

RULES AND REGULATIONS

Ocean Beach & Yacht Club Unit II

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RULES AND REGULATIONS OCEAN BEACH & YACHT CLUB UNIT II

SECTION 1 - ADMINISTRATION

- A. In accordance with Article III, Section (b) of the By-Laws, the Board of Governors has authority to make all the rules and regulations for the club.
- B. The Club President is authorized to appoint a Rules and Regulations Committee whose duty shall be to check and study conditions with a view toward improving Rules and Regulations. All changes and/or additions to the Rules and Regulations must be submitted to and be approved by the Board of Governors before becoming effective.
- C. Any violation of the Rules and Regulations will result in a letter of notice to the unit owner at the address on record with the Club. Notice will be made by either electronic or regular mail. Affected property owner shall be given a fourteen (14) day window to correct. However, if the condition is one which affects the health, safety, or is otherwise a hazard to neighboring owners and/or the general public immediate corrective action will be required. The appropriate municipal and state officials may be contacted as needed. If the condition is not corrected after notice, the member's club privileges will be suspended in accordance with the By-Laws (Article II, Section 4), and/or fines shall be assessed as provided under the fees schedule attached hereto. All fines are payable immediately. Property owner may appeal the issuance of fine(s) to the Board. Any appeals must be in writing setting forth the reasons for the objection to the violation and fine. The appeal must be submitted to the attention of the Board Secretary and sent by either hard copy or electronic mail within ten (10) calendar days of receipt of notice of fine. Upon receipt of appeal, the Board will review submission within ten (10) calendar days of receipt of appeal and vote by majority of the then sitting Board members whether to uphold the fine or rescind it. The Board shall not be required to meet in person or virtually, but rather may review such submissions independently. All Board decisions are final.
- D. All members attending membership meetings are required to sign the register.
- E. Wherever and whenever the words "two-thirds or majority of the members at a special or general meeting" or words of similar phraseology appear in the By-Laws, or wherever or whenever a ballot or vote shall take place or be required, it is the intent or meaning of the By-Laws that the two-thirds or majority is and shall be a two-thirds or majority of the total votes cast during the particular ballot for which the votes were cast; that abstentions and void ballots shall not be considered as part of the total in determination of the two-thirds or majority; that the total as determined may be less than the quorum and be a bona fide ballot; and that a meeting once called to order after a quorum has been determined to be present shall be considered a legal assembly empowered in accordance with the By-Laws to transact any and all business and to take any and all action as prescribed by the By-Laws even if a quorum shall not be in session during the entire time of the meeting, and until a motion is adopted to adjourn the meeting.
- F. The Secretary shall maintain copies of all Club communications. All committee chairpersons shall forward a copy to the Secretary.

- G. Each Board Member shall be assigned an electronic mail address (obyc.net). Board Members are encouraged to use this address for all correspondence concerning Board functions and duties. The address is specifically not to be used for any personal or outside business concerns. Board Members are advised that any correspondence using the obyc.net address is the property of the Club and Board Member has no right to maintain such communications as private. Board Members are also advised that any communications whether by the obyc.net address or any other electronic mail address which includes or references in any manner Club business may be subject to disclosure by way of subpoena or other court proceeding.
- H. Recordings of any type, such as audio, video, photographs, or stenographic services, are not permitted at any Club meetings. The Club Secretary shall record meeting minutes in accordance with the Club's By-Laws, Article VII, Section 4 (b).

SECTION 2 - CLUBHOUSE FACILITIES

- A. The facilities of the clubhouse will be available for the use of club members for private parties, subject to the permission of and the rules established by the Board of Governors. Non-club members cannot rent the clubhouse. Such parties are not to be on a profit - making basis. Use for private parties will be based on availability so as not to restrict community use.
- B. Under By-Laws, Article VII, Section 5(d), the Clubhouse Committee is responsible for administering the rules in the use of the clubhouse facilities. All requests for use of the clubhouse must be approved by the Clubhouse Committee
- C. The Board of Governors shall establish a fee for the use of the clubhouse facilities. In addition, a separate security deposit will be required and is refundable providing the clubhouse is restored to satisfactory condition. Any member renting the clubhouse must provide insurance naming Ocean Beach and Yacht Club as an Additional Insured in the amount specified by the Board of Governors.
- D. Parties shall be terminated and the clubhouse vacated not later than 1:00 a.m.
- E. The clubhouse shall be restored to satisfactory condition of cleanliness by the renter before 10:00 a.m. of the morning following the party.
- F. No clubhouse furniture or equipment shall be removed from the clubhouse except by members upon receipt of approval from the Clubhouse Committee or Club Administrator.
- G. Access to club facilities is confined to club members and guest members (renters) who are in good standing. Badges are required to use all club facilities.
- H. Smoking of any kind is not permitted in the clubhouse. Use of any illegal substance (as defined by Federal, State or local law) shall be absolutely prohibited. Alcohol is only permitted by previous approvals by the Board of Governors and with proper licenses/permits obtained.

SECTION 3 - MEMBERSHIP (REFER TO BY-LAWS, ARTICLE II)

