

**BYLAWS OF
HAPPYTOWN HILL STATUTORY ROAD ASSOCIATION**

**ARTICLE I
Name; Authority**

The name of the association shall be Happytown Hill Statutory Road Association, which is organized as a statutory road association pursuant to Title 23, Maine Revised Statutes, Sections 3101 to 3104.

**ARTICLE II
Purposes**

The purpose for which the Association is organized is to address the present and future repair and maintenance of the private roads, private ways and bridges [as shown on a plan of the Happytown Hill subdivision of Anywhere, Maine (see attached Exhibit A) hereinafter referred to as “Commons Roads”] or [known as _____Road and _____Lane] and engaging in such other activities as may be authorized by said Sections 3101 to 3104.

**ARTICLE III
Members of Association**

The Members of the Association shall be the owners, their heirs and assigns, of the lots benefitted by said Common Roads within the Happytown Hill subdivision of Anywhere, Maine, as recorded in the Somewhere County Registry of Deeds [all such owners hereinafter referred to as “Member” or collectively as “Members”].

**ARTICLE IV
Term**

The Association shall have year-to-year existence until dissolved by a majority vote of its Members, pursuant to Section 3101(4). Upon a majority vote of the member to dissolve, all money held on behalf of the road association shall be returned to the lot owners, pro rata.

**ARTICLE V
Meetings of the Members of the Association**

Section 1. Call of Meetings. Meetings of the Members shall be called as necessary in the same manner as Section 3101(2) or by a commissioner or board appointed by the Members at a previous meeting pursuant to Section 3101(5).

Section 2. Notice. Notice for such meeting shall be given to the Members thirty (30) days before the date of the meeting, in accordance with Section 3101(2).

Section 3. E-mail. E-mail may be used as an alternative to United States mail for sending notices and other materials with the agreement of the receiving party as long as the communication includes the current address and telephone number of the sender for purposes of verification, in accordance with the requirements of said Section 3101(3).

Section 4. Proxy; Absentee voting. The call to a meeting may state that a Member may elect to appoint another Member to vote in the Member's stead and give that member a proxy vote. Members voting by absentee ballot must be polled on all voting items that were not included in the agenda and the final tally must be reported to the Members, in accordance with Section 3101(4).

Section 5. Vote. Each Member may cast only one vote for each lot owned and benefitted by said Common Roads. For any vote to be effective on any issue, there must be a vote in favor of the decision by a majority vote of the Members.

ARTICLE VI

Powers/Management

The affairs of the Association shall be managed by the Members, at any meeting called pursuant to Article V of these bylaws, as follows:

Section 1. Election of Commissioner or Board. Members may choose a commissioner or board. The commissioner or board has the powers of a road commissioner.

Section 2. Repair and Maintenance Assessments; Special Assessments. Members may determine what repairs and maintenance are necessary and the materials to be furnished or amount of money to be paid by each Member for said repairs and maintenance, pursuant to Section 3101(5), as well as any maintenance of easements pursuant to Section 3105(5-A) and Article VI, Section 3 of these bylaws. The determination of the apportionment of the repair and maintenance assessment shall be fair and equitable and, pursuant to Section 3102, may not exceed one percent (1%) of an individual Member's property valuation in any calendar year. The commissioner or board shall report the outcome of all votes to all Members by United States Mail within thirty (30) days.

Special assessments for emergency repairs and maintenance necessary to maintain or restore the functionality of the roads, pursuant Section 3101(5), may be assessed on the Members in addition to the annual repair and maintenance assessment if authorized by the Members at special membership meetings called for that purpose.

Section 3. Easements. The Association may negotiate an easement for the installation of a ditch, drain, culvert or other storm water management infrastructure to benefit said Common Roads. The easement must specify when a ditch, drain, culvert or other storm water management infrastructure must be maintained and include reasonable performance standards to guide the timing and extent of its upkeep and repair. The easement must also be recorded at the registry of deeds in the county in which the property subject to the easement is located. A ditch, drain, culvert or other storm water management infrastructure subject to an easement under this section must be under the control and maintained by the Association.

Section 4. Enforcement. If any Member, on requirement of the commissioner or board, neglects to furnish that Member's proportion of labor, materials or money, the same may be furnished by the other Members, and the Association shall have the power and authority to enforce and collect said repair and maintenance assessment in a civil action, together with costs of suit and reasonable attorney's fees, in accordance with Sections 3102 and 3104.

Section 5. Contracts for repairs; assessments. The Members may by a majority vote authorize a contract to be made for making repairs to and maintaining said Common Roads by the year or for a lesser time and may raise money for that purpose pursuant to Section 3101(5), in accordance with Section 3103. The commissioner or board shall collect the money as the town taxes are collected.

ARTICLE VII

Amendment

The bylaws of the Association may be amended, altered or rescinded only by a two-thirds majority vote of the Members at a meeting called for that purpose.