

**OCEAN BEACH & BAY CLUB, INC.**  
**(Ocean Beach Unit III)**



**Certificate of Incorporation**

**By-Laws**

**Deed Restrictions**

**Rules & Regulations**

**Reprinted June 2005**

**CERTIFICATE OF INCORPORATION  
OF  
OCEAN BEACH AND BAY CLUB**

**THIS IS TO CERTIFY** that we, the undersigned, do hereby associate ourselves into a corporation under and by the virtue of the provisions of an act of the Legislature of the State of New Jersey entitled Title 15, Section 1, etc., of the Revised Statutes of 1937, and the several acts supplemental thereto and amendatory thereof.

**FIRST:** The name of this corporation is  
**“OCEAN BEACH AND BAY CLUB”**

**SECOND:** The purposes for which this corporation is formed are:

- (a) To promote and protect the general welfare and property rights of the property owner members in their use and enjoyment of their property at Ocean Beach in the Township of Toms River, Ocean County, New Jersey.
- (b) The improvement of all natural facilities of the beach front and bay front of Ocean Beach.
- (c) To develop and protect the natural resources of the community for the benefit of the members.
- (d) To maintain and operate for the benefit of the members, beach front bathing facilities and boating facilities on the bay front and to protect and safeguard the rights of members in the use and enjoyment of such facilities against encroachment or trespass by non-members.
- (e) To purchase, build or erect club house or other building or buildings for the use and enjoyment of all members of the association subject to the by-laws of the association and for the benefits of the members to purchase, lease, hold, sell, mortgage, convey or otherwise acquire, dispose of or encumber real and personal property of every description.
- (f) And, in general, to do all things and perform all functions for which authority is given by the Legislature hereinabove referred to and set forth.

**THIRD:** The location of the corporation and the place where the activities of the corporation will take place is **“Ocean Beach, Unit 3, Township of Toms River, Ocean County, New Jersey.”**

**FOURTH:** The number of trustees of this corporation is five (5).

**FIFTH:** The names and addresses of the trustees selected for the first year of the existence of this corporation are:

Name	Address
Frederick Wagner	25 E. Brinkerhoff Ave., Palisades Park, NJ
Dorothy Wagner	25 E. Brinkerhoff Ave., Palisades Park, NJ
Russell V. O’Connor	743 Linden Ave., Rahway, NJ
June D. O’Connor	743 Linden Ave., Rahway, NJ
Oliver L. Quinby	1427 Park Ave., Plainfield, NJ

**SIXTH:** The name and post office address of the resident agent of this corporation upon whom process against this corporation may be served is: F. William Sutton, 28-30 Main St., Toms River, NJ.

**IN WITNESS WHEREOF,** we have hereunto subscribed our names and affixed our seals this 22nd day of September, 1951.

Signed, sealed and delivered in the presence of:

S/S BETTY MURPHY (As to all but Oliver L. Quinby)  
S/S FRED A. C. PEARL (As to Oliver L. Quinby)

S/S FREDERICK WAGNER (LS)  
Frederick Wagner  
S/S DOROTHY WAGNER (LS)  
Dorothy Wagner  
S/S RUSSELL V. O’CONNOR (LS)  
Russell V. O’Connor  
S/S JUNE D. O’CONNOR  
June D. O’Connor  
S/S OLIVER L. QUINBY  
Oliver L. Quinby

**STATE OF NEW JERSEY)  
COUNTY OF OCEAN)  
SS.**

**BE IT REMEMBERED**, that on this 22nd day of September, in the year of our Lord One Thousand Nine Hundred and Fifty-one, before me, a Notary Public of the Sate of New Jersey, personally appeared FREDERICK WAGNER, DOROTHY WAGNER, RUSSELL V. O'CONNOR AND JUNE D. O'CONNOR, WHO, I am satisfied, are four (4) of the persons named in and who executed the foregoing Certificate of Incorporation, and I having first made known to each of them the contents thereof, they and each of them did acknowledge that they signed, sealed and delivered the same as their voluntary act and deed, for the uses and purposes therein expressed.

S/S BETTY MURPHY  
Notary Public of New Jersey  
My Commission expires Dec. 23, 1953

**STATE OF NEW JERSEY)**  
**COUNTY OF OCEAN)**  
**SS.**

**BE IT REMEMBERED**, that on this 22nd day of September, in the year of our Lord One Thousand Nine Hundred and Fifty-one, before me, a Notary Public of the Sate of New Jersey, personally appeared OLIVER L. QUINBY, who, I am satisfied, is one (1) of the persons named in and who executed the foregoing Certificate of Incorporation, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and purposes therein expressed.

S/S FRED A. C. PEARL  
Notary Public of New Jersey  
My Commission expires Oct. 1, 1951

**BY-LAWS OF  
OCEAN BEACH & BAY CLUB**

**ARTICLE 1:**

General – These By-Laws shall not abrogate any provision of the Certificate of Incorporation of Ocean Beach & Bay Club dated September 21, 1951.

**SECTION 1 - ELIGIBILITY**

All property owners or lot lessees of Ocean Beach, Unit No.3, are eligible to apply to be members of this Club.

**SECTION 2 - ADMISSION**

Any person or group of persons becomes a member of Ocean Beach & Bay Club as of the date of approval of his or their application.

**SECTION 3 - MEMBERSHIP**

(a) When an applicant is accepted into this Club he shall swear to abide by the provisions of the Certificate of Incorporation of the Club, these By-Laws and any subsequent regulations imposed by this Club in addition to the Deed restrictions on his lot (a copy of which is hereunto attached).

(b) There shall be one type of membership: Residential.

(c) A residential membership shall apply only to lots in Ocean Beach Unit No.3, which are used or are to be used for dwelling purposes, and persons admitted to such membership shall be entitled to enjoy all rights and privileges of membership, including the use of the beach front and the facilities of this Club, subject to the provisions of the Certificate of Incorporation of the Club, these By-Laws and the rules and regulations approved by this Club.

**SECTION 4 - TERMINATION OF MEMBERSHIP**

Membership in this Club shall automatically terminate when the member no longer owns, leases or has any record interest in any parcel of property of Ocean Beach Unit No.3.

**ARTICLE 2:**

**SECTION 1 - OFFICERS**

The officers of this Club shall consist of a President, a Vice-President, a Treasurer and a Secretary, all of whom shall be members in good standing of the Board of Trustees of this Club. All officers and trustees shall serve without remuneration.

## **ARTICLE 3: DUTIES OF OFFICERS**

### **SECTION 1 - PRESIDENT**

The President shall be the chief executive officer and it shall be his duty to preside at all meetings of the members of the Board of Trustees, he shall appoint all committees except the Nominating Committee, provided for by the Certificate of Incorporation or by these By-Laws and any other committees deemed necessary; he shall be one of three officers (President, Vice-President and Treasurer) authorized to sign checks in the name of the Club. Two signatures are required. He shall with the Treasurer, sign all notes, drafts and other negotiable instruments. Non-negotiable instruments (contracts, deeds, leases, etc.) shall be signed by the President and attested to by the Secretary in the name and under the seal of the Club when so authorized by the Board of Trustees. He shall oversee the operation of the Club office. He shall be ex-officio member of all regular and special committees except the Nominating Committee.

### **SECTION 2 - VICE-PRESIDENT**

The Vice-President shall be vested with all the powers and shall perform all the duties of the President in his absence and shall also perform such other duties as may from time to time be delegated to him by the President or by the Board of Trustees. He shall be Chairman of the Membership Committee. He shall be one of the three officers authorized to sign all checks in the name of the Club.