- A. All applicants for membership in Ocean Beach and Yacht Club must be approved by the Membership Committee. This shall also mean that any combination of property owners and lot lessees fill out application forms. Applicant shall be a single person, spouses, group of individuals, or corporate officer which owns a unit. If more than one unmarried person owns a unit, only one person shall be listed for voting purposes. Spouses shall be considered as co-owners but shall not have more than one vote for all Club business.
- B. No club, association, fraternity, society, etc. shall be eligible for membership regardless of how or under what conditions they acquire Ocean Beach and Yacht Property or leasehold.
- C. 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 Board of Governors. No purchaser or lessee in violation on his/her present premises will be accepted for any new membership until all existing violations have been cleared to the satisfaction of the Board of Governors.
- D. In as much as Club By-Laws prevent transfer of membership, it shall be required that any person or persons inheriting or otherwise acquiring property of leasehold in Ocean Beach and Yacht Club shall, for club purposes, be treated as an entirely new applicant and fill out club applications. A new member fee, as outlined in the attached fee schedule, will be required along with a completed, notarized Membership Registration form. This includes, but is not limited to the purchase of a home or when there is a transfer to an entity in which the title changes or there is a purchase by an entity. Additional changes to membership structures, including, but not limited to, inheritance, addition to a deed and the title changes, transfers of ownership to or from a trust or life estate will be subject to an administrative fee, as outlined in the attached fee schedule, per each occurrence.
- E. No person or group of persons who has been declined or rejected for membership or any other person or group of persons who has been declared in violation by this club shall be eligible for membership in this club while rejection and /or violations is in effect.
- F. Members who anticipate selling their property are responsible for advising a prospective buyer of the requirements for obtaining membership in the club in order to avail him/herself of the club's facilities.
- G. The Membership Committee shall at all times keep on hand a supply of By-Laws and Rules and Regulations. New applicants shall receive copies when applying for membership.
- H. The Membership Committee shall maintain an updated membership roster in accordance with the Club's By-Laws, Article VII, Section 5(i). The roster shall include the member's OBYC address, primary mailing address, contact phone numbers, and email address. To protect member privacy, the information contained in the roster shall not be released for private mailings, or used for any other purpose besides conducting official Club business.

SECTION 4 - MAINTENANCE OF PROPERTY AND GROUNDS

- A. Prior to the issuance of beach badges, and at various times throughout the summer season, the Grounds and Maintenance Committee shall inspect all properties in the Club. The initial community walk-through will occur in early May, prior to the start of the summer season, during the weekend when the community Spring Workday is scheduled.

- B. After the initial property inspections occur any owner or lessee whose property is in an unkempt condition (i.e., garbage, excessive weeds, storing construction materials, etc.) or has unauthorized improvements shall be notified and required to take corrective action prior to the start of the summer season. However, if the condition is one which affects the health, safety, or is otherwise a hazard to neighboring owners and/or the general public immediate corrective action will be required. In addition, any and all health and safety issues will be reported to the appropriate municipal and state officials. Until corrective action is taken, the member's club privileges will be suspended. The member will not be permitted to rent the clubhouse, no marina rental will be permitted, no beach badges will be issued to either the owners, lessees, or guest members until such time as the specific infraction has been corrected. For any violation that is not corrected prior to the summer season, at the board's discretion, a weekly fine (please see attached fees schedule) may begin to be assessed until the violation has been corrected.

- C. The owner or lessees shall notify the Club when the condition has been corrected and the property will be re-inspected. If the condition has been corrected, membership privileges will be restored and beach badges will then be issued.

- D. Once the summer season starts and badges have already been issued, the Grounds and Maintenance Committee will periodically conduct additional inspections of all properties in the club to ensure they remain in compliance with the Club rules and regulations. Any property found to be non-compliant during the summer season will be subject to the following tiered penalty process until corrective action is taken:
 - **Warning 1:** A letter or email will be sent to the address on record with a warning and two weeks to rectify the issue.

 - **Warning 2:** If the issue is not resolved within two weeks after Warning 1, a second letter or email will be sent to the address on record giving no more than one week to rectify the issue. In addition, at the Board's discretion, a fine (please see attached Fees schedule) may be assessed to the property.

 - **Warning 3:** If the issue persists, at the Board's discretion, incremental fines (please see attached Fees schedule) may be assessed to the property for each consecutive week in violation.

 - If a particular property violation is rectified and a new violation occurs later in the season, the penalty system will reset itself.

- E. Removal of sand from any club beaches shall not be permitted. Sand which has been deposited on lots or roads due to wind storm shall be returned to the Club property.

- F. No major repairs or improvements shall be made during the period including the third Saturday of June through the Saturday after Labor Day, except in emergencies, and then only with the express permission of the Board of Governors. Any repair to a site or

building on a site that may cause undue noise or activity that may disturb the members and/or guest members shall be considered a major repair, including vehicles parked on the road.

SECTION 5 - BEACH BADGES

- A. All member homes, regardless of bedroom size, will be issued a total of eight (8) season badges as part of their yearly dues, as determined by the Board of Governors for the season, upon presentation of their current membership card.
- B. Member homes with 4 or more bedrooms will have the option to purchase up to two (2) additional season badges at an incremental cost as determined by the Board of Governors for the season (please see attached fee schedule).
- C. Members will be furnished badges as part of their yearly dues as determined by the Board of Governors for the season not exceeding the previously stated quotas upon presentation of their current membership card.
- D. Those renting cottages in Ocean Beach and Yacht Club through a rental agency or privately through a member may purchase their badges for the appropriate weeks at the clubhouse. Badges will be issued during the hours posted at the current rate established by the Board of Governors upon proof of rental.
- E. Badges must be worn on bathing suits or outer wear at all times for ready identification on all Club property by all persons over twelve (12) years of age.
- F. Daily badges must be purchased by both guest members (renters) or and members in excess of home quotas for those desiring to use facilities of the club. Fee for additional badges or lost badges will be charged at the rates established by the Board of Governors.
- G. Members allowing guest members (renters) to use member badges will have their member badges confiscated, be subject to a fine as outlined in the attached fee schedule per each occurrence, have their membership suspended, and they and their guests shall forfeit all club and beach privileges until the situation is corrected and the fine paid. Daily badges charged at the daily rates would be available to those involved during this period.

SECTION 6 - BEACH RULES

- A. No one shall be hired as a lifeguard without having in their possession the proper certification.
- B. Swimming areas will be established daily by the lifeguards and be so marked with flags. Green flags denote low hazard, yellow flags denote cautious conditions, red flags denote extreme caution/restricted wading, double red flag denotes no swimming.
- C. During the club's summer season which is determined by the Board of Governors, lifeguards will be on duty at the ocean and bay beach swimming areas except during dangerous stormy weather or when there are an inadequate number of guards to protect

both beaches, one or both will be closed. The ocean beach shall be open from the hours of 9:00 A.M. to 5:30 P.M. and the bay beach shall be open from the hours of 10:00 A.M. to 5:00 P.M.

