

Silver Beach Association

CHARTER AND BY-LAWS

ADOPTED BY THE BOARD OF TRUSTEES ON AUGUST 2, 1952

**AMENDED BY THE BOARD OF TRUSTEES: NOVEMBER 14,
1954**

DECEMBER 12, 1954

SEPTEMBER 9, 1967

NOVEMBER 2, 2002

AMENDED BY THE EXECUTIVE COMMITTEE:

JANUARY 6, 2007

(Major Update)

SEPTEMBER 10, 2016

(Fiscal Year End Change)

SEPTEMBER 8, 2018

(Transfer of Ownership
Change)

June 12, 2020

(Incorporate Membership

Duties into Secretary;

Change Membership to

Community Improvements)

August 25, 2021 (Definition

of “Family” Member for

purposes of Voting and EC)

FOREWORD	2
ARTICLE 1 - MEMBERSHIP	2
ASSOCIATION MEMBERSHIP	2
APPLICATIONS FOR MEMBERSHIP	3
INITIATION FEES	3
DUES & ASSESSMENTS	3
MEMBERSHIP PRIVILEGES.....	3
SUSPENSION OF MEMBERS	3
REINSTATEMENT OF MEMBERS	3
ARTICLE 2 - EXECUTIVE COMMITTEE	4

EXECUTIVE COMMITTEE	4
ORGANIZATION OF THE EXECUTIVE COMMITTEE	4
OFFICERS	4
TRUSTEES	4
EXECUTIVE COMMITTEE MEETINGS	4
EXECUTIVE COMMITTEE MEETING QUORUM	4
REMOVAL OF EXECUTIVE COMMITTEE MEMBERS	4
ARTICLE 3 – OFFICERS	4
PRESIDENT	4
VICE-PRESIDENT	5
TREASURER.....	5
SECRETARY	5
ARTICLE 4 – TRUSTEES	5
ORGANIZATION OF TRUSTEES	5
COMMITTEES	5
SPECIAL COMMITTEES	6
ARTICLE 5 – ELECTIONS	6
ELECTION DATE	6
NOMINATING PROCESS	6
NOTICE TO MEMBERSHIP.....	6
BALLOT AND ELECTION	6
APPOINTMENT OF INTERIM OFFICERS AND TRUSTEES	7
ARTICLE 6 – BUDGET.....	7
BUDGET	7
APPROVAL OF THE BUDGET BY MEMBERS.....	7
EXPENDITURE OF BUDGET ALLOTMENTS	7
ARTICLE 7 – ASSOCIATION MEETINGS	8
FALL MEETING	8
SPRING MEETING	8
SPECIAL MEETINGS	8
PLACE OF MEETINGS	8
MEETING NOTICES	8
MEETING MATERIALS	8
MEMBERSHIP SIGN-IN	8
QUORUM FOR ASSOCIATION MEETINGS	9
ORDER OF BUSINESS.....	9
MEETING RULES	9
ARTICLE 8 – BUILDING RULES AND RESTRICTIONS	9
ARTICLE 9 – AMENDMENT OF BY-LAWS	10

FOREWORD

The area known as Silver Beach is an unincorporated land development situated in Toms River Township, New Jersey on a sandy island between Barnegat Bay and the Atlantic Ocean.

The property owners have established the Silver Beach Association as a private club and incorporated it as a non-profit corporation under the laws of the State of New Jersey. The Association owns the beach on the

Atlantic Ocean and the bay area, which is used for bathing, kindred water sports, and playground. These properties are privately owned by the Association for the use of the Members, their families and guests.

Property ownership in the development does not guarantee a person Membership in the Association.

The By-laws herein set forth have been established for the general good and welfare of Silver Beach properties and its owners and residents, and the Members are urged to familiarize themselves with these By-laws and the Association Rules and Regulations.

ARTICLE 1 - MEMBERSHIP

ASSOCIATION MEMBERSHIP

All persons who are owners of property situated in the tract of land or development known as Silver Beach as evidenced by deeds of record for such premises, and /or spouses, of such owners, shall be eligible to become Members in the Association. The individual or joint owners of each property shall have one vote per property.

