

BY-LAWS OF OCEAN BEACH SURF CLUB

BY-LAWS ADOPTED JUNE 14, 1948 AND BY-LAWS AMENDED JUNE 24, 1950 AND OCTOBER 14, 1950, SEPTEMBER 14, 1974, NOVEMBER 3, 1984, OCTOBER 7, 1989, SEPTEMBER 26, 1992, JUNE 5, 1999, SEPTEMBER 22, 2001, NOVEMBER 23, 2002, JUNE 4, 2005, SEPTEMBER 24, 2005 AND OCTOBER 22, 2011.

ARTICLE I: GENERAL

The By-laws shall not abrogate any provision of the Certificate of Incorporation of Ocean Beach Surf Club dated June 14, 1948.

ARTICLE II: MEMBERSHIP

SECTION 1 - ELIGIBILITY all property owners or lot lessees at Ocean Beach Unit 1 are required to be members of Ocean Beach Surf Club.

SECTION 2 - ADMISSION Any person or group of persons become members of Ocean Beach Surf Club as of the date of approval of application for membership.

SECTION 3 - TERMS OF MEMBERSHIP (a) New members shall agree in writing to abide by the provisions of the Certificate of Incorporation of the Club, these By-Laws and any subsequent rule and regulations imposed by this Club (collectively called “Corporate Documents”)in addition to Deed Restrictions on his lot. (b) There shall be one type of membership: Residential membership. (c) Residential membership shall apply only to lots in Ocean Beach Unit 1, which are used or are to be used for dwelling purposes solely, and persons admitted to such membership shall be entitled to enjoy all rights and privileges of membership, including the use of the beach and other facilities of this Club, subject to the provision of the Certificate of Incorporation of this Club, these by-laws, and the rules and regulations approved by this Club. (d) New members will receive a copy of the By-Laws and Rules and Regulations.

To the extent a Member would like to contest and/or otherwise resolve any matter arising out of the Corporate Documents or the Deed Restrictions through alternative dispute resolution (hereinafter “ADR”) they may do so by making a written request for ADR and forwarding same to “Ocean Beach Surf Club – Unit 1, P.O. Box 213, Lavallette, New Jersey 08735” within 15 days of the events or any notification giving rise to the dispute. The request must include a detailed explanation of the member’s position or why he contends that he is not in violation, his current daytime and evening telephone numbers, his current mailing address and current electronic mail address to assure an expeditious handling of the matter. Please note; if the member does not make a written request for ADR within 15 days of the events or any notification giving rise to the dispute, he shall be deemed to have waived his right to ADR and the Ocean Beach Surf Club will be entitled to take all appropriate action against him to enforce the Ocean Beach governing documents, including but not limited to filing a complaint against him in the Superior court of New Jersey.

SECTION 4 - DUES (REGULAR ASSESSMENTS) AND SPECIAL ASSESSMENTS

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

(b) Annual Dues shall be set by the Board of Trustees in an amount sufficient to meet the necessary expenses for the fiscal year. The dues must be based on a budget prepared by the Board of Trustees and approved by the members at a duly authorized meeting. All payment of dues and assessments shall be given or sent to and received by the Treasurer and all checks or money orders shall be made payable to Ocean Beach Surf Club.

Yearly dues and assessments 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 the same has been assigned, bargained for or transferred by one lot owner or lot lessee to another. The one time entrance fee/new member fee shall be paid by a lot owner or lot lessee on each lot. Regular dues on each lot shall begin January 1st next ensuing the date of membership and shall cover the period from January 1st to December 31st. . . .

“Membership” dues on a lot are on a calendar year basis and may be transferred or shared by the former owner and the new owner at their discretion.”

(c) The notice of the amount of annual dues per lot shall be sent to the Membership in the year to which they are applicable. Payment must be received by May 1st of the same year. Failure to make such payment by that date will subject the member to a fine of Twenty-Five Dollars (\$25.00) per lot, in addition to the dues, and a Fifteen Dollar (\$15.00) late charge per month until paid in full. If dues and fines have not been paid in full by July 1st, membership and club privileges shall be suspended until full payment has been received. Such member shall be notified in writing of his suspension and all occupants of his cottage or cottages prevented from the use of the beaches and/or other Club facilities until such time as the suspended member pays all dues and fines in full.

(d) 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 Days (60) from 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.

(e) All record of dues and special assessments must be kept segregated so that the ending balance of the general bank account should be sufficient to meet the bank's minimum balance to avoid bank charges.

SECTION 5 - TERMINATION OF MEMBERSHIP

(a) Membership in this Club shall automatically terminate when the member no longer owns or has any record interest in any parcel of property in Ocean Beach Unit 1.

