

# Shearwater Yacht Club By-Laws

Proposed: November, 2015

Approved: December, 2016

## TABLE OF CONTENTS

PURPOSE OF BY-LAWS	4
CLUB PRINCIPLES	4
VESSEL REGULATIONS	4
<b>Liability Insurance</b>	4
<b>Mooring field</b>	4
<b>Docks</b>	5
<b>Securing Vessels</b>	5
<b>Storing Vessels</b>	6
<b>Launching and Haul-out</b>	6
<b>Guest Boats</b>	7
<b>Common User Dock</b>	7
SAFETY AND ENVIRONMENT	7
<b>Safe Practices</b>	7
<b>Mandatory Wearing of Life Jackets</b>	7
<b>Environment</b>	8
<b>Cradles and Trailers</b>	8
FEES AND DUES	8
<b>Rationale</b>	8
<b>Membership Fee</b>	8
<b>User Fees</b>	8

<b>Timely Payment of Dues</b>	<b>9</b>
<b>Late Payment Fee</b>	<b>9</b>
<b>MISCELLANEOUS</b>	<b>9</b>
<b>Training Programs</b>	<b>9</b>
<b>Memento Mori</b>	<b>9</b>
<b>Courtesy Pass</b>	<b>9</b>
<b>SYC LEADERSHIP ROLES AND RESPONSIBILITIES</b>	<b>10</b>
<b>PSP Halifax</b>	<b>10</b>
<b>Executive Committee</b>	<b>10</b>
<b>Core Team</b>	<b>10</b>
<b>Support Team</b>	<b>10</b>
<b>Committees</b>	<b>10</b>
<b>ANNEX - TERMS OF REFERENCE FOR SYC GOVERNANCE POSITIONS</b>	<b>1</b>
<b>Commodore</b>	<b>1</b>
<b>Vice Commodore</b>	<b>1</b>
<b>Rear Commodore (Boating Operations)</b>	<b>1</b>
<b>Rear Commodore (Club Operations)</b>	<b>1</b>
<b>Treasurer</b>	<b>2</b>
<b>Executive Secretary</b>	<b>2</b>
<b>SPECIAL AND STANDING COMMITTEES</b>	<b>2</b>
<b>Nominating Committee</b>	<b>2</b>
<b>Finance Committee</b>	<b>2</b>
<b>Awards Committee</b>	<b>3</b>



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## Purpose of By-Laws

1. The By-Laws are written to complement and amplify the Constitution in conformance with the Special Interest Activity Policy and PSP Directives regarding the operation of marinas and sailing clubs. In case of conflict, the latter shall prevail.
2. The SYC Members' Handbook provides further details about specific practices and procedures in the Club.

## Club Principles

3. SYC will use the following principles for operations and management of the Club:
  - a. Organization and Membership: the SYC will follow the Non-Public Funds (NPF) policy and guidelines relating to Special Interest Activity clubs.
  - b. Finance: The SYC is self-financing and accountable in accordance with NPF financial and accounting regulations and procedures.
  - c. Self-Help: In order to reduce costs, SYC operates on a self-help basis. This means that every member is required to participate in scheduled work sessions and projects on the communal areas of the Club, such as the clubhouse, grounds and docks. Acceptance of this principle of mutual help, and active participation in it, are a condition of membership.
  - d. Committees: Most Club programs and activities are organized and conducted by SYC volunteers and committees. Willingness to serve on SYC committees is a condition of membership.
  - e. User Pay: Every facility, program or activity is self-supporting.

## Vessel Regulations

### Liability Insurance

4. All members must carry current liability insurance on all boats they control that use the Club facilities, including the mooring field, marina, foreshore storage and launch facilities.
  - a. The minimum amount of liability insurance to be carried by members using the Club's facilities will be determined from time to time by the Club Executive and will be stated in the Membership Renewal Forms.
  - b. Liability insurance coverage is to be maintained throughout the sailing season and at all other times while the vessel is moored or berthed at Shearwater Yacht Club or stored on SYC (DND) property. Boats without coverage will be removed from Club premises at owner's expense.

### Mooring field

5. The Vice Commodore will assign moorings in accordance with the weight, windage, draft and length of the vessel. Due to structural limitations, maximum vessel dimensions for the mooring field are 44 ft (13.42 m) LOA, 14 ft (4.27 m) beam and 25000 lbs/11339 kg).
6. Boat owners are to use only their assigned moorings. Owners are to inspect their mooring gear monthly and maintain it in good condition.