A "Family" member is defined as the spouse, child, children of the Member, issue of any child or legally adopted child of the Member (grandchild, great-grandchild, etc.), step-child and mutually acknowledged child of the Member, father, mother, or grandparents of the Member, a domestic partner or a civil union partner of the Member.

A Member may designate his/her membership privileges to a legal adult "Family" member for the purposes of voting and/or serving as their representative on the Executive Committee, provided the Member sends notice to the Association in writing and names a specific "Family" member for that purpose. This person shall be known as the Family Designee. The Member may terminate this designation in writing at any time.

Membership in the Association is *not* transferrable *except* within a "Family".

If a Member purchases an additional property in Silver Beach, whether for personal use or rental income, that Member is not required to pay an additional Initiation Fee; however, the Member *is* required to pay the Annual Dues on *all* properties they own in Silver Beach in order to maintain their Member status.

All other new owners of property in Silver Beach must complete an Application Form and pay the applicable Initiation Fee.

APPLICATIONS FOR MEMBERSHIP

Each applicant for Membership shall be required to file an Application Form provided to them by the Association. All completed applications shall be processed by the Secretary in a timely manner.

INITIATION FEES

There shall be an Initiation Fee for Membership, the amount of which shall be fixed by the Executive Committee, and such fee must accompany the Application Form. No Application Form shall be accepted before the Initiation Fee is paid in full.

DUES & ASSESSMENTS

There shall be annual dues applied to each property owned by an Association Member. The amount of said dues shall be fixed by the Executive Committee and shall be due and payable each year by May 31st. Any dues not received by May 31st shall be considered delinquent and subject to a Late Fee set by the Executive Committee.

The Executive Committee may fix the amount of an assessment for budgeted capital expenditures and /or emergency situations. Emergency situations shall be defined as those which are mandated by risk to persons or properties of the Association, or funding required by unexpected changes in Association requirements mandated by changes in laws or process of the overriding Local, State or Federal governments. Any assessments not received by the due date shall be considered delinquent and subject to a Late Fee set by the Executive Committee.

Membership in the Association shall be issued for one (1) calendar year upon full payment of all dues and assessments. Membership shall run for one calendar year from June 1st of the current calendar year until May 31st of the next calendar year.

MEMBERSHIP PRIVILEGES

Payment in full of all applicable dues and assessments entitles the Member, their family, and their guests use of the Association's owned Ocean and Bay Beach facilities for the year. Specific uses shall be limited to those defined in the Association Rules and Regulations.

All persons using Association properties and services, including all bathing areas, playground equipment, or other Association owned facilities, do so at their own risk. The Association shall be held harmless and will not be liable for damages of any kind including consequential damages to or for any party.

SUSPENSION OF MEMBERS

Membership in the Association is a privilege, extended to those Members who comply with the By-laws and Rules and Regulations of the Association. Membership may be revoked at any point for non-compliance with said By-laws or governing Rules and Regulations by the process outlined in these By-laws.

Any Member of the Association may be suspended or expelled, as herein provided, for non-payment of any monies due the Association by a majority vote of the Executive Committee.

Any Member of the Association may be suspended or expelled for failure of the Member, family, or guests to comply with the By-laws and/or Rules and Regulations of this Association by a majority vote of the Executive Committee, except as herein otherwise provided.

Any Member of the Association in good standing may, at any time, terminate his/her Membership by resignation in writing filed with the Secretary, forfeiting any fees or monies paid to date.

REINSTATEMENT OF MEMBERS

Members who are delinquent in paying their dues and/or assessments for one year or more or have voluntarily terminated their Membership, may be reinstated by paying the current year's dues plus the greater of the initiation fee or all assessments accrued over the years of lapsed Membership, subject to the review of the Executive Committee.

ARTICLE 2 - EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE

The Executive Committee shall administer the affairs of the Association and do any and all things necessary or incidental with respect to the management and functioning of the Association.