- D. Beaches will be closed midnight to 6 a.m. except for surf fishing.
- E. For safety reasons, no use of surfboards or motorized water craft during beach hours shall be permitted on the beaches owned or leased and under jurisdiction of the Ocean Beach and Yacht Club.
- F. One small cooler (not greater than 12" x 12" x 8"), containing only light snacks and non-alcoholic beverages, will be allowed per family on the club beaches during the summer season.
- G. Alcoholic beverages, disposable containers, animals, or fires of any kind are not permitted on the club's beaches.
- H. Food and beverage deliveries are strictly prohibited.
- I. Fishing is permitted on the ocean beach before or after bathing hours or during inclement weather when beach is closed for bathing. Crabbing and fishing is permitted any time at the dock area by the clubhouse. No fishing or crabbing is permitted at the bay beach swimming area at any time.
- J. Walkways to the beach are delineated and all persons shall use them at all times as access to the ocean beach. The ocean beach is not to be entered between beach front houses, as this is private property.
- K. All bikes must be parked in designated areas. No bike parking is allowed on walkways and mobi-mats.
- L. There shall be no camping or loitering on the club's property between midnight and 6 a.m.
- M. Only small beach umbrellas and small canopies less than eight (8) feet in diameter will be allowed. Under no circumstances will tents or canopies with side walls be allowed.
- N. Devices designed or used to shade infants and small children will be allowed provided that they are no larger than 36 inches high by 36 inches wide by 36 inches deep.
- O. Digging large holes on the beach is strictly prohibited. As a safety measure, you can dig holes on the beach if they take up only a small area and are no deeper than the knees of the smallest person in your group. In addition, all holes must be filled in prior to leaving the beach. There is absolutely no tunneling allowed.

SECTION 7 - BOAT SLIP / BOAT OPERATING RULES

- A. Boat slips are available from April 15th to November 30th of each year at two separate areas, namely, the clubhouse area and the inner lagoon area. No other club boat moorings are permitted. Boats remaining after November 30th will be subject to a daily fine as outlined in the attached fees schedule until removed. The slip applicant will be responsible for payment.

- B. Slips will be rented first to members. If vacancies exist, the Marina Committee may elect to rent to outsiders at an adjusted rate.
- C. Vacant slips in marina areas shall be assigned to members of the club on the basis of seniority. Seniority shall be established as follows:
 - 1. Order of date of written application for slip.
 - 2. If two or more applications are received on the same day, date of admission of membership shall determine seniority status.
- D. Assignments of slips in the inner lagoon shall be permanent provided:
 - 1. The annual fee shall be paid on time.
 - 2. Slip sub-leasing to others is prohibited.
- E. Members may exchange permanently assigned slips provided the following occurs:
 - 1. If vacancy occurs in the desired slip.
 - 2. If two or more members claim such vacant slip, the rule of seniority as established above shall prevail.
- F. Slips must be used by members in good standing only. Use by guest members shall not constitute use by members.
- G. The club is not responsible for damage to or loss of boat, motor, or accessories when berthed in any of the marina areas. As a condition of the slip rental agreement, the boat owner must provide the Chairperson of the Marine Committee with a Certificate of Insurance declaring liability coverage limits in an amount equal to or greater than that indicated on the Boat Slip Rental Application. The term of such insurance must encompass the full period of the slip rental.

SECTION 8 - COMMUNITY RULES

- A. Speed limit on all streets within Ocean Beach and Yacht Club is 10 Miles per hour. This applies to all motorized vehicles including, but not limited to, cars, trucks, motorcycles, motorized bicycles, electric scooters, etc.
- B. There is no parking on any streets except when loading and unloading vehicles.
- C. Extra parking is available at designated areas only for vehicles with permanently affixed Ocean Beach and Yacht Club automobile hang tags.
- D. Excessive noise is prohibited from 11:00 p.m. through 8:00 a.m.
- E. Because broken glass presents such a terrible hazard in our community, no glass containers of any kind are permitted outside the cottage property at any time.
- F. No pets shall be permitted by guest members (renters). Owners' pets must be on a leash. No

pets are permitted on private property owned by the Ocean Beach and Yacht Club (i.e. Ocean Beach, Bay Beach, playground, clubhouse, clubhouse parking lot, etc.) at any time.

- G. Playing sports, kite flying, etc. shall not be permitted on the streets at any time or on the beaches during bathing hours except in designated areas.

SECTION 9 - PROPERTY IMPROVEMENTS

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

It is recognized that over time and for a variety of reasons some properties may have conditions that do not comply with current Rules and Regulations, By-Laws and Deed Restrictions. These conditions could be of long standing, developed before there were rules, under other rules, etc.

Unless there is a safety problem, these conditions do not have to be corrected as soon as recognized. However, any future repairs, renovations or reconstruction must bring these conditions into compliance with the current Rules and Regulations, By-Laws, and Deed Restrictions. In the event that more than fifty (50%) of the area (square footage and or building coverage) of any improvement is replaced or repaired, then the improvement shall be brought into conformity with the currently existing Rules and Regulations.

Under no circumstance are these conditions to be used as precedent for anyone to create other similar conditions. Rather, the Superior Court of the State of New Jersey in McBride v. Ocean Beach & Yacht Club et al., Docket No. OCN-C-122-08 and Nisch et al. v. Ocean Beach and Yacht Club et al., Docket No. OCN-C-244-08 has held that (a) the Deed Restriction requiring the Board of the OBYC to enforce the regulations is clear and unambiguous, (b) the original developer and the Board of the OBYC have maintained a consistent position and neighborhood scheme despite any past violations, and (c) there has been no abandonment or modification of the original neighborhood scheme.