(b) Whenever a member becomes delinquent through failure to pay dues, assessments or fines, he shall be notified in writing by the Treasurer that his membership and Club privileges have been suspended and that he may not use Club facilities until payment has been received. (See section 4, paragraph C)

(c) Suspended members are not permitted to vote unless reinstated by the Board of Trustees.

ARTICLE III: FISCAL YEAR

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

ARTICLE IV: TRUSTEES

SECTION 1 - MANAGEMENT OF THE CLUB 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. While the Membership may petition or object to the Trustees, the members' powers shall be: (a) to nominate and vote for election of Trustees each year.

(b) Voting for approval or disapproval of expenditures of items not included in the budget. (See SECTION 5

(c) To vote for approval of annual budget after such budget presentation to the Board of Trustees by the duly appointed Budget Committee and after the Board of Trustees have voted approval.

SECTION 2 - ELECTION OF MID TERM OF SERVICE OF TRUSTEES

At the first annual meeting after these By-Laws have been approved, the number of Trustees shall be increased to eleven (11). Six (6) members shall be elected at the first annual meeting after adoption of these By-Laws and five (5) members shall be elected at the succeeding annual meeting, providing that they are members in good standing. Succeeding yearly elections shall be held for six members and five members alternatively. The eleven (11) members of the Board of Trustees shall each be elected for a two year term and shall hold said office for two years or until their successors are elected or appointed.

SECTION 3 - NUMBER OF TRUSTEES The number of persons constituting the Board of Trustees may only be increased or decreased by amendment of this provision of the By-Laws. The Trustees, ten (10) in number, 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.

SECTION 4 - CONSECUTIVE TERMS A Trustee may serve more than two (2) consecutive terms and at the expiration of the second consecutive term such person may be reelected.

SECTION 5 - EXPENDITURES TO BE APPROVED BY TRUSTEES

All non-emergency appropriations and expenditures by the Club not exceeding the sum of \$2,000 that has not been budgeted shall be voted upon by the Board of trustees and duly approved before such appropriation or expenditure is made. Any non-emergency appropriation or expenditure exceeding \$2,000.00 must be submitted to the Membership at a duly authorized meeting and must receive a majority vote of members present at such meeting

SECTION 6 - ABSENCES

Absence by a member of the Board of Trustees for more than two (2) consecutive meetings without reasonable cause will result in the termination of his membership on such Board and the Board of Trustees shall there upon, on majority vote, fill such vacancy from the membership of the Club until the next annual meeting. At that meeting, the appointee is eligible to stand for election for a full two (2) year term and may also succeed himself.

SECTION 7 - VACANCIES ON THE BOARD

Vacancies caused by death, written resignation, suspension of membership, loss of membership for any reason, impeachment and expulsion from the Board of Trustees may be filled by a majority vote by the Board of Trustees from the Club Membership in good standing until the next annual meeting of the membership, at which time the membership shall vote to fill the vacancy above described. However, trustees who resign for other than a justifiable reason, as determined by the Board of Trustees, may not seek office for five (5) years thereafter, and trustees who are suspended, impeached or expelled are ineligible to seek office again.

SECTION 8 - MOTIONS BY THE MEMBERSHIP

General Membership, when called upon by the Chair, may make motions and vote on any matter provided such voting is not in violation of Parliamentary Procedure or of these By-Laws.

SECTION 9 - MEMBERSHIP MEETINGS ARE FOR REPORTS TO MEMBERSHIP

Membership meetings are mainly for reports to general members by the Trustees and of each committee of the action taken and progress made in the past year and intended for the next year. All meetings are to be conducted in accordance to Robert's Rules of Order (most current edition).

ARTICLE V: VOTING

SECTION 1 - QUALIFICATIONS FOR VOTING

- (a) Only members of the Club in good standing shall be eligible to vote at regular or special meetings of the Club. A member shall be considered not in good standing if past dues, assessments or fines have not been paid. The eligibility of any member shall be approved by the President of the Club.
- (b) Each owner or lessee of a single lot as shown on the map or plan of Ocean Beach Unit 1, shall be entitled to one (1) vote. Where a member owns or leases more than one lot, they shall be entitled to one vote for each lot. Where any lot of land is leased or owned by two (2) or more persons, jointly or in common, such persons shall each be members of this Club and shall be entitled jointly to only one (1) vote at any meeting.
- (c) At all general or special membership meetings, the Recording Secretary shall have a record of all members eligible to vote. A register shall be signed by the member before they enter the meeting, and at such time, he shall be issued a numbered ballot. Voting by proxy is not allowed.

SECTION 2 - ELECTION OF OFFICERS & TRUSTEES

- (a) 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 a secret ballot. To be eligible for election to the Board of Trustees, a person must be a member in good standing of this Club.
- (b) 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.
- (c) Officers of the Board of Trustees shall be elected from among the members of the Board of Trustees at the first meeting following the annual meeting of the Club and such election shall be by secret ballot.