The Executive Committee shall fix the amount of initiation fees, dues, assessments, and late fees to be paid by the Association Members.

The Executive Committee shall be responsible for defining and enforcing the Rules and Regulations that govern the conduct and activities of the Membership of the Association.

ORGANIZATION OF THE EXECUTIVE COMMITTEE

The Executive Committee of the Association shall be comprised of the four (4) Officers and the seven (7) Trustees of the Association. Only one (1) member/family designee from a given property may serve as an Officer or Trustee on the Executive Committee at one time.

OFFICERS

The Officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer who shall be elected for the term of two (2) years from date of election and/or shall hold office until a successor is elected. All Officers of the Association must be current Association Members or a Family Designee of a current Association Member.

TRUSTEES

There shall seven (7) Trustees of the Association. Each Trustee shall hold office for the term of two (2) years from date of election and/or until his/her successor is elected. All Trustees of the Association must be current Association Members.

EXECUTIVE COMMITTEE MEETINGS

The Executive Committee of the Association shall meet at a time and place designated by the President prior to the Spring and Fall Association Meetings and at any additional times designated by the President. The President of the Association shall conduct all Executive Committee meetings.

EXECUTIVE COMMITTEE MEETING QUORUM

Six (6) Executive Committee Members shall constitute a quorum at all meetings of the Executive Committee. A majority of the Executive Committee Members present shall be required to give effect to any resolution or decision of the Executive Committee.

REMOVAL OF EXECUTIVE COMMITTEE MEMBERS

Any Officer or Trustee of the Association may be removed from office for misconduct by a majority vote of the Executive Committee.

ARTICLE 3 – OFFICERS

PRESIDENT

President. The President shall be the Chief Executive Officer of the Association and shall preside at all Meetings of the Association and the Executive Committee. It shall be the duty of the President to see that all orders and resolutions of the Executive Committee and the By-laws and Rules and Regulations of the Association are carried into effect. The President may, in the absence or disability of any of the Officers of the Association, delegate the powers and duties of such Officer to any other Officer of the Association, as he/she deems necessary. The President shall be an ex-officio member of all Committees.

VICE-PRESIDENT

Vice-President. In the absence or disability of the President, the Vice-President shall perform the President's duties.

TREASURER

Treasurer. The Treasurer shall have custody of all monies and securities of the Association, shall keep full and accurate accounts of receipts and disbursements in books belonging to the Association, and shall deposit all monies or other valuable effects of the Association in the name and to the credit of the Association in such depositories and/or with such custodians as may be, from time to time, designated by the Executive Committee. The Treasurer shall disburse the funds of the Association as may be ordered by the Executive Committee, taking proper vouchers for such disbursements, and shall promptly, on request, render to the Executive Committee an account of all transactions as Treasurer and/or an account of the financial condition of the Association. At the expense of the Association, the Treasurer must give a bond for the faithful performance of assigned duties in such a sum and with such a surety and in such a form as the Executive Committee shall determine.

The Executive Committee shall determine the stipend to be paid to the Treasurer for performance of these duties.

SECRETARY

Secretary. The Secretary shall issue notices for all Association and Executive Committee Meetings, shall distribute all Meeting Materials, shall keep the minutes of all meetings, and shall have charge of the corporate seal and corporate books unless otherwise ordered by the Executive Committee. The Secretary shall make all reports and perform such duties as are incident to his/her office or are required by the Executive Committee. The Secretary shall notify the Officers, Trustees and Members of their election or suspension, keep a roll of the Membership and shall conduct all correspondence of the Association.

The **Secretary** shall be responsible for maintaining Membership contact information including updates of the E-mail lists and website access. The Secretary shall also be responsible for providing all prospective Members of the Association with a Member information packet, which shall include a Membership Application, and a copy of the By-laws and Rules and Regulations of the Association. The Secretary shall be responsible for issuing all Beach Badges. The Secretary shall also be responsible for the oversight of the investigation of all charges against Members for misconduct or violation of the By-laws and Rules and Regulations of the Association. The Secretary shall be responsible for Member Sign-in at all Association Meetings.

