



# By-Laws

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*Revised: May 20<sup>th</sup>, 2009.*  
*Approved at the June 1<sup>st</sup> 2009 joint division meeting.*

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## Article I (Name and Location)

**Section 1:** This organization shall be known as the “**Dwinal Pond 4 Seasons Club, Inc.**”. Its location and principal office shall be in the County of Penobscot with the address at P.O. Box 114, Winn, Maine 04495.

**(Emblem)**

**Section 2:** A copy of which is annexed here shall be the emblem of the club.

**(Fiscal Year)**

**Section 3:** The fiscal year of the club and its divisions shall end on April 30<sup>th</sup> of each year.

## Article II (Purposes and Powers)

The purposes of this corporation shall be social in nature, to-wit: To own, maintain and operate social and recreational facilities, including but not limited to clubhouses, snowmobile and ATV trails for the use and benefit of its members and the general public with the primary goal in mind that would contribute to the welfare and development of 2 small and emerging businesses by grooming and otherwise maintaining local snowmobile and ATV trails leading to and from such facilities.

**FURTHER**, to participate and support civic activities for the betterment of the community; to provide educational, recreational and social activities for its membership; to organize and hold meetings, encourage safety and courtesy during outings, trips, races and similar events; to encourage good relations among businesses, landowners, law enforcement officers and other government agencies and to advance and improve the great outdoor sport of snowmobile and ATV riding in all its forms. To these ends the corporation shall be empowered: To acquire by gift or purchase, whether in trust or otherwise, to hold, sell, convey, assign, mortgage or lease any property, real or personal, necessary to the accomplishment of any of its purposes, to borrow money and issue evidence of indebtedness and to secure loans by mortgage, pledge or other lien all in furtherance of its said purposes; to apply for, obtain and contract with any governmental agency or private foundation for grants, direct loans or other financial aid and to make any other contract in furtherance of its said purposes and to take such other and further actions that may be necessary for the accomplishment of its said purposes that is not inconsistent with the specific limitations of its powers hereinafter recited.

**PROVIDED, HOWEVER**, that no part of the net earnings of the corporation shall inure to the benefit of or be distributed to its members, trustees, officers or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes.

**PROVIDED, FURTHER**, that no substantial part of the activities of the Corporation shall be carrying on of propaganda or otherwise attempting to influence legislation and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

**PROVIDED, FURTHER,** that notwithstanding any other provisions of these articles, the Corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from Federal Income Tax under Section 501© (4) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), or by a corporation, contributions to which are deductible under Section 170© (2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

## **Article III (Membership and Dues)**

**Section 1:** Owners and prospective owners of snowmobiles or multi-wheel all terrain vehicles for off road use as designated by the laws of the State of Maine shall be eligible.

**Section 2:** Annual membership dues shall be paid by the following categories:

- Single membership
- Couple membership
- Family membership (includes dependent children under 18)
- Business Membership

**Section 3:** Appropriate dues will qualify each person to membership in either Division of the club and the Maine Snowmobile Association or ATV Maine with club voting rights and activities.

**Section 4:** A person applying for membership in the club shall complete an application for enrollment in either the MSA or ATV Maine organizations, pay appropriate dues and attend at least one meeting.

**Section 5:** Persons who have been a member of good standing for at least one year will be eligible to hold office with the Snowmobile Club or the ATV Riders Club. The majority of the members present and voting may waive the one-year rule.

**Section 6:** Membership fees for the ATV Division shall be due at the regular meeting during the month of May and must be paid no later than June 15<sup>th</sup> each year. Membership fees for the Snowmobile Division shall be due at the regular meeting during the month of October and shall be paid no later than October 15<sup>th</sup> each year.

**Section 7:** Members shall be responsible for notifying the Secretary upon a change of address or telephone number to insure delivery of the club and/or any state level sponsored newspapers.

**Section 8:** Changes to dues or fees for either division can be made at any time with the approval of the majority of the membership of the respective divisions under the quorum rule of section 9a or 9b.

**Section 9:**

**a:** A quorum shall consist of a minimum of seven members. The President and Secretary or their designee must make up part of the quorum.