### **SECTION 3 - TREASURER**

The Treasurer shall be responsible for full and accurate records of receipts and disbursements of the funds of the Club in books belonging to the Club and deposit of all monies and other valuables of the Club in the name of and to the credit of the Club in such depositories as may be designated by the Board of Trustees. All books and records of the Treasurer shall be available and open at all times for the examination by the Board of Trustees or by persons designated by the Board. He shall also be responsible for the collection of all dues and special assessments and issue receipts for same. Yearly dues, special assessments, initiation fees and fines, if any, shall be collected by the Treasurer from the owner or lessee of each lot after same has been assigned, bargained for or transferred to said owner or lessee by the developers or after same has been assigned, bargained for or transferred by one lot owner or lot lessee to another. Any first time owner or lot lessee will be assessed a one-time initiation fee of \$500 payable in addition to any regular dues and assessments for the lot in question. Any member in good standing acquiring an additional lot or lots will be assessed a \$200 initiation fee and all regular

dues and assessments for each lot acquired. The \$200 initiation fee and conditions will apply to anyone receiving title to a lot or lots through inheritance or transfer of title within the immediate family. Regular dues and assessments shall begin on January 1st of the year next ensuing the date of acceptance of the new member and shall cover the period from January 1st to December 31st of that year. In the event that current or prior year dues and assessments are unpaid on the Club's books, the prospective new member shall be required to pay same in full before membership will be granted and such person(s), their families, guests and tenants shall be denied the use of all of the Club's privately owned and leased facilities until all back dues and assessments have been paid. (Note: Paragraph was amended in 1986 and 2002)

Membership dues on a lot are not transferable. Each lot transfer shall require the new owner or lot lessee to pay the full initiation or entrance fees on each lot transferred to him regardless of the portion of the year still remaining before the regular dues apply (Jan. 1st to Dec. 31st of each year). Where a member already owns or leases one or more lots, the above rule applies on each such lot and on each additional lot acquired by him the same as it would to a new member.

The Treasurer shall, with the President or Vice-President, be authorized to execute all checks, drafts, notes or other negotiable instruments in the name of and under the seal of the Club. At the expense of the Club, the Treasurer shall supply the Club with a proper surety bond, regarding the actions of all of the above officers and the other Trustees, written by a responsible surety company, an amount no less than \$50,000. (Note: Amended 2002)

#### **SECTION 4 - SECRETARY**

It shall be the duty of the secretary to keep a record of the minutes of all meetings and to transcribe such records into a minute's book to constitute a permanent record. These records must be kept in a safe place where only persons authorized by the Board of Trustees may obtain them. The minutes of all Annual and Semi-Annual General Membership Meetings shall be mailed to the membership. Trustees shall receive minutes of Trustee Meetings.

The secretary must also have available at all meetings an up-to-date copy of Certificate of Incorporation, By-Laws, and Rules and Regulations.

It shall be the duty of the secretary to notify all members of meetings, regular or special. He shall be responsible for all legal communications to

the members of the Club.

He shall when so requested by the Treasurer, send dues notices to all members. He shall also maintain a list of all members of the Board of Trustees, their committee assignments and their addresses together with their Ocean Beach mailing addresses.

#### **ARTICLE 4: TRUSTEES**

The control and complete management of the Club shall be entrusted to the duly elected Trustees, who shall make any and all rules and regulations and enforce compliance therewith, as well as these By-Laws and the Deed Restrictions.

The Trustees, appointed and qualified by the Certificate of Incorporation of this Club, shall hold office for one year or until their successors are duly elected and qualified. The Trustees shall assume office on the first day of the new fiscal year. The number of Trustees constituting the Board of Trustees shall be TEN (10) but may be increased or decreased by amendment of this provision of the By-Laws.

At the first annual meeting after the date of the Certificate of Incorporation five (5) members of the Board of Trustees were elected for a term of one (1) year and five (5) members of the Board of Trustees were elected for two (2) years and at each annual meeting thereafter five (5) members of the Board of Trustees shall be elected for a term of two (2) years each providing they are members in good standing.

All appropriations and expenditures by the Club exceeding the sum of \$1,000 shall be voted upon by the Board of Trustees and duly approved before such appropriation or expenditure is made, even if such expenditure is within the budget line item.

(Note: Amended 2002).

Absence of any member of the Board of Trustees for more than three (3) consecutive meetings without reasonable cause will terminate his membership on such Board and the Board of Trustees may thereupon on majority vote, fill such vacancy from the membership of the Club, until the next annual meeting of the membership. At that meeting the appointee is eligible to stand for election for the unexpired term.

Vacancies caused by death, written resignation, suspension of membership or loss of membership may be filled by a majority vote of the Board of Trustees from the Club membership in good standing until the next

annual meeting of the membership.

## **ARTICLE 5: COMMITTEES**

All committees except the nominating committee shall be appointed by the President with the concurrence of the Board of Trustees. Each committee must have a trustee as a member. Permanent committees shall be Beach, Budget, Clubhouse and Playgrounds, Grounds, Maintenance, Membership, Nominating, Police, Roads and Social. Special committees may be appointed as required. The Nominating Committee is to be appointed by the Trustees. The President may not be a member of this committee.

### **SECTION 1 - BEACH COMMITTEE**

It shall be the duty of the Beach Committee to take complete charge of the beach and such committee shall be responsible for the maintenance of equipment, ropes and other safety devices, the employment of life-guards, the maintenance of cleanliness of the beaches, and all other matters incident to the proper operation and control of the beaches.

Buttons, badges or similar identification shall be required of all persons using any club facilities (including the roads) during the summer season. While such identification is not limited to the beaches or bathing facilities, no person or persons shall be permitted the use of the above mentioned beaches unless he has the required identification and unless he is an owner or occupant or guest of an owner or occupant and provided further that no automobiles or other vehicles shall be parked in or on any of the roads, streets or ways of Ocean Beach Unit No. 3, by any user of the beaches. Strict enforcement of this rule shall be maintained as a means of preventing unauthorized use of the bathing beaches and other facilities of the Ocean Beach and Bay Club.

### **SECTION 2 - BUDGET COMMITTEE**

It shall be the duty of the Budget Committee to prepare and present to the Board of Trustees a proposed budget for the ensuing fiscal year and such budget shall then be presented to the Members at the annual meeting in the fall. The Treasurer shall be chairman of the Budget Committee.

### **SECTION 3 - CLUBHOUSE & PLAYGROUND COMMITTEE**

The Clubhouse and Playground Committee shall be responsible for the maintenance of the clubhouse and any activities authorized by the Board of Trustees which take place therein.

This Committee shall hire any personnel necessary to run these activities within the framework of an established budget. This Committee shall

purchase and maintain all playground equipment and see that the general area is properly patrolled and protected.

#### **SECTION 4 - GROUNDS COMMITTEE**

It shall be the duty of the Grounds Committee to pass on all building permits; to see that all properties in the community are kept neat, well painted and in good repair; and to make all arrangements for garbage collection and other matters incident to the management of the property. Any permit submitted to the Grounds Committee must be approved or disapproved with reasons stated in writing within fifteen (15) days after receipt. A copy of the same shall be sent to the applicant and the Board of Trustees.

#### **SECTION 5 - MAINTENANCE COMMITTEE**

It shall be the duty of the Maintenance Committee to care for all Club properties and facilities (with the exception of the beaches which is the responsibility of the Beach Committee). It shall be the responsibility of this Committee to see that all parking lots, grounds adjacent to the Clubhouse, lagoons, Club roads and playgrounds are kept clean and free of weeds, that fencing, building, boat basin and playground equipment is painted and in good repair. This Committee shall work with the various Committees to arrange for handling any other special maintenance required.