The Secretary shall also be responsible for the maintenance of the Association's By-laws and Rules and Regulations, incorporating any approved changes into the documents and making copies of the revised documents available to the Members.

The Executive Committee shall determine the stipend to be paid to the Secretary for performance of these duties.

ARTICLE 4 – COMMITTEES

ORGANIZATION OF COMMITTEES

The Executive Committee is responsible for managing the day- to-day operation of the Association. The Executive Committee shall, at its first meeting after each annual election, elect from among them an Executive Committee member to act as head of each Committee provided for in these By-laws. The term of committee leadership shall be one (1) year or until the next annual election. The Committee Chairperson so elected shall be in charge of and responsible for the operation of that Committee and shall make a report to the Executive Committee and the Members at each meeting thereof. The Committee Chairpersons and their respective responsibilities shall be communicated to the Membership after the election.

COMMITTEES

The following permanent committees are required for the operation of the Association:

Ocean Beach Committee shall be charged with the proper operation, safety, and maintenance of Association's ocean beach and the conduct of Members and guests while upon such beach. The Ocean Beach Committee is responsible for the selection, management and oversight of the lifeguards for all Association beaches.

Bay Beach and Playground Committee shall be charged with the proper operation, safety and maintenance of the Association Bay beach and playground and the conduct of Members and guests while upon such beach.

Community Improvements Committee shall be charged with the planning, budgeting and implementation of any project identified as an improvement to the overall appearance of association owned properties. Included in the role is to seek input from our membership regarding ideas of potential projects and to present to the EC and membership for approval the implementation plan.

Entertainment Committee shall be in charge of all entertainment, athletic, and social activities of the Association.

Finance Committee shall be in charge of the Treasury and the collection of all income and revenue of the Association, including dues, assessments, and badge receipts. The Finance Committee shall also prepare and present a proposed budget for adoption by the Executive Committee and the Membership, supervise the expenditures allotted in the annual budget, and review the Association's financial statements.

Tennis Committee shall be charged with the proper operation, safety and maintenance of the Silver Beach Tennis Club and the conduct of Members and guests while on the court.

Insurance Committee shall be charged with arranging for adequate insurance coverage and any insurance related matters of the Association.

Trustees may appoint other Association Members to Committees to aid, assist, and advise them.

SPECIAL COMMITTEES

The Executive Committee may, from time to time, form Special Committees as it deems necessary to assist in the administration of the Association's affairs

ARTICLE 5 – ELECTIONS

ELECTION DATE

The Officers and Trustees shall be elected at the Fall Association Meeting.

NOMINATING PROCESS

The Executive Committee shall either prepare a slate of candidates or appoint a special nominating committee to prepare a slate of candidates for all open elective positions within the Association for presentation to the Membership at the Spring Association Meeting. Additional candidates may be proposed by any Member through submission of a letter to the Secretary prior to July 15th of the election year.

There shall be no nomination of a candidate other than in the manner stated above.

NOTICE TO MEMBERSHIP

All candidates proposed by either of the above methods shall be printed in a single list with the office for which they have been nominated indicated above their respective names. The slate of candidates shall be sent with or included in the Fall Association Meeting materials and such meeting materials must be distributed to the Membership not less than twenty (20) days prior to the Fall Association Meeting.

BALLOT AND ELECTION

The Secretary shall prepare a printed ballot containing a list of the candidates proposed by either of the above methods with a description of the office for which they are candidates printed above their respective names. Ballots shall be provided to the Voting Member (as defined in Article 7 - Meetings) at the Fall Association Meeting to be used for election of the candidates for office. Each ballot must be marked clearly and cannot contain more than one vote for any position or the ballot shall be voided. Each Voting Member may only vote for one candidate for each position and the candidate receiving the highest number of votes shall be declared by the Secretary to be elected.