A. IMPROVEMENT APPLICATIONS

1. Improvement Applications contain information and instructions which must be followed and will have the full effect of a contract. No construction and/or demolition work requiring an application can begin without the approval of Ocean Beach Yacht Club and the Ocean Beach Company. Improvement Applications are required for all exterior construction or renovation which changes the footprint of any structure on the property, size or location of any window or door, changes the interior floor height, or changes the overall structure height.
2. Improvement Applications are required for all replacement bulkheads and for any new fence. Copies of all required Toms River approvals shall be included in the improvement application package.
3. In the event a structure that does not comply with current Rules is repaired to the extent of 50% or more, then that structure must be brought into compliance with current Rules and Regulations and such repair requires an Improvement Application. If a deviation occurs during the process due to unforeseen governmental regulations, the improvement application must be

updated. No additional fees will be incurred.

4. The initial fee for the review of each Improvement Application will be \$250.00 (effective January 1, 2020). The initial revision or change to the application will incur no charge. Each subsequent revision or change will require a \$50 review charge. This fee is intended to offset, in part, the cost incurred by the Club in reviewing an Application, inspection of the work being performed and a final inspection of the completed work. No fee is required for any Application for a fence, storage box, or for the relocation of windows or doors.
5. Repair or maintenance work on existing structures or facilities that does not change their location, size or height does not require an Application (notification of the minor work shall be made to the Board through email or letter). Examples of minor work are replacement roof shingles, siding, windows or doors or the repair of existing storage boxes, etc. Any minor or repair work detailed above shall require a notification to the Improvements Coordinator 48 hours prior to starting the work.
6. The Township of Toms River requires building permits for items which require Improvement Applications as well as for items for which the Club does not require an Improvement Application. Each member must check with the Township of Toms River Construction Official to determine whether or not a Township permit is required.
7. Improvement applications pertaining to the complete rebuild of a home, or that change the overall height or footprint of the home that cannot be resolved between the homeowner and the Improvements Committee, must be reviewed by an independent certified professional planner or architect designated by the Club. The cost of such review, currently \$300, shall be paid by the member. A completed improvements application must include the payment to said professional in order to start the application review process by the Club and Ocean Beach Company. Otherwise, the application will be returned to the member.

B. GOVERNMENTAL PERMITS

Governmental permits do not eliminate the need for a member to obtain approval by the board of Governors and the Ocean Beach Company. In addition to the Ocean Beach Unit 2 Improvement Application, before beginning any construction or alteration, the owner is also responsible for obtaining any other necessary permits from the Township of Toms River and any and all other agencies or governmental departments having jurisdiction over such construction or alteration. Permits shall be displayed during the entire period of alterations or construction.

C. CONSTRUCTION/REPAIRS DURING SUMMER SEASON

No construction, repairs or improvements shall be made during the period from the third Saturday in June to the Friday after Labor Day, except in emergencies, and then only with the express permission of the Board of Governors. Any repairs or building that cause undue noise or activity which may disturb the members and/or guest members shall be considered a major repair. Storage and/or construction vans, trailers, buildings may not remain on site during this period.

Emergency Repairs: In the event of an emergency, a homeowner may apply for permission, from the Board of Governors, to make a minor repair during the Summer Season. (Examples are a failed air conditioner, broken window, broken storm door and similar tasks.)

D. BUILDING AND HEIGHT RULES

1. Set Back Requirements: All new and/or altered structures must be located on the lot so as to conform to set back requirements outlined in Property Deed Restrictions

2. Lots Under 1500 Square feet:

No building shall exceed fifteen (15) feet in height when measured from the top of the finished floor to the top of the overall structure. Existing buildings raised or new construction must comply with governmental floor height codes. The height of a building shall be no greater than the sum of the fifteen (15) feet plus the minimum floor height required by government code or the maximum as described in Section 5 RAISED FOUNDATIONS.

3. Lagoon Lots 1501 to 1800 Square Feet

No building shall exceed sixteen (16) feet in height when measured from the top of the finished floor to the top of the overall structure. Existing buildings raised or new construction must comply with governmental floor height codes. The height of a building shall be no greater than the sum of the sixteen (16) feet plus the minimum floor height required by government code or the maximum as described in Section 5 RAISED FOUNDATIONS.

4. Lots 2,000 Square Feet to 3199 Square Feet:

No building shall exceed sixteen (16) feet in height when measured from the top of the finished floor to the top of the overall structure. Existing buildings raised or new construction must comply with governmental floor height codes. The height of a building shall be no greater than the sum of the sixteen (16) feet plus the minimum floor height required by government code or the maximum as described in Section 5 RAISED FOUNDATIONS.

5. Lots 3200 Square Feet or Larger:

No building shall exceed nineteen (19) feet in height when measured from the lowest finished floor to the top of the structure. Where the living floor area is constructed above the garage/storage area a maximum of 49% of the total floor area will be permitted. If a new house is being constructed or if there are any major alterations or additions (change in building height or footprint), any new living level floor elevation must meet or exceed the minimum height required by governmental codes or the maximum as described in Section 6 RAISED FOUNDATIONS.

6. Raised Foundations

Existing buildings raised or new construction must comply with the Preliminary Working Maps (dated January 2015). Be advised the preliminary working maps can be updated by FEMA without prior notice to the community.

The elevations below are the maximum requirement permitted by Ocean Beach and Yacht Club. Residents are NOT required to build to these elevations. Residents are required to build to the Base Flood Elevation plus one (1) foot as per the International Residential Code.

Residences located in the AE7 and AE8 zones – base flood elevation plus 4 feet

Residences located in the VE10 zone – base flood elevation plus 2 feet Residences

located in the VE 15 zone – base flood elevation plus 6 feet

Residences located in the X zone – highest adjacent grade plus 4 feet as determined by an elevation certificate

Note: For all of the above a copy of the Uniform Construction Code foundation/piling location as built drawing must be provided to verify the location of the finished floor for all new construction.