#### **SECTION 6 - MEMBERSHIP COMMITTEE**

This Committee shall be chaired by and be responsible to the Vice President.

The Membership Committee shall have the duty of interviewing proposed new members. They shall have the duty to educate all proposed members regarding all of the By-Laws, Rules and Regulations of the Club as well as the deed restrictions. All proposed members shall agree to abide by all of the Rules, Regulations, By-Laws and deed restrictions of the Club before acceptance into the Club. Approval of the Membership committee is required for acceptance. Accepted members shall receive, after payment of their initiation fee on each lot owners or leased by them, a membership card signed by the Treasurer.

All applications shall have at least one sponsor to recommend them for membership who shall be named in the application for membership. Any member in good standing may act as a sponsor.

(Note: Amended 2002)

**Suspension or Expulsion of Membership.** Membership shall, upon  $\frac{3}{4}$

vote of the membership committee and  $\frac{3}{4}$  vote of the Trustees be suspended or expelled for such violations of rules, regulations or restrictions as the committee shall decide. Any member whose dues remain unpaid either wholly or in part, as of June 15th of any year shall be considered in delinquency and shall have his membership suspended not later than July 1st of that year. Such member shall be notified in writing of his suspension or expulsion and all occupants of his cottage or cottages prevented from the use of the beach or other Club facilities until such time as the suspended member is reinstated by  $\frac{3}{4}$  vote of the membership committee and  $\frac{3}{4}$  vote of the Trustees.

Guests and Application for Guest Privileges. Members may permit guests to occupy their cottage(s) in their absence. However, when such occupancy is expected to or does exceed 72 consecutive hours such persons must apply for guest privileges and must be approved by the Membership Committee.

The Membership Committee will make available Guest of Owner application forms to all prospective guest(s). The prospective guest(s) must return the form to the Membership Committee at least fourteen (14) days before the guest occupancy period begins. The application(s) shall be processed as soon as possible before the occupancy period begins and the guest(s) and owner(s) will be notified in writing of the disposition, only in the event of non-acceptance, in ample time before the proposed occupancy.

#### **SECTION 7 - NOMINATING COMMITTEE**

It shall be the duty of the Nominating Committee to recommend nominations for Trustees of the Club at the Spring Semi-Annual meeting for election at the annual meeting in the fall. One member of this committee must be a member of the Board of Trustees and will serve as chairman. Nominations from the floor at the Spring meeting shall be called for from the Chair. The Nominating Committee is to be appointed by the Trustees. The President may not be included on this committee.

#### **SECTION 8 - POLICE COMMITTEE**

It shall be the duty of the Police Committee to maintain an orderly community and protect all property of the Club and the general welfare of all its members. It will be responsible for the employment of deputies who, where possible, shall be duly authorized or commissioned by the municipal authorities of the Township of Toms River and to the extent of their authority, shall maintain law and order in the community.

The committee will be specifically charged with the responsibility to see that no automobiles or other vehicles shall be parked on any of the roads, streets or ways of Ocean Beach Unit No. 3, also to see that only authorized persons are permitted the use of the beaches, boat basin, or any other Club facilities and that all Club rules pertaining to dogs, speed limits, mini-bikes, motorcycles, trailers, etc. are enforced.

The deputy in charge or any trustee shall, when such action is required, make and sign a Toms River Township Police complaint against any and all persons who, by their action, violate safety, health and/or general welfare of either themselves or others. Intoxication, rowdyism, disorderliness, loud, profane and/or indecent language, indecent actions or any other violation deemed as such by the deputy in charge, shall be considered grounds for the police action and/or suspension of membership of a member held responsible therefore.

**SECTION 9 - ROADS COMMITTEE**

It shall be the duty of the Roads Committee to see that all streets are kept in repair and graded when necessary. It shall work with the Maintenance Committee to arrange for proper drainage and erection of signs. It shall also work with the Grounds Committee to see that Club roads are kept free of weeds and other unsightly debris.

**SECTION 10 - SOCIAL COMMITTEE**

The Social Committee shall stimulate interest in community planning, sociability and good fellowship by organizing and operating all social affairs. This committee may raise funds for any and all entertainment or other social functions sponsored by it. All such funds shall be paid over to the Treasurer of the Club, earmarked for the social committee and disbursed by the Treasurer. This committee shall at all times be responsible directly to the Board of Trustees. A written report together with an itemized accounting for each function shall be submitted to the Board of Trustees.

**ARTICLE 6:**

**SECTION 1 - VOTING**

Only members of the Club in good standing shall be eligible to vote at a special or regular meeting of the Club. A member shall not be considered to be in good standing unless all past dues and special assessments have been paid and the eligibility of any member shall be passed on by the President of the Club. Members suspended for violations are not permitted to vote until reinstated.

Each owner or lessee of a single residential lot as shown on the map or plan of Ocean Beach, Unit No. 3, shall be entitled to one vote. Where one person is the record owner or lessee of more than one residential lot of land as shown on the aforesaid map, he shall be entitled to one vote for each such parcel or lot of land owned or leased by him. Where any such lot of land is owned or leased by two or more persons, such persons shall each be members of this Club and shall be entitled jointly to one vote at any such meeting.

At all general or special membership meetings the Secretary shall have a record of all members eligible to vote. A register shall be signed by the member before he enters the meeting, and at such time, he shall be issued a numbered ballot. Voting by proxy or mail is not allowed.

## **SECTION 2 - ELECTION OF OFFICERS**

Members of the Board of Trustees shall be elected by a plurality of the votes cast by the members of the Club at the Annual meeting and such election shall be held by secret ballot, if there are any contested positions. To be eligible for election to the Board of Trustees, a person must be a member in good standing of the Club, have been nominated to a position on the Board of Trustees at the spring membership meeting and having given his or her written consent to serve on the Board after nomination at the spring meeting and before the Annual meeting.

(Note: Amended 2002)

Where ballots are required, the Chair shall appoint tellers to distribute, collect and count the ballots and report the vote. Tellers must be members of good standing. Ballots should be counted and recorded in full presence of membership.

Officers of the Board of Trustees shall be elected from the members of the Board at the first meeting following the Annual meeting of the Club and such election shall be by secret ballot.

## **ARTICLE 7: MEETINGS (MEMBERS)**

- (a) All meetings of the members shall be held at Ocean Beach Unit No. 3, or at a nearby easily accessible meeting place arranged for by the Board of Trustees.
- (b) The annual meeting of the Club shall be held during fall of each year and a semi-annual meeting shall be held during the spring of each year.
- (c) Twenty-five members of the Club eligible to vote shall constitute

a quorum for any special or regular meeting of the Club. Husband and wife or any other joint membership to be considered as one voting member.

- (d) Written notice of any annual or special meeting of the members of the Club shall be given to the members at his or her address, as the same appears on the records of the Club, at least fourteen (14) days prior to the date of the meeting.
- (e) Special meetings of the members of the Club may be called by the President upon the written request of twenty-five members; upon the request of the Board of Trustees; or by the President at his discretion, if he deems such special meeting to be necessary.

**ARTICLE 8: BOARD OF TRUSTEES MEETING AND SPECIAL MEETING  
SECTION 1:**

The Board of Trustees shall hold a regular meeting of the Board monthly or at such other times during the year as may be deemed necessary by the President or a majority of the Board of Trustees.

**SECTION 2:**

The organization meeting of the Board of Trustees shall be held at the first meeting of the calendar year after the Annual Meeting of the Club in the fall.

**SECTION 3:**

Five (5) members of the Board of Trustees shall constitute a quorum for any regular or special Trustee meeting.