Any Voting Member who cannot attend the Fall Association Meeting may vote by absentee ballot. Absentee ballots shall be distributed along with the slate of candidates, and/or may be obtained from the Secretary. All ballots are subject to the restrictions set forth in Article 1-Membership and this Article. Absentee ballots must be received by the Secretary prior to the commencement of the Fall Association Meeting.

If there are no opposing candidates for election, the Secretary will make a motion to approve the slate by acclamation.

APPOINTMENT OF INTERIM OFFICERS AND TRUSTEES

The President shall nominate interim Officers and Trustees to replace those who are unable to complete their term of office, to serve for the interim period to the next Fall Meeting, at which time a person shall be nominated and elected by the Members in the manner provided in this Article. Such appointment shall become effective only if approved by a majority vote of the Executive Committee.

ARTICLE 6 – BUDGET

BUDGET

Each Committee shall submit a written report to the Finance Committee who shall review the need and requirement of the listed expenditures and any capital expenditures that are contemplated by the Committee. The Finance Committee shall then prepare the proposed Annual Budget of the Association for the fiscal period of January 1st to December 31st prior to the Fall Association Meeting. The proposed Annual Budget must be approved by the Executive Committee prior to the Fall Association Meeting.

The budget shall show the following:

Current year approved budget, year-to-date actual expenditures and revenues

Coming years proposed budget, including:

Estimated Income and Revenue from all sources

Estimated expenses and cost of capital improvements to be incurred by each Committee for the work entrusted to its care

Current year and prior year Association Account Balances

Other financial items deemed necessary by the Finance Committee.

APPROVAL OF THE BUDGET BY MEMBERS

The budget shall be approved or adjusted and approved by the Voting Members present at the Fall Association Meeting by a majority vote. When approved, it shall be final for the period covered. The Voting Members may, by a majority vote, eliminate from or modify any item or items of proposed expense or capital expenditure contained in the budget at such meeting.

EXPENDITURE OF BUDGET ALLOTMENTS

The Treasurer shall pay any expenses of a Committee approved by the Trustee in charge thereof and shall charge the same against the budget allotment of that Committee. No Committee may expend from its allotted share of the budget a total amount in excess of its budget allotment unless the additional funds required are appropriated from the budget of some other Committee with the approval of the Trustee in charge thereof and approved by a majority vote of the Executive Committee. Emergency expenditures in excess of the budget may be paid from the Association General Account with the approval of a majority of the Executive Committee. Emergency situations are defined in Article 1- Membership.

All sums not expended or contracted for by any of the Committees by the end of the budget year shall become part of the general treasury of the Association. Any funds approved for a capital expenditure that are not allocated in the budget year to the expenditure must be returned to the general treasury.

The Treasurer and the Finance Committee shall be responsible to see that all expenditures of each Committee are proper and do not exceed the amount of money allotted to such Committee. All vouchers for expenditures shall be approved by the Trustee in charge of the Committee involved and then transmitted to the Treasurer for payment. The Treasurer shall keep the books of the Association in such a manner as to charge all expenditures to the proper Committee and be in a position to advise the Trustee in charge of the Committee and the Executive Committee at any time the amount of the budget allotment that has already been expended.

ARTICLE 7 – ASSOCIATION MEETINGS

FALL MEETING

The Fall Meeting of the Association shall be held on a weekend in September, at a reasonable time allowing maximum Member attendance as set by the Executive Committee.

SPRING MEETING

The Spring Meeting of the Association shall be held on a weekend in June, at a reasonable time allowing maximum Member attendance as set by the Executive Committee.

SPECIAL MEETINGS

Special Meetings of the Association may be called at any time by the President or, in his/her absence, by the Vice-President, or by petition of a minimum of twenty (20) Members.

PLACE OF MEETINGS

All Meetings of the Association shall be held within a close proximity to Silver Beach at a place determined by the Executive Committee.

MEETING NOTICES

Meeting Notices are to be distributed to the Membership not less than sixty (60) days prior to the Spring and Fall Association Meetings.