*Additional Notes:

A Zones – the maximum finished floor height is measured to the top of the finish floor V Zones – measured to the bottom of the lowest horizontal structural member

7. Living Space Restrictions:

For over 40 years no two-story homes have been built in Ocean Beach and Yacht Club Unit 2. For reasons of beach space and access, water pressure, light and air, automobile parking and aesthetics of the community, the Court found that these were reasonable criteria for not permitting new two-story homes in Ocean Beach and Yacht Club Unit #2. Also, in Judge Cooper's decision of 1989, the Court found that a two-story house is defined as living space on living space. Therefore, no new two-story building may be built nor may a building be altered internally to create any type of living space or sleeping facility between the top of the fixed living space and the ridge beam or between the floor of the fixed living space and the finished grade level. The height measurements of any space above the building's fixed living space must be less than 6 feet. As a result, such space cannot ever be converted into living space, thereby upholding the principle that no living space shall be over or under living space in Ocean Beach and Yacht Club Unit #2. However, there are homes in Ocean Beach and Yacht Club Unit #2 that were originally built as two story dwellings. The original eight two story homes are as follows:

3168 Ocean Road Block # 1107 Lot # 18
3176 Ocean Road Block # 1107 Lot # 22
19 East Chadwick Block # 1106.09 Lot # 15
25 East Chadwick Block # 1106.09 Lot # 9 22 East Sea Way Block # 1106.09 Lot # 12 222
South Lagoon Block # 1104.26 Lot # 24
252 Harbor Drive Block # 1104.01 Lot # 5
256 Harbor Drive Block # 1104.01 Lot # 4

In addition to the above, there is one home that was originally built as a one-and-one-half-story (1-1/2) dwelling prior to the formation of the Club. In a court ruling dated November 30, 2011, Giblin vs. Ocean Beach & Yacht Club, Docket # C-141-10, Judge Frank A. Buczynski determined that the original home was a Cape Cod style one-and-one-half-story (1-1/2) dwelling, the only one of its kind in Ocean Beach & Yacht Club. This home is as follows:

260 Harbor Drive Block # 1104.01 Lot # 3

If these nine homes are to be rebuilt or remodeled, the foundation height is not to exceed the height required by governmental codes. The overall height of the structure shall not exceed the requirements set forth in Section D – Building and Height Rules, or their present height, whichever is greater, when measured from the top of the finished floor to the top of the structure cannot

exceed 28 feet. The foundation height referred to in the previous paragraph is intended to refer to the minimum height required by government codes. It is not intended to refer to the minimum height for living space; it being understood that some of the two-story homes do not meet the minimum height requirements for living space.

8. Height of Raised Homes:

Under no circumstances may the raising of a structure create a condition that would violate the building height restrictions or setback requirements. The Club will approve the raising of a structure to comply with the FEMA flood elevation plus as detailed in Section 9 sub chapter D (6).

9. Roof Top Deck:

Strictly prohibited under any circumstances, no roof shall have external access or internal access from the living space or attic below.

10. Building Height and Finished Grade:

In order to determine building height as defined in this chapter, the finished grade of the lot shall be determined to be the highest adjacent grade of the property as per the flood elevation certificate and all surveys or other dimensions provided in connection with any applications for development shall identify this height by a licensed land surveyor or such other similarly licensed individual. A flood elevation certificate is required by the Board to process the application. This certificate is also required by Toms River to process permits.

11. Change in Grade:

In no event may any party raise or lower the average existing grade of any property, unless required to meet FEMA guidelines substantiated by a design professional.

12. Air Conditioner Condensers and Other Mechanicals

When installing air conditioner condensers and other mechanicals, placement should be made to minimize the impact of noise and the esthetics of the surrounding area, neighboring properties, and the community as a whole. When installing air conditioner condensers and other mechanicals in areas other than the roof, they must be placed in an area at the rear of the house. All installations are subject to Governmental codes and Toms River Township approvals.

E. SET - BACK REQUIREMENTS

1. All buildings must be erected on the left side of lots when viewed from the front line. Parking space is to be on the right side when viewed from the front lot line. Exceptions must be presented to the Board of Governors for consideration. Deed Restrictions must be followed as applicable to front, rear and side yard setbacks. (irregular lots included).
2. 50' x 30' Lots:

No building shall be closer than two (2) feet to the front lot line, eight (8) feet to the rear lot line, or two (2) feet to the left lot line. A twenty-eight (28') foot wide house is permitted providing there is compliance with the next paragraph. If a home is expanded, or built, resulting in it

being twenty-eight (28') feet wide, no ingress/egress door can be located on the portion of the dwelling alongside the parking area.

For purposes of this requirement, the front lot line shall be the fifty (50) foot line on the road.

A minimum of twenty (20) feet must be maintained from the right lot line for two-car parking. No structure of any type may be extended into this space for a length of eighteen (18) feet from the front line. This includes, but is not limited to, stairs, platforms, and railings. No building of any type may be placed or constructed in the space between the back of the parking spaces and the rear lot line.

EXCEPTION: Any preexisting twenty-six (26) foot wide buildings, which when raised, may have nineteen (19) feet from the right lot line. This will permit a three (3) foot platform and staircase for existing doorways. This will be considered a non-conforming use and in the event of destruction or demolition of the building, any new building, including, but not limited to, stairs, platforms and railings, must be a minimum of twenty (20) from the right lot line.

3. Lagoon lots on Gull Lane, Canal Lance, Mallard Lane and South Lagoon Lane 40' x 40', 40' x 45', 40' x 80' and 45' x 80' double lots:

No building shall be built closer than two (2) feet from the front lot line or two (2) feet to the left lot line and 8 feet to the rear lot line as per the Deed Restriction. For purposes of this requirement, the front lot line shall be the lot line on the road.