**ARTICLE 9: DUES (REGULAR ASSESSMENTS) AND  
SPECIAL ASSESSMENTS**

**SECTION 1:**

Wherever the words dues appears in these By-Laws it shall also be considered the regular yearly assessment and not confused with any special assessment.

Notice of all assessments and the amount thereof shall be mailed to each member annually. A limit of \$20, per lot, owned or leased shall not be exceeded except on approval of a 2/3 of the votes cast by the membership present at the Annual or special meeting of the Club.

**SECTION 2:**

All payments of Dues (Regular Assessments) and Special Assessments, shall be paid to and received by the Treasurer and all checks or money orders shall be made payable to Ocean Beach and Bay Club.

**SECTION 3:**

The Budget Committee shall make its annual report at the first meeting of the Board of Trustees in the fall of each year and the amount of dues (regular assessment) against the members will then be determined by the Board of Trustees based on the needs of the Club for the ensuing year, provided however, that all dues (regular assessments) and special assessments will be so regulated and determined that the bank balance of the Club shall not exceed the sum of \$75,000 after all debts, obligations and beach rental lease payments have been made.

(Note: Amended 2002)

**SECTION 4:**

Any expenditures of \$10,000.00 or more (not budgeted for and such budget approved by the General Membership) to be made by the Board of Trustees shall first be voted upon and approved at a special or regular meeting of the members of the Club at which two-thirds (2/3) of the votes cast by the membership present at such special or regular meeting shall vote in favor of such expenditure, with the exception of the fixed beach lease obligation which shall be paid according to the terms of the lease and not subject to the 2/3 vote hereinbefore mentioned.

(Note: Amended 2002)

**SECTION 5:**

(Note: Amended 2002, Section 5 was omitted)

**SECTION 6:**

Any member failing to pay dues (regular assessments) and special assessments within the time limited by the Board of Trustees shall forfeit his or her power to vote and shall not be entitled to any of the rights or privileges of the Club. He or she may be reinstated by making payment of all unpaid assessments.

**SECTION 7:**

Special Assessments may be levied by the Board of Trustees in an amount to meet special additional expenses which were not provided in the budget for the current year. Such special assessments shall be paid within sixty (60) days from the date of notice. Before any special assessment is levied it must be submitted to and approved by the general membership. Failure to pay approved special assessments will result in the same penalties as failure to pay dues.

## **ARTICLE 10: AUDIT AND FISCAL YEAR**

### **SECTION 1:**

The Board of Trustees shall annually appoint an independent, outside accountant to audit the books of this Club at least once a year. A copy of the audit shall be available at the spring semi-annual meeting.

### **SECTION 2:**

The fiscal year of the Club shall begin on the first day of January and end on the 31st day of December of each year.

## **ARTICLE 11: MISCELLANEOUS**

### **SECTION 1:**

Nothing contained in these By-Laws shall limit, restrict or prevent any member or group of members at any time from presenting grievances or complaints in writing to the Club or to the Board of Trustees.

### **SECTION 2:**

All guests and visitors and/or cottage occupants of the Club members shall be known as "Guests" and all members of the Club shall be responsible for all of their Guests.

### **SECTION 3:**

- (a) No parking of trucks larger than panel or pick-up shall be permitted on residential lots. Trucks of mechanics or suppliers while repairing, building or supplying cottages are permitted during daytime, but not overnight.
- (b) (Note: Amended 2002, Section 3(b) was omitted)
- (c) Soliciting – Members, tenants, guests, or any persons under their jurisdiction or control shall not solicit trade, business, or other enterprises of any property owner, lessees or guest in Ocean Beach, Unit No. 3.
- (d) Noise – During summer season, members, guests are requested to refrain from causing noise (loud radio or television playing or similar annoyance) to their neighbors and are urged to have their guests observe this request. This shall also be construed to include the barking of dogs. Major construction work or large alteration work requiring hammering and sawing shall not be permitted during the summer season (June 15th to Labor Day) or after 8:30 p.m. in the off-season except on special written approval by Board of Trustees. Painting, plumbing or other work, when not noxious or noisy, may be exempted from this rule, but

under no circumstances shall work be done after 11:00 p.m. of any day.

- (e) Dogs and/or cats shall not be allowed on the beaches or other Club property at any time.
- (f) Ball playing on beaches is prohibited between 9:00 a.m. to 6:00 p.m., unless the beach is closed to swimming. Ball playing on the roads is also prohibited.
- (g) Walkways to the beach are to be properly delineated and all owners and guests advised to use the walkways at all times as access to the Ocean Beach and NOT to walk to or from the beach between beach front houses.

#### **SECTION 4:**

The order of business at all meetings of the Club and of the Board of Trustees shall be as follows:

- |                        |                           |
|------------------------|---------------------------|
| a) Roll Call           | (f) Miscellaneous Reports |
| (b) Reading of minutes | (g) Old Business          |
| (c) Communications     | (h) New Business          |
| (d) Financial Reports  | (i) General Welfare       |
| (e) Committee Reports  | (j) Adjournment           |

Robert's Rules of Order shall be the authority on all questions of Parliamentary Law and Proceedings. A copy of these Rules shall be available at all meetings.

#### **SECTION 5:**

These By-Laws, as amended, or any rules or regulations presently or hereafter adopted shall not be interpreted or applied in such a fashion as to violate the Civil Rights of any member or prospective member. Any provision of these By-Laws, rules or regulations which is or may be violative of any applicable Civil Rights Law shall be disregarded. The foregoing principle shall also be applied to this Club's obligation to enforce deed restrictions contained in certain determinable fee deeds under which this Club holds title to various recreational areas.

### **ARTICLE 12: AMENDMENTS**

#### **SECTION 1:**

The members of this Club, by vote of two-thirds (2/3) of the ballots cast by members present at any regular or special meeting, may amend these By-

Laws if a written copy of the proposed amendment or amendments has been mailed to each member, along with notice of such regular or special meeting, at least thirty (30) days prior to the date of the meeting, by regular mail at the member's last known address as noted on the club records.

**SECTION 2:**

Any change or changes made in the By-Laws and/or rules and regulations shall be printed and sent to each member by the Secretary no later than thirty (30) days after same has been enacted. These charges shall be effective at once.

## OCEAN BEACH, UNIT NO. 3 DEED RESTRICTIONS

### BEACH CLUB

All property owners in this development are required to be members of a property owners' association known or to be known as "**OCEAN BEACH CLUB**" or similar name and to faithfully abide by its rules. No sale, resale, or rental of any property in Ocean Beach shall be made to any person or group of persons who are, have been, or would be disapproved for membership by the said Club.

Being a private club the **OCEAN BEACH CLUB** shall make such rules as it deems necessary pertaining to the race, color, or creed of persons eligible for membership and any other rules or regulations it chooses.

The **OCEAN BEACH CLUB** shall each year collect from its bonafide member lot owners or lot lessees the sum of ten dollars (\$10) per lot owned or leased by each member.

The total yearly collections thus made are to be paid to the beach owners as yearly consideration and payment for use of said bathing beach leased to the **OCEAN BEACH CLUB**.

The use of the bathing beaches designated on plan of Ocean Beach Unit No. 3 are for the exclusive use of members in good standing of the **OCEAN BEACH CLUB** in Unit No. 3, and/or guests, and/or tenants of such members.

The **OCEAN BEACH CLUB** shall lease on long term the bathing beaches designated on plan of Ocean Beach Unit No. 3 from the owners of said beaches.