MEETING MATERIALS

Meeting Materials are to be distributed to the Membership not less than twenty (20) days prior to all Association Meetings and shall include, but are not limited to the following:

- Financial Statement (Spring)

- Executive Committee proposals
- Slate of Candidates (Fall)
- Proposed Budget (Fall)
- Tabled Motions from prior Association Meetings
- Updated Rules and Regulations

MEMBERSHIP SIGN-IN

Prior to the commencement of all Association Meetings, one Member for each property shall be required to sign in as the Voting Member representing all voting rights for that property.

QUORUM FOR ASSOCIATION MEETINGS

There shall be no minimum attendance required to form a quorum at any Association Meeting. All Association Meetings shall be conducted and issues decided in accordance with these By-laws, by a majority of the Voting Members in attendance, provided all the requirements of this Article, and the election procedures per Article 5 - Elections, have been complied with.

If a motion is made and seconded which has not previously been communicated in Meeting Materials which would vitally affect the interest of the Members and less than fifty (50) Voting Members are present, the Presiding Officer must either:

- Table said motion until the next regularly scheduled Association Meeting
- Schedule a Special Association Meeting to address the motion

The Secretary shall advise the Membership of such pending motion.

The Executive Committee has sole responsibility to determine issues that vitally affect the interest of the Members.

ORDER OF BUSINESS

Prior to the commencement of all Association Meetings, a count of eligible votes will be determined. This will include all Voting Members present and the absentee ballots received prior to the start of the meeting as provided for in Article 5 - Elections.

The order of business at the Fall and Spring Meetings shall include, but not be limited to:

- Reading of Minutes
- Report of the Treasurer (Current Year's Budget - Planned vs. Actual Year to Date)
- Introduction of new Members by the Secretary
- Report of Trustee Committees
- Report of Special Committees
- Presentation of Proposed Budget by the Finance Committee (Fall Meeting only)
- Vote on Proposed Budget (Fall Meeting only)
- Presentation of the Slate of Candidates
- Elections (Fall Meeting only)
- Unfinished Business
- New Business
- Close of Meeting

MEETING RULES

Roberts Rules of Order shall govern all Meetings of the Association and Executive Committee, unless otherwise provided for in these By-laws. The Presiding Officer shall have a copy of the rules on hand at all meetings.

ARTICLE 8 – BUILDING RULES AND RESTRICTIONS

All lots in Silver Beach, except those fronting on New Jersey State Highway No. 35 North, are restricted to residential use. All houses, whether erected on the residential or business lots, shall be limited to "one-family dwellings". No motor courts, motels, tourist cabins, rooming houses, hotels, or multiple dwellings may be erected on any lot in Silver Beach.

"One-family dwellings", when used herein shall mean dwellings which have only one kitchen and one living and/or dining room, but nothing herein shall be construed to prohibit more than one family from residing in said dwelling, provided said families use the same kitchen and living and dining room facilities.

The physical exterior of any building erected on any lot shall be completely finished and constructed within one year from the date of the commencement of construction. All scrap lumber and debris must be removed from the site within thirty (30) days of the conclusion of construction. All bulk waste must be removed from the premises within a two (2) week period.

Failure to comply with these Building Rules and Regulations may result in revocation of Membership and/or fines to be determined by the Executive Committee.

ARTICLE 9 – AMENDMENT OF BY-LAWS

The Executive Committee may, by six (6) affirmative votes, alter or amend these By-laws at any meeting of the Executive Committee, provided notice of such proposed alterations or amendments shall be given to each Executive Committee Member prior to said meeting. The altered or amended By-laws shall then be distributed to the Members in the next Association Meeting Materials. The Secretary shall make a motion at the next Association Meeting that said section or sections so altered, amended, or added be approved. If a two-thirds (2/3) majority of the Voting Members present shall vote in favor of the amended By-laws, then said amendment shall become effective immediately. The Secretary shall distribute the Amended By-laws to each Member no later than thirty (30) days after Membership approval.