A minimum of twelve (12) feet must be maintained from the right lot line for two-car parking front to back. No structure of any type may be extended into space for a length of thirty-six (36) feet from the front line. This includes, but is not limited to, stairs, platforms, and railings. Nor may a building of any type be placed or constructed in the space between the back of the parking spaces and the rear lot line.

EXCEPTION: Any preexisting building over twenty (20) feet wide will be permitted a three (3) foot platform and staircase for existing doorways. Said platform and staircase shall be considered a non-conforming use. In the event of destruction or demolition of the building, any new building including, but not limited to, stairs, platforms, and railings must be a minimum of twelve (12) feet from the right lot line.

All side streets on Harbor Drive Lagoon Lots: The lagoon side yard setback shall be no less than 17 feet.

4. North Bay Point Section of Harbor Dr. No building shall be constructed closer than 20 feet from the road nor closer than 20 feet from the water nor closer than 8 feet from the one side and 4 feet from the other side.
5. Melody Lane Extension. All buildings shall be located on the lot as per the Deed Restrictions. No building shall be placed closer than 20 feet from the road line nor 20 feet to any Water Front or Rear Lot Line; Nor closer to any sideline than 8 feet on the one side and 4 feet to the other side.
6. A minimum of four (4) foot setback and a minimum 12 foot combined setback must be

maintained when viewed from the lot front.

7. For purposes of this requirement, the front lot line shall be the line on the road.
8. Ocean Front Lots. No building shall be erected closer than 35 feet to the front or easterly side of an Ocean Front lot; nor closer than 4 feet from the side lines.
9. Cantilevered Walls:

The use of cantilevered walls (overhanging structures) is not permitted if they extend or otherwise encroach into any setback. A cantilevered wall is to be considered the same as a foundation wall, and must adhere to the same setback requirements.

F. GARAGES

1. Garage Ceiling Height - The ceiling height of the garage space shall be determined by the design professional as per FEMA, Toms River and the OBY&C guidelines.
2. Required Parking – Garage space may not be counted toward the minimum parking required per Club rules.

G. BULKHEADS AND DOCKS

The intent of the bulkhead and dock requirements covering Ocean Beach and Yacht Club Unit #2 waters is to maintain safe, adequate waterways for recreational uses.

1. Bulkheads

The first replacement of an existing bulkhead may not encroach more than twenty-four (24) inches into the water. All bulkhead replacements after the first replacement must be in the same location as the first replacement.

2. Docks, Jet Ski and Watercraft Platforms/Lifts

All owners of waterfront property can have a dock. This does not override Deed Restrictions. Prior to constructing any dock, waterfront property owners must provide a copy of any and all the necessary permits and approvals from all such regulatory agencies then having jurisdiction over same before a Club permit will be issued.

- a. Properties on wider bodies of water, the cove south of the Ocean Beach and Yacht Club Unit #2 Clubhouse and the lagoon north of Harbor Drive, can have a five (5) foot wide dock. This width may be maintained through subsequent bulkhead replacements.
- b. All other waterfront properties can have a three (3) foot dock. However, if a bulkhead has been replaced extending eighteen (18) or twenty-four (24) inches into the water, only eighteen (18) inch or twelve (12) inch dock, respectively, is permitted.
- c. Existing docks that are replaced must comply with current regulations.

- d. Owners with riparian rights must comply with the intent of this regulation.
- e. Owners with unique waterfront circumstances may request the Board of Governors approval to meet the intent of these regulations.

H. SHOWER ENCLOSURES

1. The Toms River Township's Flood Hazzard Prevention Ordinance requires that the homeowner/contractor apply for a Zoning and Building Permit in order to install an outside shower. The Board of Governors of the Ocean Beach and Yacht, after review and debate has voted to revise the Outside Shower Enclosure requirements and conditions.
2. It is the responsibility of the Homeowner or their agent to procure the proper Permits required by the Township prior to the installation of the outside shower enclosure.
3. For information regarding the installation of an outside shower enclosure or if you have a complaint regarding the installation of an outside shower enclosure please contact Toms River Township Code Enforcement at 732-341-1000.

I. DECK HEIGHTS

On all lots, the maximum deck height shall be equal to the lowest finished floor elevation. However, a split deck maybe permitted on lots 3200 square feet or larger. Under no circumstances can a deck be constructed in the required parking area regardless of the side, front or rear setbacks

(Exception: The landing and stairs on the small lagoon lots may encroach the inner most parking area of the 12 foot side yard setback by 3 feet.)

NOTE: A Toms River Zoning or Construction approval shall not supersede this regulation.

J. FENCES

1. Fences between properties may not exceed thirty six (36) inches in height and must be 50% (1/2) open. A Toms River Zoning approval must accompany the OBY&C Improvements Application.
2. Fences separating communities or serving a unique screening purpose may vary from above with special approval of the Board of Governors. A Toms River Zoning approval must accompany the OBY&C Improvements Application.

K. STORAGE BOX and DECK BOX

1. The Board of Governors of the Ocean Beach and Yacht Club, after further review has voted to revise the Storage and Deck Box requirements and conditions.
2. It is the responsibility of the Homeowner or their agent to procure the proper Permits required by the Township prior to the installation of a Storage Box or Deck Box.

3. Each dwelling is limited to one storage box and one deck box.
4. Storage box dimensions: Height is not to exceed five (5) feet from the ground level, including foundation. Width is not to exceed four (4) feet. Length is not to exceed eight (8) feet.
5. The storage box must be mounted on a termite-resistant foundation. Exterior must be finished to complement the house.
6. For information regarding the installation of a of a Storage Box or Deck Box or if you have a complaint regarding the installation of an outside shower enclosure please contact Toms River Township Code Enforcement at 732-341-1000

L. JOINING PROPERTIES

No house can be adjoined to another house or extended into an adjacent lot without approval of the Board of Governors, the Ocean Beach Company, and notification of neighbors within 200 feet.

M. HANDICAP RESIDENCE

Accessibility requirements shall be submitted and reviewed by the Board. Reasonable accommodation shall not be denied.