Building Restrictions (lots other than ocean fronts)

\*(See Special Restrictions Below)

No building shall be built or placed closer than two (2) feet to front lot line, ten (10) feet to rear lot line, or two (2) feet to side lot line.

It is not recommended, but is permissible upon special approval by the Ocean Beach Inc. Developers, to have front of buildings including porches, garages, etc., to total over twenty-four (24) feet. All buildings must be erected on the left side of lots when viewed from road. Vacant space on right side of lot when viewed from road is for private auto parking and/or garden, and/or open patio and/or terrace.

All lots fronting on the westerly side of Ocean Road are subject to all other restrictions contained herein but shall have the buildings thereon placed on the East end of such lots with the vacant space on the westerly portion of said lots being reserved for private auto parking and/or garden and/or open patio and/or terrace.

**Building Restrictions (Ocean front section; lots east of Sea View Road)**

\*(See Special Restrictions Below)

No building, alteration, addition, or structure of any kind shall be erected closer than thirty-five (35) feet to the front or easterly side of an ocean front lot; nor closer than ten (10) feet to side lines, or closer than two (2) feet to road line.

It is intended that the parking of private automobiles on these lots shall at all times be in the area immediately west of the residence building.

An exception to this ruling shall only be made at such times as there is insufficient space in the area immediately west of the aforesaid residence building or for overflow space for provision for additional auto parking due to guests or other visitors.

In such cases of exception aforesaid, the additional space to be used shall be only the vacant ten (10) feet on the north side of the rear or western portion of the lot and under no condition shall the south ten (10) foot space ever be used or accepted for auto parking.

**Building Restrictions (Ocean front section; lots west of Sea View Road)**

Location of buildings in Ocean Front Section between Sea View Road and Ocean Road. \*(See Special Restrictions Below)

All buildings shall be two (2) feet from east line and shall be placed two (2) feet from side road line. Rear or westerly portion of lot shall be used for garden, patio or private auto parking. No building in this part of the Ocean Front Section shall be larger than 20 x 32 feet. No building shall have its easterly or westerly end exceed twenty (20) feet.

**GENERAL RESTRICTIONS**

All toilets and plumbing shall be modern and sanitary. No cesspools are permitted. Septic tanks shall be used. All electric wiring shall be approved first by the inspectors of the fire underwriters. No building alteration, fence, or addition shall be made without the written approval of Ocean Beach Inc.

The use of property when this restriction is attached to deed shall be exclusively for residential purposes. No business, factory, farm, fishery or establishment whatsoever other than private residence shall be permitted. Temporary residences, such as tents, trailers, and/or movable forms of shelter shall not be permitted under any circumstances whatsoever. No more than one residence nor more than one-story one-family dwelling shall be allowed on any lot.

It is the intention of the Developers to make it mandatory that each property owner does not permit his buildings or grounds around same to become shabby, unpainted, or in a state of disrepair that would injure the general neat, well painted appearance of the development.

### **ANIMALS**

The use of any part of the premises, for harboring animals, such as horses, cows, pigs, goats, sheep, pigeons, ducks, chickens, geese, etc., shall be prohibited. One dog and/or cat shall be permitted each property holder (lot owner or lot lessee, guests or tenants.)

### **STORAGE**

The portion of land upon which no buildings are erected shall be kept clean, free of trash, junk, lumber, building materials, food stuff, garbage, and/or any other articles detrimental to the general neat appearance of the neighborhood. The use of the above-mentioned vacant land is intended for automobile parking and/or terrace and/or garden.

### **UTILITIES**

Utility Companies shall not be prevented from using the extreme back line of any property in this Development for the purpose of installing facilities necessary to furnish gas, water, electric light or telephone service in said Development. Telephone and/or electric lights and power wiring shall be permitted to cross over property where necessary.

### **SIGNS**

The use of any type, or kind of sign, whatsoever on any part of the property is not permitted without written permission of Ocean Beach Inc.

### **EXPIRATION**

These covenants are to run with the land and shall be binding on all parties and persons claiming under them until January 1, 2000 at which time said covenants shall automatically extend for an additional period of fifty (50) years, unless by vote of the majority of the members of the Ocean Beach Club it is agreed to change said covenants in whole or in part.

**\*BUILDING RESTRICTIONS (LOTS OTHER THAN OCEAN FRONT)**

No building shall be built or placed closer than twenty (20) feet to the road line, or ten (10) feet to left lot line, or three (3) feet to right lot line when viewed from the road.

**\*BUILDING RESTRICTIONS (OCEAN FRONT SECTION: LOTS EAST OF SEA VIEW ROAD)**

No building, alteration, addition, or structure of any kind shall be erected closer than forty-six (46) feet to the front or easterly side of an ocean front lot, nor closer than eight (8) feet to side lines, nor closer than twenty (20) feet to road line.

It is intended that the parking of private automobiles on these lots shall at all times be in the area immediately west of the residence building.

\*Special Restrictions necessitated by Township Building and/or Zoning Ordinance (applicable to all residential lots south of south lines of East and West Albacore and South of Ocean Front Lot #31), including lots on Sailfish Way.

**RULES AND REGULATIONS  
OF THE OCEAN BEACH AND BAY CLUB**

**RESOLUTION**

At a regular Trustee's meeting held at the Club's Office in Ocean Beach, N.J. on Saturday, January 11, 1975, it was resolved as follows:

Whereas one of the purposes of the Certificate of Incorporation of the Ocean Beach and Bay Club is to "promote and protect the general welfare and property rights of the property at Ocean Beach in the Township of Toms River, Ocean County, New Jersey";

And whereas various changes, additions and corrections have been made to the existing rules;

And whereas certain new additional rules for the welfare and benefit of club members are hereby enacted;

Now, therefore, it is decreed by the Trustees of this Club that all rules hereinbefore listed, whether old, new, modified or corrected, be hereby approved and shall henceforth become effective, replacing and/or rescinding any previous rule and/or regulation contrary to, or in disagreement therewith.

**Rule #1.** All applicants for regular membership must appear before the Membership Committee when filling out membership application. No application by mail will be acceptable. This shall also be construed to mean both husband and wife and any other combination of purchasers or lot lessees must each appear and fill out club application forms, regardless of in whose name the title or lease actually appears.

**Rule #2.** It shall be a firm rule of this club that any present or future member of this club shall be required to reapply together with the new spouse when and if he or she remarries or where a single member marries. Inasmuch as Club By-Laws prevent transfer of memberships, it shall be required that any person or persons inheriting or otherwise acquiring property or leasehold in Ocean Beach shall for Club purposes, be treated as an entirely new applicant and shall appear and fill out Club applications together with his or her spouse as outlined in Rule No. 1 above.

**Rule #3.** When accepting a single or unmarried person for membership, the membership letter of acceptance shall state that the application of both husband and wife will be required upon any change in marital status.

**Rule #4.** No club, association, fraternity, society, corporation, or company shall be eligible for membership regardless of how or under what conditions they acquired Ocean Beach property or leasehold.

**Rule #5.** Providing that all other qualifications have been met, acceptance of any applicant shall be withheld until all past dues and assessments have been paid and all violations on the premises cleared to the satisfaction of the Club's Trustees. This shall be based on the fact that inasmuch as the Trustees in order to provide proper services and maintain the private Club's facilities, are obligated to expect that that each lot will provide and bear its equal share of the Club's yearly cost of operation. Therefore any and all lots shall have charged against it (them) on the Club's books cumulatively, an amount equal to each yearly membership dues (regular assessment) until paid up-to-date by:

- (a) a present member paying his membership assessment (in order to avoid suspension)
- (b) a suspended member (in order to be reinstated)
- (c) a new applicant for membership (in order to be accepted)

No purchaser or lessee in violation on his present premises will be acceptable on any new membership until all existing violations have been cleared.