7. Bridle design shall conform to Club standards as amended in the Club handbook. As a minimum:
  - a. For boats under 10,000 lbs/4536 kg, 2 X braided nylon 5/8 inch with a heavy-duty thimble spliced in the mooring attachment point.
  - b. For boats 10,001 lbs/4536 kg to 25,000 lbs/11339 kg, 2 X braided nylon 3/4 inch with a heavy-duty thimble spliced in the mooring attachment point.
  - c. Bridle length shall be a minimum of three (3) times the height from the water to the chock, but not so long as to interfere with adjacent boats.

## Docks

### Assignment of Berths

8. The Vice Commodore will assign dock berths. Berths will be assigned suitable to the length, beam, windage and draft of the vessel. Dock berths will be assigned each spring for the sailing season. Members do not have proprietary rights to any specific berth. Due to structural limitations, maximum vessel dimensions for dock berths are 38 ft (11.58 m) LOD, 14 ft (4.27 m) beam and 18000 lbs/8165 kg.
9. The priority for the assignment of berths to members is as follows:
  - a. Regular Members;
  - b. Remaining members of the Club Executive;
  - c. Ordinary Members; and
  - d. Associate Members.
10. Within each of the above categories seniority will take precedence. For example: An Ordinary Member with 5 years seniority in the Club will have priority over an Ordinary Member with 2 years seniority. Neither shall have seniority over Regular Members or members of the Club Executive.
11. Regardless of membership category or seniority, a member's overall contribution to the Club through work parties, projects or committees will be a determining factor in the allocation of dock berths.

### Modifications to Berths

12. Modifications to dock berths shall not be made except with the express approval of the Vice Commodore. All modifications must be removed prior to haul-out of docks in the fall.

### Extended Absences

13. Members who are not using their berth because they are away cruising, not yet launched, or previously lifted, may allow another member to use that berth for a specified period provided that the second member's boat is of relatively the same size and displacement. Such arrangements are to be managed between members but are subject to veto by the Vice Commodore if he considers it not to be in the best interest of the Club.

## Securing Vessels

14. Safety and security of vessel is an owner responsibility. Inadequately secured vessels are at risk of damage and present hazard to other vessels, personnel and Club property. All boats moored or berthed at SYC must conform with the following:
  - a. Dock lines, spring lines and chafing gear are to be used on each vessel and must be inspected regularly for wear and maintained in good condition. Spring lines must be of sufficient length and attached so as to control the fore and aft movement of the vessel.
  - b. If the Vice Commodore or his designate deem mooring bridles, dock lines, or chafing gear to be inadequate or insufficient, they will be replaced without further notice and at the owner's expense (materials plus labour).

- c. Boat owners who intend to be away from the Club are expected to employ a “buddy system” whereby another member is authorized to maintain the security of the vessel, and that the Club is informed of the contact person.

## Storing Vessels

### Approval

15. The express approval of the Vice Commodore is required in order to bring any boat onto the premises of the Shearwater Yacht Club. Factors considered by the Vice Commodore will include type, size and condition of the boat, available space and facilities, current liability insurance, and the purpose for bringing the boat to the Club.

### Maximum Size

16. Due to available storage space and lift capacity, the upper limit on yacht dimensions for storage shall be 44 ft LOA (13.4 m) in length, 14 ft (4.27 m) beam and 25,000 lbs (11,339 kg).

### Derelict Vessels

17. Any vessel that does not reflect the good reputation of the Club, has not been launched for two successive seasons, or has been allowed to become derelict shall, at the discretion of the Vice Commodore, be removed from Club-controlled property at the owner’s expense.

### Two-Boat Ownership

18. A member may keep two boats at the Club, if space is available, and pay the appropriate user fees for each. Should the space be required to accommodate the boat of a new member, the member with two boats shall, upon notice, remove one of the boats from the Club premises.
19. A member is not eligible for dock berths for two boats. An available mooring may be allocated for the second boat.

### Dry Sailing

20. Owners of small craft that are dry-sailed are to park their craft in the area assigned to them by the Vice Commodore.
  - a. Boats not bearing a name are to be identified with the owner's name.
  - b. Boats are to be maintained in a neat, seaworthy condition.