ARTICLE VI: OFFICERS

The officers of the Club shall consist of a President, Vice-President, a Treasurer, a Recording Secretary, a Corresponding Secretary and a Sergeant-at-Arms. All officers and trustees shall serve without remuneration, except when such remuneration, is included in the Budget and the Budget is approved by the General membership at a regular or special meeting of the Club. **ARTICLE VII:**

DUTIES OF OFFICERS SECTION 1 - President

The President shall be the Chief Executive Officer of the Club. It shall be his/her duty to call and preside at all meetings. He/she shall appoint all committees except the Nominating Committee, provided for by the Certificate of Incorporation or by these By-Laws and any other committee deemed necessary. He/she shall with the Treasurer, sign all checks, drafts, notes and other negotiable instruments in the name of and under the seal of the Club when so authorized by the Board of Trustees. He/she 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/her absence and shall also perform such other duties as may from time to time be delegated to him/her by the Board of Trustees. He/she shall be Chairman of the Membership Committee.

SECTION 3 - Treasurer

The Treasurer shall keep full and accurate records in Club books of all receipts and disbursements of Club Funds. He/she shall deposit all moneys 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 examination by the Board of Trustees or persons designated by the Board. He/she shall collect all dues, special assessments and fines and issue receipts for same. He/she shall receive from the Membership Committee all moneys and the names and addresses of each person accepted for residential and business membership. He/she, shall with the President or Vice-President, 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 the proper surety bond written by a reasonable company in the amount of Five Thousand Dollars (\$5,000.00). It shall be the responsibility of the Treasurer to have the books audited annually by an independent outside auditor. The auditing fee is to be paid by Ocean Beach Surf Club. A copy of the audit is to be available at the Spring Semi-Annual meeting or can be obtained at cost from the Treasurer. The Treasurer may, at his/her discretion, request the appointment of an Assistant Treasurer with the approval of the Board of Trustees. The Treasurer's position is exempt from yearly dues.

SECTION 4 - Recording Secretary

It shall be the duty of the Recording Secretary to keep a record of the minutes of all regular and special meetings of the Board of Trustees and the Membership and to transcribe such which will constitute a permanent record to be kept in a safe place where only the Board of Trustees may obtain them. The minutes of all meetings shall be available at the annual membership meeting. The Recording Secretary must also have available to all meetings an up-to-date copy of the Certificate of Incorporation, By-Laws, Rules and Regulations, and Robert's Rules of Order. He/she shall assist the Corresponding Secretary.

SECTION 5 - Corresponding Secretary

It shall be the duty of the Corresponding Secretary to notify all trustees and members of meetings, regular and special. He/she shall be responsible for all legal communications of the Club. He/she shall send dues notices to all members and include with such notices a list of all members of the Board of Trustees, their committee assignments and Ocean Beach address together with the Ocean

Beach Surf Club's PO Box 213 in Lavallette, New Jersey, 08735. He/she shall assist the Recording Secretary.

SECTION 6 - Sergeant-at-Arms

It shall be the duty of the Sergeant-at-Arms to maintain order at all meetings. He/she shall have the power to eject any person from any meeting on order of the President.

ARTICLE VII: DUTIES OF OFFICERS was combined with **ARTICLE VI: OFFICERS:** As voted on by the members of Ocean Beach Surf Club – Unit One on October 22, 201.

ARTICLE VIII: 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 Membership, Social, Nominating, Ocean Beach, Bay Beach, Lagoon-Marina, Badge, and Budget. 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.

ARTICLE IX: DUTIES OF COMMITTEES

SECTION 1 - MEMBERSHIP COMMITTEE

(a) This committee shall be chaired by and shall be responsible to the Vice-President and shall consist of a total of at least four members including the Vice-President. The Chairman shall appoint all the members of this committee.

(b) Suspension or Expulsion of Memberships: Members shall, upon 3/4 vote of the Membership Committee, be suspended or expelled for such violations of rules, regulations or restrictions as the committee shall decide, providing that the trustees concur by 3/4 vote. (See Rules & Regulations, Rule 2/g (b).

SECTION 2 - THE 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. All such funds shall be turned 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.

SECTION 3 - THE 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. The nominating Committee is to be appointed by the Trustees. The President may not be included on this committee.

SECTION 4 - THE 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, street repairs, grading and others matters incidental to the management of the property. Any permit submitted to the Grounds Committee, must be approved or disapproved in writing and reasons stated within forty-five (45) days after receipt. A copy of the same shall be sent to the applicant and the Board of Trustees. (See Construction Rules, page 1)

SECTION 5 - THE OCEAN BEACH COMMITTEE

It shall be the duty of the Ocean Beach Committee to take complete charge of the ocean beach and be responsible for maintenance of all safety devices, employment and certification of life guards, cleanliness of the beach, and all other matters incident to the proper operation and control of the ocean beach.