**Rule #6.** The secretary shall at all times maintain an adequate supply of the printed By-Laws of this Club together with the Rules and Regulations and shall forward same to new members under direction of the Membership Committee. All members shall be entitled to receive copies thereof upon application to the Secretary. ***It is essential that all members familiarize themselves with the rules and regulations of this Club in order that the private residential nature thereof shall be preserved and perpetuated.*** It is particularly important that the rules pertaining to use of the beaches be vigorously observed and enforced. The developers, in leasing the bathing beach facilities to the Club did so only upon certain conditions which must be particularly and continuously observed. Failure of the Club to honor these restrictions could result in loss of our beaches. These rules and regulations are formulated to insure that the deed requirements will be fulfilled. It is important that each and every member of the Club should assist in this effort.

**Rule #7.** Article 1, Section 1 of the By-Laws reads: "All property owners or lot lessees at Ocean Beach Unit #3 are eligible to apply for membership in the Ocean Beach and Bay Club." This shall be construed to also mean that

any person or persons holding title or lease without applying for and being accepted by the Club will definitely be deprived and denied use of the Club's facilities; Bathing Beaches, Club House, Playground, Parking Areas, Boat Basin, and Private Roads. Whether title or leasehold has been transferred by inheritance, sale, assignment, or otherwise shall not alter the above rule.

**Rule #8.** An old rule reprinted here for record, provided that the developers have, at the Club's request prevented anyone from building their own cottage – all building to be done by the developers. Exception: alterations, shingling, installation of jalousies, and/or minor additions when properly approved by the aforesaid developers in writing as well as Township Building Inspector and this Club's Grounds Committee as provided by Article 5, Section 4 of By-Laws. Note – wooden shingles, unless properly stained or painted, shall be disapproved.

**Rule #9.** It shall be a firm rule of this Club that all persons wishing to have the use of any Club facilities as a guest of a member must make application on forms furnished by the Club and that such application must be in the hands of the Membership Committee not less than 14 days prior to the actual time guest privileges are desired. Only those applicants which have not been approved will be so notified in writing.

Rules also provide that no person or groups who have been declined or rejected for membership by any similar club or any person or group of persons who have been declared in violation by this Club or any similar club shall be eligible for membership in this Club while such rejection and/or violation is in effect.

**Rule #10.** No fires are to be allowed on either the Bay Bathing Beach or Ocean Bathing Beach.

**Rule #11.** Fishing shall be confined to the area designated by the Beach Committee.

**Rule #12.** Clothes lines and poles shall be constructed and placed on accordance with rule of Ground Committee adopted by the Trustees August 20, 1953 and herein below reprinted:

- (a) The first three rows of houses on the East of the highway (which means both sides of Sea View Road and those facing on Ocean Road, now Pearl Drive, must place clothes poles either immediately behind one of the rear corners of the building and

extending West, or within five feet of the house on the side, to be kept ten feet behind the front corner of the house. No clothesline will be permitted on porches, nor on angles from the house to a clothes pole, nor attached to the electric light company's pole.

- (b) From the fourth row back on the East side of the highway, excepting the highway lots, and all houses West of the highway (Route 35 Northbound) clothes lines must run parallel to the side of the house and within five feet of the house, not on an angle from the house to a pole, nor on a porch, nor to an electric company's pole.
- (c) On the lagoons no clotheslines may parallel the lagoon. They must be placed at side of the house and run at right angles to the lagoon. Here too, no lines may be on porches, nor at angles from the house to a clothes pole, nor connected to an electric company's pole.
- (d) Lots on Bay Front and Peninsula shall be treated in the same general manner as those on Ocean Front.

In all cases and locations other than those listed above, the Grounds Committee shall designate the method and location of pole and line construction in a manner best suited for the community's benefit. Grounds Committee should be consulted for approval. Circular or whirly-gig clothes poles will be permitted.

**Rule #13.** Inasmuch as broken glass presents such a terrible hazard in our community, it has been decided:

- (a) No glass of any kind shall be used on any bathing beach.
- (b) Milk companies must deliver in cartons, not glass.
- (c) Owners and guests are urged not to purchase milk in glass containers and further to use extreme care with any glass jar or bottle.

**Rule #14.** All vendors and suppliers of bread, milk, ice cream, etc. shall be written a letter requesting an annual contribution of not less than an amount to be established by the Trustees, per truck, for the maintenance of our private roads. Also advising the aforesaid and any future vendors and peddlers, of the Club rules, the observance of which will establish their right to continue their selling. Furthermore, the Club reserves the right to limit the number of vendors, of any type, should the number prove a danger to our members or roads.

**Rule #15.** The location of the principal office of this corporation within this State be and the same hereby is changed from 206 Horner Street, Toms River, New Jersey, to 740 Brick Boulevard, Township of Brick, County of Ocean, State of New Jersey. The name of the agent herein and in charge thereof upon whom process against this corporation may be served is Edwin J. O'Malley, Jr.

**Rule #16.** Any owner giving up his cottage for longer than 72 hours must submit guest application for identification and to facilitate locating anyone in case of emergency.

**Rule #17.** The control of dogs and cats is very necessary to the general safety and health of the community. Persons who have dogs and cats are encouraged to not bring them to Ocean Beach, Unit III, but to house them in kennels. However, any dog or cat brought here must be confined to the property of the owner, and not permitted to run loose or be walked on any other person's property or on Club roads.

**Rule #18.** Any group of persons or organizations of any kind composed of members of the Ocean Beach and Bay Club and who wish to operate in any manner within the confines of Ocean Beach Unit #3, or be in any manner associated or affiliated with Ocean Beach and Bay Club must first obtain approval from the Board of Trustees before any such action, and must abide by all rules, regulations, restrictions, and supervision as determined by the By-Laws, Amendments thereto, and the Board of Trustees.

**Rule #19.** In order to have uniformity, neatness, and good workmanship in dock or bulkhead construction, the approval of the Grounds Committee as well as the Developers shall be obtained.

**Rule #20.** Article 3, Section 1 of By-Laws authorizes the Club President to appoint any and all committees deemed necessary except the Nominating Committee.

The Club President is advised to appoint a Rules Committee whose duties shall be to check and study conditions with a view toward improving the present Rules and Regulations. All changes and/or additions to the Rules and Regulations are to be submitted to, and be approved by, the Trustees before becoming effective.

The Rules Committee shall see to it that new rules, regulations and/or changes submitted by it to the Trustees shall, after approval, be added to the list of rules.

**Rule #21.** Any member whose property is in a condition deemed detrimental by the Grounds Committee shall first be requested to clear the violation(s). If violations are not cleared in a reasonable time determined by the Grounds Committee, that committee will notify the Board of Trustees who shall refer the violator's name to the Membership Committee with a recommendation for suspension of membership.

**Rule #22.** Removal of sand from any of the Club's beaches shall not be permitted. Sand which has, due to wind or storm, been deposited on lots or roads shall be returned to the beaches and not removed from the development.

**Rule #23.** Article 11, Section 2 says: "All guests and visitors and/or cottage occupants of Club members shall be known as 'Guests' and all members of the Club shall be responsible for all of their 'Guests.'" This shall be construed to mean that any member, guest, or relative of member, who by vandalism, or otherwise causes damage, injury or annoyance, to person or property of other members, shall be considered to be acting against the general welfare and property rights and enjoyment of the other members of the community. Members in additions to their own acts shall be held responsible for the acts of their Guests, Relatives, and Visitors. The Membership Committee shall, upon 3/4 vote of the Committee, in accordance with Article 5, Section 6 of the By-Laws, suspend the membership of the member deemed responsible for the violation above mentioned and /or prosecute for damage to person or property.