### Tender Stowage

21. The area adjacent to the head of the ramp and the shore west of the mast crane and the shore between the dock floats, are designated as tender stowage areas, provided the tenders are above the high water mark.
  - a. No frames to house or shelter tenders may be set on the tender area without permission of the Vice Commodore.
  - b. All tenders are to be identified.

### Launching and Haul-out

22. The following are the rules and procedures regarding launching and haul-out of boats at SYC:
  - a. The Vice Commodore is responsible for making arrangements for the spring and fall launching and haul-out of boats.
  - b. Members may use the Club ramp for launching or recovering their boat.
  - c. Members may make private arrangements with a commercial crane service if the Club’s scheduled dates are not satisfactory to them. Date and time must be co-ordinated with the Vice Commodore to ensure there is no conflict with other Club activities.

- d. Boat owners using the Club-scheduled launch or haul-out must provide manpower to assist in the launching and haul-out of boats.
- e. Boat owners will be assessed a prorated fee based on time, equipment used (rented cranes,
- f. rented/club trailer) and storage location to ensure a fair and equitable fee for all owners using the service .Prior to launching or haul-out, all dues, charges and fees owing to the Club by the individual boat owner shall be paid in full, and a deposit to cover the cost of the launch or haul-out must be tendered. The amount of the deposit will be determined by the Executive.
- g. The Club has no mast-out Policy. Such conditions are determined by the company authorized by SYC to conduct the lift activities during launch and haul-out. Trailer-launched boats may leave masts in and fully secured upon approval of the Vice Commodore.

### **Guest Boats**

- 23. There are designated guest moorings and guests may be accommodated in a dock berth if space is available.
  - a. Moorings will be provided free of charge for the first two nights. A charge will apply thereafter in accordance with the Club fee schedule.
  - b. Dock berths may be rented, if available, in accordance with the Club fee schedule. Space at the Common User Dock will be subject to the same charge.

### **Common User Dock**

- 24. The Common User Dock is for the use of members and guests. Because of the limited space available, and to ensure reasonable access for all users, the following restrictions shall apply:
  - a. Only short stops for embarkation and debarkation, provisioning, etc., should be planned. The nominal time limit is two hours unattended unless specifically authorized to stay alongside for a longer period by the Vice Commodore or his/her representative.
  - b. A boat shall be considered attended if the owner or responsible person is on Club property.
  - c. Boats may remain on the common face overnight only with the expressed permission of the Vice Commodore or his/her representative.

## **Safety and Environment**

### **Safe Practices**

- 25. In all activities at SYC, members shall act responsibly and with due regard for their own safety, the safety of others, and the property of the Club and other members.
- 26. The responsibility for the safety and supervision of minors engaged in sailing activities at the Club, outside of authorized formal training courses, rests entirely with the parent or guardian. This applies to the sailing of Club boats as well as privately owned vessels.

### **Mandatory Wearing of Life Jackets**

- 27. Personal safety on or near the water is of paramount importance. Properly fitted life jackets or PFDs must be worn at all times by:
  - a. Anyone operating Club boats (dinghies, Zodiacs and work pontoon).
  - b. Children twelve (12) years old and under, along the foreshore on Club docks.

## Environment

28. In all activities at SYC, members shall act in accordance with environmental regulations prescribed by law and good practice and as specified in the Member's Handbook (HAZMAT) or otherwise distributed by the Executive.

## Cradles and Trailers

29. Cradles and boat trailers must be of suitable size and construction for their intended use, and in serviceable condition. The Vice Commodore may condemn their use, if in his judgement they do not meet the requirement.
  - a. Cradles and trailers are to be stored in the area allocated by the Vice Commodore.
  - b. They are to be identified with the boat's name and owner's name.
  - c. They are to be kept in a serviceable condition, and the area under and in close proximity to them must be kept tidy.

## Fees and Dues

### Rationale

30. The fee structure at SYC is based on four primary considerations:
  - a. An assessment of actual and projected cost over three years for operations, maintenance, and capital requirements for each functional area of the Club;
  - b. The principle of "User-Pay"; and
  - c. Programs and activities (i.e. Racing, Social, Sail Training) are self-supporting.
  - d. In accordance with the Constitution, as a PSP activity, Club membership is preferential to the primary CFMWS clientele; that is, Regular and Ordinary members. Associate members shall pay higher fees reflecting their privileged membership in a military Club.
31. Fees are further defined as either Membership Fees or User Fees:
  - a. A Membership Fee is assessed for the use of Club facilities and services common to all members.
  - b. User Fees are assessed for specific boating-related facilities and services.