**b:** For special items voted on, i.e., by-law changes, etc., that might directly affect both divisions of the club, a special election of a moderator and secretary Pro-Tem shall be held. A joint quorum shall consist of a President, Secretary and a minimum of seven members from each division.

## **Article IV (Charter Members)**

**Section 1:** The founding members who have adopted and signed the original document setting forth the aims and principles of this organization known formally as “**The By-Laws of The East Winn Snow-Hogs**” shall be known as the Charter members of the club. Charter members are listed at the end of this document.

## **Article V (Founding Members ATV Division)**

**Section 1:** The ATV Division of the Dwinal Pond 4 Seasons Club, Inc. was established June 17<sup>th</sup>, 2004. The founding members of the ATV Division are listed at the end of this document.

## **Article VI (Honorary Members)**

**Section 1:** Persons selected for honorary membership shall be granted such upon mutual acceptance by a majority of the voting Divisional members. Honorary membership shall lapse each year unless renewed by the voting members. This special membership shall be given as an honor only without the usual requirements or privileges. Honorary members may attend meetings and public suppers, etc. They shall have no rights to vote, hold office or receive the State level sponsored newsletters. They will also have no obligation to pay dues. Every effort shall be made to include honorary members in the mailing of the Club newsletter.

## **Article VII (Voting)**

**Section 1:** As provided in Article III, section 9a or 9b, every motion duly made and seconded at any meeting shall be decided on by a majority vote given on a show of hands. In the case of a voting tie, the President or Chairperson shall be the deciding vote.

## **Article VIII (Administration and Officers)**

**Section 1:** The elected officers of the Dwinal Pond 4 Seasons Club (Snowmobile and ATV Division) shall consist of a President, Vice President, Secretary, Treasurer, Trail master and three Directors. One Director from each division will represent their club at the State level, that being the MSA or ATV Maine. This elected board shall be known as the Board of Directors.

**1a:** The Board of Directors shall file corporate annual reports by the end of June of each year.

**Section 2:** No member may hold more than (1) of the four executive board positions, these being the President, Vice President, Secretary or Treasurer.

**Section 3:** Officers shall be elected annually at the respective Divisional meetings in May.

**Section 4:** Elected officers shall assume their official duties immediately upon being elected.

**Section 5:** Nominations for the election of officers shall be made from the floor. Only those who have consented to serve shall be eligible for nomination.

**Section 6:** Office vacancies that occur due to death, resignations etc., shall be filled by special election at a pre announced meeting.

## **Article IX (Duties and Powers of Officers)**

### **Section 1: (President)**

It shall be the duty of the President of either Division to preside and keep order at all meetings, call special sessions when necessary, appoint all committees, see that harmony is preserved and the laws of the club are observed. It shall also be the responsibility of each Divisional President to act as a representative of their club and perform other duties as may be required of him or her.

### **Section 2: (Vice President)**

The Vice President shall act as an aid to the President and shall be prepared to perform the duties of the President in his or her absence. He or she shall monitor all the activities of any committees and be prepared to report on such activities if a committee chair is not available. In the event of a vacancy in the office of the President, the Vice President shall assume the presidency for the non-expired term. The new President shall call for the election of a Vice President to fill that vacancy.

### **Section 3: (Secretary)**

The Secretary of either Division shall be responsible to notify the members of their division of all regular or special meetings, to call the roll, establish that a quorum is present and record the number and members present. The Secretary shall keep a correct mailing list and phone numbers of the members and maintain an accurate record of the proceedings at meetings. He or She shall attend to all correspondence subject to the approval of the President of their respective Division and shall promptly present all correspondence received by their club at regular or special meetings.

### **Section 4: (Treasurer)**

The Treasurer of either Division shall keep an accurate and complete record of the funds and accounts of their club. He or she must collect all dues and issue receipts for the same. The Treasurer must also collect all grant monies, registration fees or any monies received through donations, raffles etc. and deposit all received money in a bank selected for deposit by vote of the membership. A copy of the deposit slip must be maintained for record of any monies received and the source of the revenue. The Treasurer shall not hold more than one hundred dollars of collected or appropriated cash in their possession. It shall be the duty of the Treasurer to pay all bills against their club, keep an accurate account of the amounts and sources of receipts and disbursements. All books, papers and vouchers that are necessary for proper auditing must be kept up to date and available for examination by their club or President. The Treasurer must also perform any other duties as required by their club that may be compatible to his or her office.