SECTION 6 - THE BAY BEACH COMMITTEE

The Bay Beach Committee shall be responsible for the same duties as the Ocean Beach Committee except their responsibility shall be directed toward the bay beach and playground.

SECTION 7 - THE LAGOON-MARINA COMMITTEE

The Lagoon-Marina Committee shall be responsible for the maintenance of the lagoon, and assignment of the boat slips. Overnight sleeping on board will not be permitted.

SECTION 8 - THE BADGE COMMITTEE

The Badge Committee shall have the jurisdiction over the issuance and use of all badges for owners, renters and guests in accordance with the rules and regulations of the Club.

SECTION 9 - THE 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 the chairman of the Budget Committee.

ARTICLE X: MEETINGS SECTION 1 - LOCATION OF MEETINGS

All meetings shall be held at Ocean Beach Unit 1, or at a nearby easily accessible place arranged for by the Board of Trustees.

SECTION 2 - ANNUAL AND SEMI-ANNUAL MEETING

The Annual meeting of the club shall be held during the fall of each year and a semi-annual meeting shall be held during the spring each year. The precise date of the meetings to be determined by the Board of Trustees with the provision they are held on a Saturday.

SECTION 3 - QUORUM

Twenty-five (25) members of the Club eligible to vote shall constitute a quorum for any regular or special meeting of the Club.

SECTION 4 - NOTICE OF MEETINGS

Notice of Annual or Special Meetings of the Club shall be given to the members in writing at their permanent addresses as the same appears on the records of the Club at least thirty (30) days prior to the date of such meeting.

ARTICLE XI: BOARD OF TRUSTEES MEETING AND SPECIAL MEETINGS

SECTION 1 - TRUSTEE MEETINGS

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

SECTION 2 - ORGANIZATIONAL MEETING

The organizational meeting of the Board of Trustees shall be held as soon as possible after the annual meeting of the Club in the fall to assign Trustees their positions for the current year.

SECTION 3 - SPECIAL MEETINGS

Special meetings of the members of the Club shall be called by the President upon the written request of at least twenty-five (25) members, upon the request of the Board of Trustees, or by the President if he/she deems such special meeting to be necessary.

SECTION 4 - QUORUM FOR BOARD OF TRUSTEE MEETINGS

Six (6) Members of the Board of Trustees shall constitute a quorum.

ARTICLE XII: MISCELLANEOUS

SECTION 1 - MEMBERS MAY PRESENT COMPLAINTS TO TRUSTEES

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. All written complaints must be acknowledged and responded to in a written reply to the member(s).

SECTION 2 - GUESTS

All guests and visitors shall be known as guests. Members shall be responsible for their guest's actions.

SECTION 3 - ORDER OF BUSINESS

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

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

SECTION 4 - PARLIAMENTARY PROCEDURE

Robert's Rules of Order (current edition) shall be the authority on all questions or Parliamentary Law and proceedings. A copy of these rules shall be available at all meetings.

SECTION 5 - BY-LAWS SHALL NOT VIOLATE CIVIL RIGHTS

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 potential member. Any provision of these By-Laws, rules or regulations which is or may be violate of any applicable Civil Rights Law shall be disregarded. The foregoing principle shall also be applied to the Clubs obligation to enforce deed restrictions contained in certain determinable fee deeds under which this Club holds title to various recreational arenas.

SECTION 6 - BUILDING HEIGHT RESTRICTIONS

(a) The maximum height for the single story buildings in the Ocean Beach Surf Club, Unit 1 West of Route 35 South will be Twenty-Four Feet Zero Inches (24' 0") measured from FEMA 7.1. Amended at September 24, 2005 membership meeting. Formerly Twenty-Two Feet Zero Inches (22' 0"). Previously amended at June 4, 2005 membership meeting. Formerly Twenty Feet Six Inches (20' 6").

(b) The maximum height for any building East of Route 35 South in the Ocean Beach Surf Club, Unit 1 will be Twenty Nine Feet Zero inches (29' 0") measured from center line of street surveyed by a licensed surveyor. Only one & two story buildings will be permitted.

(c) All other building restrictions remain in effect. (See Construction Rules, Rules and Regulations and Deed Restriction documents)

ARTICLE XIII: AMENDMENTS SECTION 1 - AMENDMENTS TO BY-LAWS

The members of this Club, by a 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 all 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 fixed for the meeting, by regular mail at the members last known address as noted on the records of this Club.

SECTION 2 - NOTICE TO MEMBERSHIP AFTER AMENDMENTS

any change or changes made in the By-Laws and/or Rules and Regulations shall be printed and sent to each member by the Corresponding Secretary no later than forty-five (45) days after same has been voted on by the Membership. These changes shall be effective immediately following the vote.