N. CRAWLSPACES

1. Any access door to a permitted crawlspace must not be located on the street side of the house.
2. The installation of flood vents, which permit the automatic entry and exit of floodwaters, must comply with FEMA regulations.

O. POOLS AND HOT TUBS

1. Temporary wading pools that do not require a filtration system are permitted.
2. Above-ground swimming pools are not permitted.
3. Below-grade swimming pools and hot tubs must be installed according to FEMA requirements as well as Toms River Zoning, Building, Electric and Health and Safety Codes. Members not in compliance with the above will be levied a fine of \$50 per day until the violation is corrected.

P. LEGAL FEES

In the event any party challenges or otherwise contests applicability of these Rules and Regulations as to the ability to develop or otherwise improve property, in the event a Court of competent jurisdiction finds that all Rules and Regulations were properly adopted and imposed, than in addition to all other remedies as may be available, the party challenging

applicability of the Rules and Regulations shall be required to reimburse the Club for all reasonable legal fees incurred in defending such challenge.

Q. SEVERABILITY

In the event any portion or Section of the Rules and Regulations are found to be invalid as adopted or applied, than all other portions and sections shall remain in full force and effect.

Fees Schedule

1. Membership Fees

- 1.1. New Membership: **\$750.00** to be paid at time of application.
- 1.2. Membership Structure Changes: **\$500.00** administrative fee per occurrence.

2. Rules & Regulations

- 2.1. Unresolved and Repeat Offender Violations: **\$50.00** fine per occurrence.

3. Maintenance of Property & Grounds

- 3.1. Unresolved Property Violations: **\$50.00** weekly fine until rectified.

4. Beach Badges

- 4.1. Members allowing guest members (renters) to use member badges: **\$500.00** fine per each occurrence.

5. Boat Slips

- 5.1. Delinquent Removal of Boats: **\$25.00** daily fine until removed.

Document Change Log

June 7, 2008 - All references to Dover Township were changed to Township of Toms River, as a result of the township name change.

April 4, 2009 - Under SECTION 1 – ADMINISTRATION, subsection (F) was added to prohibit the recording of any Club meetings, with the exception of the official meeting minutes as recorded by the Secretary. In addition, this document was reformatted to ease future editing, and to include a more detailed table of contents.

July 25, 2009 - Under SECTION 3 – MEMBERSHIP, subsection (H) was added to limit the use of member roster information for official Club business only. Member information may not be released for personal mailings.

October 3, 2009 - Under SECTION 9 – PROPERTY IMPROVEMENTS, subsection (A)(7) was added to require the review of improvement applications by an independent professional planner or architect to assure compliance with the Club's building restrictions.

July 17, 2010 - Under SECTION 9 – PROPERTY IMPROVEMENTS, subsection (D)(6) the address information was added for the original (8) two story homes. In addition, the foundation and overall height restrictions have been clarified in regards to governmental code requirements.

February 4, 2012 - Under SECTION 9 – PROPERTY IMPROVEMENTS, first paragraph added. Subsection (N) Crawlspace added. Subsection (D)(7) was added to address the height of raised homes. Subsection (E)(6) was added to address cantilevered walls.

March 10, 2012 - Under SECTION 9 – PROPERTY IMPROVEMENTS, added subsections (O) Satellite Dishes, (P) Legal Fees, and (Q) Severability. Subsection (D)(8) was added to address roof pitch, subsection (D)(9) was added to address building height, and subsection (D)(10) was added to address change in grade. Subsection (F)(2) Bulkheads and Docks modified to include jet ski and watercraft platforms/lifts. Section 9 preamble, paragraphs 3 & 4 modified to address nonconforming structures, and added legal references for Court decisions regarding enforcement of Rules & Regulations and Deed Restrictions.

April 14, 2012 - Under SECTION 9 – PROPERTY IMPROVEMENTS, Subsection (H) Deck Heights modified to reduce deck heights, and specify a deck depth for beach front properties.

May 5, 2012 - Under SECTION 9 – PROPERTY IMPROVEMENTS, Subsection (P) Pools was added to limit the size of pools.

June 2, 2012 - Under SECTION 9 – PROPERTY IMPROVEMENTS, Subsection (D) Building and Height Rules was updated to include the only one and a half story home in the community to the list of grandfathered non-conforming homes. Subsection (D)(11) Air Conditioner Condensers and Other Mechanicals was added. Subsection (F) Garages was added.

July 7, 2012 - Under SECTION 9 – PROPERTY IMPROVEMENTS, Subsection (H) Shower Enclosures was updated to clarify the type of shower enclosure permitted, as well as requiring a township permit before a Club permit will be issued.

July 6, 2013 - Under SECTION 9 – PROPERTY IMPROVEMENTS, Subsection (D) Building Heights Rules, Paragraphs 2,3,4,5 were updated, as well as paragraph 8 – Air conditioner condensers and other mechanicals.

November 20, 2014 - Under SECTION 9, PROPERTY IMPROVEMENTS, Subsection (A) Improvement Applications (1) Application and approved demolition work revised, (2) Bulkhead regulations revised, (4) Application revision fee, (5) Repair and maintenance notification requirement, (7) revision to requirement that all applications are to be sent to the planner, Subsection (C) Construction/Repairs during summer season suspended, Subsection (D) (5) Floor area split/ garage and living areas, (6) Zone X revision, (7) foundations reference Subsection (D) (6), (8) foundations reference Subsection (D) (6) also rook top decks prohibited and added flood elevation requirement, Subsection (E) (4) revised lagoon lot setbacks, Subsection (I) Deck Heights – added revision and note, Subsection (J) Fences – added Toms River Zoning approval, Subsection (M) Handicap Residences – added reasonable accommodation

March 2, 2016 - Under SECTION 9, PROPERTY IMPROVEMENTS, Subsection (E) Set-Back Requirements, paragraph 6 – Irregular Lots was added.