### Membership Fee

32. Membership fees consist of member fee, Sail Canada club fee, bar levy and gift fund subscription. The applicable membership fee shall be paid in full for the current fiscal year, and is non-refundable.
  - a. Boat owners and crewing members pay all fees;
  - b. Social members pay member fee, bar levy and gift fund.
  - c. Out-Of-Port members pay an Out-Of-Port fee and gift fund.
  - d. Life members are exempt from membership fees, but have the option to pay the bar levy.

### User Fees

33. Boat owners will pay fees to keep their boat on Club property.
34. User Fees comprise the following:
  - a. General Boating Fee: A general fee for all boat owners for the full year.
  - b. Dock Fee: One season use of a dock berth.
  - c. Mooring Fee: One season use of a mooring.
  - d. Land Storage Fee: Winter - for those who choose to store boats on-site; Summer - for dry-sailing or in lieu of launching.
  - e. Locker Fee: Rental of a locker for one year.



35. Members departing or joining the Club after launch day shall be charged user fees prorated by the number of weeks of the season that services are used. A similar process is applied to boats moved between moorings and dock berths.
36. A member who is posted, or temporarily transferred, to an area that precludes the use of his/her boat may, with the permission of the Vice Commodore, pay the relevant user fees in conjunction with Out-of-Port membership to keep his/her boat at the Club for the duration of the posting/transfer. The owner must ensure the boat is periodically inspected so as not to become derelict.

### **Timely Payment of Fees**

37. Any member whose membership/boat fees remain unpaid thirty (30) days from the due date shall cease to be a member of SYC and shall have until June 1st of that year to remove their vessel from the Club property.

### **Late Payment Fee**

38. Miscellaneous member accounts, such as haul-out fees, are net 30 days. Accounts past-due shall be assessed a monthly late fee of two per cent.

## **Miscellaneous**

### **Training Programs**

39. The Club annually presents a full and varied training program. While these courses are intended primarily for Club members, if openings are available, non-members are most welcome to attend. It must be understood, however, that preference will be given to members.

### **Abandoned Property**

40. Any personal property left longer than three months at the Club after a person ceases to be a member of the Club may be disposed of at the Club's discretion.

### **Memento Mori**

41. The Club may spend up to \$50 for flowers, wreaths or a charitable donation in the event of the death of a Club member or his/her partner.

### **Courtesy Pass**

42. Courtesy passes are used to welcome individuals and their families to the Club without them being required to take out a full membership. The Executive must approve all courtesy memberships.
43. Courtesy passes have certain specific benefits and limitations:
  - a. Benefits
    - i. Club privileges for one year for the holder and his or her family;
    - ii. Occasional crewing;
    - iii. Rental of Club boats; and
    - iv. Participation in Club seminars and courses.
  - b. Limitations
    - i. Non-voting;
    - ii. Cannot hold office;
    - iii. Cannot have a boat on the premises; and
    - iv. No Sail Canada membership through the Club.

## SYC Leadership Roles and Responsibilities

### PSP Halifax

44. PSP Halifax is responsible to ensure SYC is in compliance with current DND/PSP/NPF policies, directives and regulations. The PSP Office Manager employed at the Club is responsible to the Senior Manager, PSP for Club administration and the bar and is responsive to the needs of the SYC Executive, volunteers and Club members. For effective operation of SYC there is open communication and collaboration between the Senior Manager, PSP and staff and the SYC Executive Committee, Core and Support Team members.

### Executive Committee

45. The SYC Executive Committee is responsible for leadership and good governance in the day-to-day management of SYC. Each executive member is responsible for:
  - a. Ensuring SYC is in compliance with current DND/PSP/NPF policies, directives and regulations;
  - b. Providing leadership for the effective development and implementation of Club policy, priorities, programs, and services by:
    - i. Participating in short- and long-range planning;
    - ii. Participating in annual Club business and budget planning;
    - iii. Appointing Core Team volunteers for the services or programs within their area of responsibility.
    - iv. Ensuring there are current terms of reference for their Executive position and for the Core Team volunteers within their area of responsibility.
    - v. Monitoring and evaluating the effectiveness of Club services and programs in relation to the needs of volunteers and members.