**Rule #24.** Article 5, Section 1 reads as follows: "It shall be the duty of the Beach Committee to take complete charge of the beaches and such committees shall be responsible for the maintenance of all safety devices, the employment of life guards, the maintenance of cleanliness of the beaches and all other matters incident to the proper operation and control of the beaches". This shall be construed to mean that any and all persons who by their actions disregard warnings by the beach committee or life guards or other persons in charge of bathing beaches shall be considered disorderly and subject to suspension of membership and/or police action. Bathing, surfing, or fishing in beach areas not designated for such shall be prevented by the life guard in attendance who shall hereby be deemed to be in charge of the beach by authority of the Trustees.

The Trustees shall support the actions of the Beach Committee and its agents. This ruling shall apply to both ocean and bay bathing beaches.

**Rule #25.** Motorcycles, motorbikes, mini-bikes, scooters, or any similar

vehicle[s], are prohibited from Club roads and parking areas unless special written permission has been granted by the Trustees.

**Rule #26.** All roadways in Ocean Beach, Unit #3 shall be used as private roads.

All parking of automobiles other than temporary parking by trucks and other vehicles while making deliveries and/or repairs shall be prohibited on these roadways.

Parking of private automobiles shall be made on all lots in the area adjacent to the cottages and not in the roadways. Limited daytime parking under control of the Ocean Beach and Bay Club at the Club parking areas shall, however, be permitted.

**Rule #27.** Deed restrictions prohibit the use of temporary residences. This shall include tents, trailers, mobile homes and/or any other form of movable shelter whatsoever.

**Rule #28.** Whenever, for any given year, an assessment in excess of the \$20.00 per lot limitation provided in the By-Laws shall be deemed necessary by a majority vote of the Club's Trustees, the membership shall be notified in writing at least fourteen (14) days in advance of any regular or special meeting in which membership approval would be requested. Such notice shall show the amount of dollars the special assessment will require for each lot owned or leased, and the purpose for which the assessment would be used.

### **RESOLUTION**

At a regular Trustee meeting on Saturday, December 6, 1975 held in the Club's office in Ocean Beach, N.J., it was resolved as follows:

**WHEREAS** on January 11, 1975 at a regular Trustee Meeting held in the Club office in Ocean Beach, and at a regular Semi-Annual Meeting of the General Membership held on June 21, 1975; certain Revised By-Law and Rules and Regulations were printed in Book form, and were approved.

**NOW THEREFORE,** for the record it shall henceforth be considered that the actual First Revision Date of said (original) By-Laws of September 22, 1951 and Rules and Regulations as printed in the above mentioned booklet shall be June 21, 1975.

**Rule #29.** Should a member be suspended for violation of any of the Club's Rules, Regulations, By-Laws, or Deed Restrictions, the Board of Trustees shall establish a time period that such suspension will remain in force before any reinstatement action may take place.

Such time period will be included in the official Notice of Suspension as well as any official correspondence informing a member of violation and requesting clearance of same. (11/6/75)

**Rule #30.** Ocean Beach, Unit Number 3 property deed restrictions contain the following provision with respect to storage: "The portion of land upon which no buildings are erected shall be kept clean, free of trash, junk, lumber, building materials, food stuffs, garbage, and/or any other articles detrimental to the general neat appearance of the neighborhood. The use of the above-mentioned vacant land is intended for automobile parking and/or terrace and/or garden."

Parking or storing of any unlicensed car, truck, motorcycle or any other vehicle; which if used on municipal or state roads would require said vehicle to be duly registered and to carry up-to-date license plates; shall be a violation of the deed restrictions and therefore is prohibited. (3/3/79)

**Rule #31.** It is the intent of the rules and regulations of the Club that the beach and other Club facilities are for the exclusive use of members (or their guests) in good standing. Any member that aids and abets a suspended member, non-member or their guests, in obtaining the use of the club facilities, in any way whatsoever, shall be considered in violation of club rules and regulations, and shall be subject to suspension of his or her membership.

Such persons, unlawfully wearing badges and using Club beaches and/or facilities shall be considered trespassers and will be subject to police action. (9/8/79)

**Rule #32.** Article 5, Section 6, paragraph four of By-Laws states: **SUSPENSION OR EXPULSION OF MEMBERSHIP.** Membership shall, upon 3/4 vote of the membership committee and 3/4 vote of the Trustees be suspended or expelled for such violations of rules, regulations or restrictions as the committee shall decide. Any member whose dues remain unpaid either wholly or in part, as of June 15th of any year shall be considered in delinquency and shall have his membership suspended not later than July 1st of that year. Such members shall be notified in writing of his suspension or expulsion and all occupants of his cottage or cottages

prevented from the use of the beach or other Club facilities until such time as the suspended member be reinstated by 3/4 vote of the membership committee and 3/4 vote of the Trustees.

To further clarify this portion of our By-Laws, it is a policy of the Club that all members are liable for their dues and/or assessments whether or not their membership is suspended. Should such dues and/or assessments not be paid when due such arrearages shall be cumulative with interest at the rate of 8% per annum. This shall also apply to any property wherein the property owner has failed to apply for membership or has been denied membership for any reason whatsoever.

The membership committee shall not act on any membership application until such time as all arrearages against any property are paid in full.  
(9/8/79)

**Rule #33.** Violations of deed restrictions, Club By-Laws, resolutions and guidelines regarding grounds and building conditions are sometimes brought to the attention of a Club Member with a request to have said violations corrected and that request is sometimes disregarded by the Member.

It is a policy of the Club to request such violation(s) be corrected by a specific date and if not, the party in violation shall have Members Identification badges and/or Tenants & Guests badges withheld until the violation(s) is corrected. Satisfactory correction of the violation(s) must be agreed to by the Grounds Committee Chairman or his designee. If violation is not satisfactorily corrected, member will be subject to Membership suspension. Grounds & Building violations occurring during and after the badge season, if not corrected, shall also subject the member to suspension of Membership. (3/88)

**Rule #34.** "Construction in progress must cease on June 15th and not restarted until after Labor Day. It is further understood that if these dates are compromised, the applicant is subject to a fine of \$100.00 per day and revocations of Club privileges and any legal expenses incurred by the Club enforcing of said rule." (7/89)

**Amendment to Rule #34** Effective May 1st, 2007, the penalty for failure to cease construction on any property in Ocean Beach Unit III shall increase to \$500.00 per day. All construction in progress must cease on June 15th, time being of the essence as there are no extensions or exceptions to this date. All dumpsters, storage trailers, construction debris, supplies & equipment relating to the construction must be removed from the property

until after Labor Day when construction is permitted to resume. Failure to abide by this rule shall subject the homeowner to the above mentioned monetary penalty, suspension of club privileges and legal expenses incurred by the club enforcing said rule.

**Rule #35.** These Guidelines and Rules DO NOT supercede existing Deed Restrictions but in fact are set forth so as to be more specific in assisting the Trustees in the Management of the Club. All previous Guidelines for Building and Grounds Maintenance are superceded by those listed below,

The guidelines listed below are considered basic to the operation of the Club and are to be adhered to by the Membership and enforced by the Grounds Committee and Board of Trustees.

***Amendments to Rule #35***

***Foundation Heights*** Maximum permissible foundation heights are determined on a lot by lot basis in accordance with building code requirements and Base Flood Elevation. It is the intention of this rule to limit the height of the foundation to the minimum permissible heights while complying with local building codes.