July 7, 2018 - Under Paragraph 4- a. Revised width to comply with 5 foot wide dock permitted by the Army Corp of Engineers and FEMA/CARAFA regulations.

July 7, 2018 - Under Section H. Revised outside showers to comply with the stricter requirements imposed by the Toms River Township Flood Hazzard Prevention Ordinance.

July 7, 2018 - Section C. Summer Season. Amended to include minor emergency repairs.

August 24, 2019 - Under Section K. Revised Storage and Deck Box requirements and conditions to comply with that of Toms River Township further requiring their approval for placement and installation.

December 10, 2019 - Under SECTION 9, PROPERTY IMPROVEMENTS, Subsection (A), Improvement Applications, paragraph 4 – The initial fee for the review of each Improvement Application has been changed from \$150.00 to \$250.00 (effective January 1, 2020).

July 11, 2020 - Under SECTION 3 – MEMBERSHIP, subsection (D) was updated to include a specific schedule of fees when there are changes to property ownership.

December 5, 2020 - Under SECTION 9, PROPERTY IMPROVEMENTS, Subsection (D), Improvement Applications, paragraph 6 – updated the date of Preliminary Working Maps to January 2015.

December 5, 2020 - Under SECTION 9, PROPERTY IMPROVEMENTS, Subsection (E), Set-back requirements.

- a. Paragraph 1 – Added Deed Restrictions must be followed as applicable to front, rear and side yard setbacks. (irregular lots included).
- b. Paragraph 3 – Added clarifying language that Lagoon lots on Gull Ln., Canal Ln., Mallard Ln. and South Lagoon Ln. 40' x 40', 40' x 45' , 40' x 80' and 45' x 80' double lots. Added that no building to be built closer than 8 feet to the rear lot line as per the Deed Restriction.

- c. Paragraph 4 has been removed
- d. Paragraph 5 was updated to read as follows: North Bay Point Section of Harbor Dr. No building shall be constructed closer than 20 feet from the road nor closer than 20 feet from the water nor closer than 8 feet from the one side and 4 feet from the other side.
- e. Paragraphs 5b and 5C now become #7 and #8.
- f. Paragraph 6 was added to read as follows: Melody Lane Extension. All buildings shall be located on the lot as per the Deed Restrictions. No building shall be placed closer than 20 feet from the road line nor 20 feet to any Water Front or Rear Lot Line; Nor closer to any sideline than 8 feet on the one side and 4 feet to the other side.
- g. Paragraph 9 was added to read as follows: Ocean Front Lots. No building shall be erected closer than 35 feet to the front or easterly side of an Ocean Front lot; nor closer than 4 feet from the side lines.
- h. Paragraph 6 becomes #10.

March 6, 2022 - In addition to cleaning up some outdated wording and general formatting changes throughout the first 8 sections of the document, listed below are the individual sections that contain the main, substantive changes which were approved by the acting OBYC Board:

- Fee Schedule
 - Removed all fees from the first 8 individual sections of the Rules & Regulations document and appended a separate Fees Schedule at the end of the document. This change will allow for all fees and fines to be in one place versus having to search throughout the document to find an individual fee or fine.
- Section 1 - Administration
 - Added in new sub-bullet (C) which outlines process for addressing rules violations and appeal process.
 - Added in new sub-bullet (G) which discusses need for Board members to have a OBYC e-mail address to protect against personal e-mails being scrubbed in the event of an audit.
- Section 2 - Clubhouse Facilities
 - Modified sub-bullet (C) to require members who rent the clubhouse to list OBYC as an additional insured.
- Section 3 - Membership
 - Updated sub-bullet (A) to provide a more up to date and clearer definition of what an applicant is, as well as clarifying that each property (regardless of the number of owners) shall not have more than one vote for all Club business.
 - Updated sub-bullet (D) to remove specific member fees, and referenced that they can be viewed in the separate Fees Schedule.
- Section 7 - Boat Slip / Boat Operating Rules
 - Modified sub-bullet (A) to state that slips are available from April 15th to November

30th of each year. In addition, in the separate Fees Schedule section, increased daily fine for Boats remaining after November 30th to \$25 per day.

- Section 8 - Community Rules
 - Updated sub-bullet (A) to clarify that speed limit applies to all motorized vehicles (i.e. motorized bicycles, electric scooters, etc.) and not just cars, motorcycles and trucks.
 - Updated sub-bullet (G) to provide updated language on pets not being allowed by renters, and not being allowed in specific areas of the club (i.e. beaches, clubhouse, etc.)

April 2, 2022 - The following amendments were approved by the acting OBYC Board:

- Section 4 - Maintenance of Property and Grounds
 - Added in new sub-bullets (A), (B), (C) and (D) to implement a tiered penalty process to address property maintenance issues that occur before and after beach badges are issued. All potential fines would be at the board's discretion, as opposed to being mandatory.
- Section 5 - Beach Badges
 - In the interest of being fair, since all homeowners pay the same amount in dues (regardless of the size of the home), added in new sub-bullets (A) and (B) to state that all homes will receive the same number (8) of beach badges as part of the annual dues, but homes with 4 or more bedrooms will be allowed to purchase up to two (2) additional season badges at an incremental cost as determined by the Board of Governors on annual basis. This change will go into effect in 2023.
- Section 6 - Beach Rules
 - Modified sub-bullet (F) to allow for small coolers and light snacks.
 - Added in sub-bullet (K) to prohibit bike parking on walkways and mats.
 - Added in new sub-bullets (M and N) to prohibit large tents and canopies with side walls on the beach, but allow for shade devices for infants and small children.

June 4, 2022 - The following amendments were reviewed and approved by the Board:

- Section 6 - Beach Rules
 - Added in new sub-bullet (O) to prohibit the digging of large holes on the beach.
- Section 8 - Community Rules
 - Updated sub-bullet (G) to not allow pets on private property owned by the Ocean Beach and Yacht Club