An accurate and up to date report must be presented at each regular meeting showing the condition and balance of funds.

#### **Section 5: (MSA and ATV Maine Director)**

The MSA or ATV Maine Directors, under the direction of their President, must make a concerted effort to attend MSA or ATV Maine meetings as a representative of their club and report back on such State level activities. The Directors shall be responsible for club publicity in MSA and ATV Maine newspapers.

#### **Section 6: (Trail master)**

The trail master, under the direction of his or her President, is responsible for managing the trail system. This includes, but is not limited to; clearing and fixing existing trails; posting and marking the trails; organizing work days for members to come and help with work on the trails; collaborating with land owners and sponsors to add trails.

### **Article X (Committees)**

**Section 1:** The Executive Board of each Division shall assign committees. The President, upon their consent, shall appoint committee members. The Executive Board shall appoint a chairperson.

### **Article XI (Meetings)**

**Section 1:** Regular meetings of either Division shall be held at 6:00 p.m. each month unless otherwise posted by a vote of their membership. The meeting place shall be at the Dwinal Pond 4 Seasons Clubhouse whenever possible. The President of their respective Division may call a special meeting of their club if he or she deems it necessary for the welfare of his or her club.

**Section 2:** A regular or special Divisional meeting must constitute a quorum as outlined in Article IV, section 9a. No business shall be transacted unless a quorum is present.

**Section 3:** Joint Divisional meetings shall occur semi-annually during the months of May and October. A special election of a moderator and secretary Pro-Tem shall take place to preside over the joint meeting. A quorum must be present under the rule of Article III, section 9b.

**Section 4:** The privilege of holding office, introducing motions, debating and voting shall be limited to senior members at least 18 years of age and whose dues are currently paid.

### **Article XII (Amendments)**

**Section 1:** These by-laws may be amended if necessary at any regular or special joint meeting of both Divisions by a two-thirds vote of the senior members present and voting. A sufficient notice of a pending amendment or by-law change must be given to all members of both Divisions prior to meeting.

**Section 2:** These by-laws shall be reviewed and rewritten as necessary by a committee appointed by the presiding Chairperson of a joint Divisional meeting. The rewritten by laws shall be approved by a two-thirds vote of the senior members present at the joint Divisional meeting.

## Article XIII (Rules and Procedure)

**Section 1:** Unless otherwise specified by these by-laws, Roberts Rules of Order Revised shall govern parliamentary procedures.

**Section 2:** The order of business shall be as follows:

1. Call to order
2. Roll call
3. Secretary's report
4. Treasurer's report
5. Trail master's report
6. Communications
7. Reports of Committees
8. Introduction of new members
9. Unfinished business
10. New business
11. Announcements
12. Adjourn
13. Entertainment and refreshments (if appropriate)

## Article XIV (Dissolution)

**Section 1:** If it should be judged advisable or become necessary for any reason in the judgment and mutual interest of the joint divisions that this organization as incorporated shall be dissolved, such a proposal shall be presented to the Board of Directors of both Divisions. The Board of Directors shall, after paying or making provision for the payment of all liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such similar organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501© (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law), as the Boards of Directors shall determine.

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End of By-Laws

### *Charter Members*

- Bob Harvey
- Lewis Day
- Danny Cole
- Alton Thompson
- Ray Fogg, Sr.
- Shirley Harvey
- Jean Day
- Mabel Cole
- Ruby Thompson
- Pat Fogg



### *Founding Members ATV (Division)*

- Ray Fogg, Jr.
- Douglas Fogg
- Lewis Day
- Danny Lowe
- Frank Moores
- Lyndon Perry
- Ray Fogg, Sr.
- Christine Gordon
- Penny Lowe
- Pat Fogg
- Jean Fogg

\* Stickers and patch designs were approved by the Snowmobile and ATV Divisions Aug. 19th, 2004