On lots located at or above the Base Flood Elevation, the maximum permissible height as measured from finished grade to top of sub-floor shall not be greater than twenty-four (24) inches.

On lots that are determined to be below the Base Flood Elevation, the bottom of the lowest framing member shall be no higher than 1" above the Base Flood Elevation. In the case where compliance with this more than necessary to comply with the 18" requirement. rule shall result in less than 18" from Finished Grade to the bottom of the lowest framing member, the lowest framing member shall be raised no more than necessary to comply with the 18" requirement.

Floor framing members shall be no taller than 14 1/2" and sub-floor material shall be no thicker than 3/4".

For all rules that reference "Finished Grade," Finished Grade shall be defined as the highest elevation as measured at the four corners of the dwelling as shown on the survey of the existing subject property.

For all rules that reference "Top of the Floor," Top of the Floor shall be defined as the top side of the sub floor material affixed directly to the floor joists.

For all rules that reference "Base Flood Elevation," Base Flood Elevation shall be defined as the depth number specified in feet on the FIRM (Flood Insurance Rate Map). This depth number shall be designated on a current survey of the property by a Licensed Land Surveyor.

The Ocean Beach and Bay Club may at its sole discretion withhold or deny approval for any building permit for which The Board of Trustees feel would adversely effect the appeal or general welfare of the community.

**Crawlspace** Any access door to a permitted crawlspace must not be located so as to not protrude into roadway or adjacent property. Access doors are not permitted on the East side of Ocean Front homes or on any side where the setback is 3 feet or less on any lot.

**(a) BUILDING HEIGHTS & SETBACKS.** All new and/or altered buildings must be located on the lot so as to conform with setback requirements outlined in property deed restrictions. The following height restrictions shall also apply:

**(1) ON LOTS UNDER 2,000 SQUARE FEET** - No building shall exceed 14 feet in height when measured from the top of the floor to the top of the ridge beam. If a building must be built on pilings or a raised foundation due to Toms River Township Building Codes, the building may be no higher than 18 feet from the finished grade level to top of ridge beam

**(2) ON LOTS 2,000 SQUARE FEET OR LARGER** - No building shall exceed 15 feet in height when measured from top of the floor to the top of the ridge beam. If a building must be built on pilings or a raised foundation due to Dover Township Building Codes, the building may be no higher than 19 feet from the finished grade level to the top of ridge beam.

**(3)** In no instance may the height of the finished floor of any building exceed the minimum elevation required by the Toms River Township Building Codes referred to above.

Mechanicals below the floor level, which would be a potential cause to raise the minimum elevation required by the Toms River Township Building Codes, will not be allowed. (5/6/05)

**(4)** No building may be altered internally to create any room or sleeping facility between the floor and the ridge beam. This is in accord with deed restrictions that prohibit all but one-story buildings.

**(5)** In order to clarify the setback requirements on all standard 45' x 45' lots (2,025 square feet) located on Moonrise Lane, Teal Lane, Sunset Lane and Heron Lane, the following is decreed: All buildings are required to be located on the left side of the lot when viewed from the road. Upon special written approval of the Ocean Beach & Bay Club and Ocean Beach, Inc. (Developers), buildings may be built to within 19 feet of their right lot line when viewed from the road. It is further specified that no building or structure of any kind whatsoever, including but not limited to porches, garages, stairs, staircases, platforms, walls, etc. may be erected within this 19 foot setback. This area must remain vacant for the exclusive use of private auto parking and/or garden and/or open patio.

**(b) DECKS**

**(1) ON LOTS UNDER 4,000 SQUARE FEET** – Must be constructed in a manner not to exceed seven (7) inches above ground level. On those buildings with raised foundations or set on pilings, the access to the Deck shall be a narrow staircase (Maximum width 36 inches) from the Building to the Deck surface.

**(2) ON LARGER LOTS (4,000 SQUARE FEET OR LARGER)** – It is possible with the special written permission of the Ocean Beach & Bay Club and the Developers, to have the Deck height exceed seven (7) inches above ground level.

**(c) OUTSIDE SHOWERS** – Fully enclosed outside showers are not permitted. Under certain conditions, cottages on large lots will be permitted a single screening wall.

**(d) COTTAGE SIDING** – Wooden shingles must be painted, stained or otherwise treated to prevent them from turning black.

**(e) FENCING** - Maximum height is limited to 42" (forty-two inches) and must have a 50% opening. It is also required that the fence "facing" be on the outward side of the property line. Toms River Township rules will not allow the height of a fence to exceed 36" on lots less than 2000 square feet.

**(f) STORAGE BOXES** - Maximum size permitted is 45 inches high, 96 inches long & 44 inches deep. Box must be placed adjacent to the cottage. In any case, no further than 12 inches from the building, when placed at a right angle to the rear, non-driveway side of the building. The box is to be painted to match or compliment the building and should be constructed of waterproof plywood or other waterproof material. Further, the box is to

rest on masonry or stone and not directly on the ground.

Plastic storage box permitted cannot exceed 48 inches high, 60 inches long and 30 inches deep. Two same size plastic storage boxes will be permitted only if the backs of the storage boxes are adjacent to the house. When utilizing two plastic storage boxes, they must be next to each other and not to exceed a combined total length of 10 feet. Ocean front properties (first 3 rows) are only allowed one storage box that must be adjacent to the house and cannot be placed in the alternate location. (This paragraph was added 9/99)

**(g) GARBAGE-TRASH ENCLOSURES** – Structures such as these are not permitted in driveways at the roadway. All such structures must be placed at the rear, immediately adjacent, to the cottage.

**(h) EXTERIOR PAINTING & GROUNDS MAINTENANCE** – The Grounds Committee will inspect and judge the conditions of all cottage grounds & appearance. Members, whose cottages fall into ill repair, have weed overgrowth, are littered with debris, and are in need of paint, etc. shall be notified of the violation. They will be expected to correct the problem by a given date.

**FILING PROCEDURES FOR ALTERATIONS AND NEW BUILDINGS.** Detail plans for any type of exterior construction, alteration, fencing, deck, etc. must be submitted to the Board of Trustees on the Club application (form) for a building permit approval. These plans must be in normal building details regarding height, width, type of siding, doors, windows, property line setbacks, etc. Approval is also required by the Developer (Ocean Beach Inc.) and will be granted only when the effect on the General Welfare of our Community is not adversely affected.

Penalties for failure to abide by the above are spelled out in other recent resolutions passed by the Board of Trustees, known as Rule #33 and #34. (11/2/90)

**Rule #36.** There shall be no hot tubs and spas in Ocean Beach III unless they can be placed a minimum of ten feet from any adjoining property. They cannot be placed in what would normally be the driveway area. (6/6/03)

**Rule #37.** None of the houses on the Ocean Beach Front shall have balconies of any type. (6/6/03)

**Rule #38.** No balconies (second-story decks) shall be permitted on any

house in Ocean Beach III other than on houses in the second and third row from the ocean or on houses that abut lagoons. (8/6/04)

**Rule #39.** The registered agent of the Club is David A. Casadonte, Esq. whose address for service of process is 70 East Water Street, Toms River, NJ 08753. The Board of Trustees may change the registered agent at any time by an appropriate filing with the State of New Jersey. (10/2/04)

**Rule #40.** The Board of Trustees of the Club recognizes that the Deed Restrictions, which cannot be currently changed, contain language that might be interpreted to allow discrimination by the Club on the basis of race, color or creed. These Deed Restrictions were written in a different time. The Board of Trustees and the Club will not condone any discrimination toward any member or guest on the basis of race, color or creed. (10/2/04)