of the membership or of the Board as required by Florida law or in these Bylaws. They shall keep all minutes of all meetings. If the Board appoints any assistant secretaries, such assistants shall, in the absence of the Secretary or Communications Director, perform their duties as determined by the Board.'

**Section 4.** The Treasurer and any assistants shall have the care and custody of all the Monies of the Association. He shall maintain full and accurate record books of all accounts of all Monies received and paid by him from any accounts of the Association. He and one other Board member shall be required to "double sign" all checks payable to all vendors, contractors, etc. He shall perform all duties as usually pertain to this office and required of him by the Board.

**Section 5.** The Board of Directors may fill vacancies in any office arising from any cause at any regular or special meeting by a majority vote of the remaining Board members. In case of a deadlock, a special election by the entire eligible voting membership may be held at a time and place determined by the Board.

#### **Article V Meetings of Members**

**Section 1.** The regular annual meeting of the members shall be held in March of each year at such time and place to be determined as reasonable by the Board of Directors, except that the Board of Directors shall have the right to change the date of the regular annual meeting from time to time.

**Section 2.** Special meetings of the members or Board meetings for any purpose may be called at any time by any 2 or more members of the Board, or upon written petitioned request of at least one third of eligible voting members of the Association.

**Section 3.** Notice of general and special meetings may be placed in each member's mailbox or mailed to their registered address. Each member shall register his or her address with the Board. Notices of general or special meetings shall be mailed at least 14 days prior to such meetings. A legible sign at the exit from Boynton Waters will publish Board meetings at least 48 hours in advance. Notices for special member meetings shall include the general nature of the business to be transacted, provided, however, that if any business of any membership meeting shall involve special monetary assessments, the entire membership shall be informed in writing and by regular U.S. mail only at least 14 days prior to such meeting.

**Section 4.** The presence at a meeting of the members entitled to cast thirty percent (30%) of the membership shall constitute a quorum for any action governed by these Bylaws. It shall require a simple majority vote of those in attendance or by proxy to vote on general matters. However, as per Florida Statue 720, it shall require a 2/3 vote of members present or by legal proxy for any capital improvement assessments.

## **Article VI Special Committees**

**Section 1.** The Board of Directors may appoint special committees from time to time at their discretion.

**Section 2.** The Architectural Review Committee shall be appointed by the Board, shall serve, and shall have the duties and functions with respect to review of architectural plans as described in the Declaration. The Committee shall report to the Board of Directors. The Architectural Review Committee shall be a Standing Committee of the Board. The Architectural Review Committee shall be responsible for reviewing proposed changes, additions, exterior painting, and any other permanent changes to any dwelling or lot. This includes, but is not limited to mailboxes, house painting, major landscaping changes, fences, etc. as defined in "Exhibit C" of the Declarations. Any owner who desires to construct an improvement or construction of any kind shall submit to the said committee an application accompanied by a minimum of three (3) sets of plans and any additional number of sets requested by the Board of Directors. The Architectural Review Committee shall have thirty (30) days to review and approve or disapprove an application. The Architectural Review Committee must approve or disapprove only at official or duly noticed meetings of the committee. Notices of all Architectural Review Committee meetings shall be posted in a conspicuous place in the community at least 48 hours in advance of a meeting. If any owner makes any changes as stated in this section without approval, the Board of Directors may require the owner to take any corrective measures deemed appropriate, including but not limited to removal of any construction done without prior approval, mailboxes, repainting with approved colors, etc.

Fences shall be no more than 4 feet in height. Fences may, be either green or black in color and must be hidden in hedge so that they cannot be visible or fences may be ornamental white aluminum. Fences may only be behind a dwelling. Fences shall not be permitted in front of dwellings. No structure or landscaping shall be permitted in the maintenance easement without the written approval of the Board of Directors. Pool enclosures shall be white aluminum screen cages or ornamental white aluminum fences.

A party aggrieved by any decision of the Architectural Review Committee shall have the right to make a written request to the Board of Directors, within thirty days of such decision, that the Board reviews such decision. The determination of the Board upon reviewing such decision of the Architectural Review Committee shall in all events be dispositive, and if the aggrieved party does not respond in writing within 30 days to any ruling, the Board's decision shall be dispositive.

**Section 3.** The Fine Enforcement Committee shall be appointed by the Board of Directors as a Standing Committee of the Board and may not consist of any Board members, their spouses or relatives as outlined in the Florida Statutes. This Committee shall be responsible for holding hearings with regard to disputes involving levied fines, and shall have the authority to remove illegally parked vehicles, boats, trailers, RV's, etc which will be towed away at the owner's expense within the constraints of Florida Law. The Committee shall report to the Board of Directors, and approve any stated fines. Fine shall be collectible as assessments and may result in liens upon said lots. All fines shall be collectible as assessments. A majority of the Fine Enforcement Committee at any hearing shall constitute a quorum.

**Section 4.** The Violations Committee shall be appointed by the Board of Directors as a Standing Committee of the Board. This committee is responsible for the enforcement of violations of the Covenants, Restrictions and Bylaws. The Violation Committee shall perform routine inspections of the properties of the Association and create lists of violations. These lists are to be reviewed and approved or disapproved by the Board of Directors at its regular meetings. Members with violations will be sent a letter of notification. If the violation is not resolved within 30 days the member may be fined in accordance with Article VII and Florida Statute 720.

## **Article VII Fines**

**Section 1.** All members, tenants, and invitees of the Association shall obey all of the rules and regulations fully outlined in the Declaration and in these Bylaws.

**Section 2.** The Association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees, or both. to use common areas and facilities and may levy fines of up to \$100 per

violation, against any member, guest, or invitee. A fine will be levied on the basis of each day of a continuing violation, with a single notice and opportunity for a hearing before the Fine Enforcement Committee, except that no such fine shall exceed \$1,000 in the aggregate. Fines shall be collectible as assessments and constitute an action requiring a lien, if unpaid, upon said lot owner in violation of any rules or regulations defined in the Declaration, Articles, and Bylaws.

(a) A fine or suspension may not be imposed without written notice of 14 days to the person sought to be fined or suspended and an opportunity for a hearing before the Fine Enforcement Committee. If the Committee, by majority vote, does not approve the proposed fine or suspension, it may not be imposed.

(b) A towing company to be chosen by the Board of Directors shall post a legible sign near the entrance to Boynton Waters. The sign shall warn members, guests, or invitees that illegal vehicles, boats, trailers, etc. as described in the Declarations (Sections 14 A and B) will be towed at the owner's expense after 24 hours notice by any member of the Violation Committee or Fine Enforcement Committee. No Vehicles of any type may be parked on the grass of the common areas. Our current Towing Company is Zuccala's Wrecker Service @ 561-737-1212.

(c) The speed limit in Boynton Waters is 25 MPH. Repeat violators of the speed limit shall be reported to the Palm Beach County Sheriffs Office after notification by the Board of Directors or the Fine Enforcement Committee.

(d) Unlicensed motor vehicles, (including but not limited to motorized scooters, golf carts and ATV's), are not allowed on the streets, sidewalks or other common areas. Unlicensed drivers are not permitted to operate any type of motor vehicle.

#### **Article VIII Books and Record**

The books, records, documents, and all papers of the Association shall, at the discretion of the Board of Directors, upon proper written request, be subject to the inspection of any member of the Association during normal weekday business hours, and at a time convenient to the Board member/Officer in possession of requested documents. Members requesting copies of any documents will be charged a 25cents/page copying fee for handling time, materials, and expenses.

#### **Article IX Amendments**

**Section 1.** These Bylaws may be amended by a majority vote of a quorum of the eligible voting members at the regular annual meeting or any special meeting for such purpose.

**Section 2.** In case of any conflict between the Articles of Incorporation and these Bylaws the Articles shall control; and in case of any conflict between said Declaration and these Bylaws, the Declaration shall control. The Declaration, Articles, or Bylaws of the Association shall not violate Florida Statute 720.