### Core Team

46. A number of core team members are required to lead the ongoing operation of SYC programs and services for members. The lead (manager, fleet captain or director) for a core service or program is responsible for:
  - a. Planning and implementing their service or program according to their terms of reference and in accordance with the Club business plan and budget.
  - b. Monitoring and evaluating the effectiveness of their Club service or program in relation to the needs of volunteers and members
  - c. Updating the Executive Committee member they directly relate with, as required.
  - d. Providing data to the Executive Committee to aid in business and budget planning, as required.

### Support Team

47. A number of individuals are required as a support to the Executive Committee and Core Team members to ensure the ongoing operation and maintenance of SYC infrastructure, programs and services. Their roles may exist on a continuing basis or end with the completion of their task or event. Individual members of the Support Team are responsible for implementing their activity according to their terms of reference or specific task as outlined by Executive Committee and Core Team members.

### Committees

48. A number of committees are required as a support to the Executive Committee and Core Team members to ensure the ongoing operation and maintenance of SYC infrastructure, programs

and services. Committees of the Support Team are of two types: Special Committees and Standing Committees

- a. **Special Committees** can be struck to complete a specific task or responsibility and shall not exist after the completion of that task or responsibility.
  - i. Nominating Committee: reviews and recommends candidates for election to the Executive Committee.
- b. **Standing committees** have a continuing purpose and existence. The SYC standing committees are:
  - i. Awards committee: reviews and recommends candidates for non-racing awards.
  - ii. Finance Committee: reviews and makes recommendations on finance matters to the Executive team.

Annex – Terms of Reference for Club Governance Positions

## Annex - Terms of Reference for SYC Governance Positions

### Commodore

1. The Commodore is the Chief Executive Officer of SYC and is responsible for :
  - a. All aspects of good governance and management of SYC;
  - b. Ensuring effective communication to the PSP Manager on Club operations;
  - c. Chairing Executive and General meetings;
  - d. Representing the Club publicly; and
  - e. Maintaining liaison with area yacht clubs, Sail Nova Scotia and Halifax Port Authority.

### Vice Commodore

2. The Vice Commodore is responsible for:
  - a. Carrying out Commodore's duties when the Commodore is absent;
  - b. Working with the Office Manager to fulfill PSP responsibilities including financial accountability and other day-to-day Club business. This includes:
    - i. The role as signing authority for the Club.
    - ii. Overseeing the administration of Club contracts, CERs, environment assessments and other similar needs.
    - iii. Advising the PSP Office Manager whenever something out of the ordinary arises
    - iv. Making decisions affecting Club day-to-day business
  - c. Developing short and long term planning for maintenance and improvement of SYC infrastructure;
  - d. Facilitating effective management and implementation for:
    - i. The process for assigning SYC facilities for members' use.
    - ii. The process for Industrial Safety, HAZMAT, and Environmental Controls;
3. The Vice Commodore is responsible for the appointment and terms of reference of the following volunteer team members:
  - a. Core team: Yard Warden, Dock Warden, Mooring Field Warden, Building Maintenance Warden, Club Boats Warden
  - b. Support team: Dock Custodians, Club Boat Custodians

### Rear Commodore (Boating Operations)

4. The Rear Commodore (Boating Operations) is responsible for:
  - a. Facilitating effective implementation of the following Club activities:
    - i. Sail training programs: youth and adult
    - ii. Boating programs: racing and cruising
    - iii. Boating education programs
  - b. Representing SYC on the Sail Nova Scotia Area Rear Commodores' Committee.
5. The Rear Commodore (Boating Operations) is responsible for the appointment and terms of reference of the following volunteer team members:
  - a. Core team: Fleet Captain Racing, Fleet Captain Cruising, Regatta Director, Sail Training Program Director
  - b. Support team: Club Handicapper

### Rear Commodore (Club Operations)

6. The Rear Commodore (Club Operations) is responsible for:
  - a. Coordinating and maintaining the SYC Business Plan;

- b. Facilitating effective implementation of the following :
  - i. Membership;
  - ii. Club Kit Shop operations;
  - iii. Facility and boat rentals;
  - iv. Advertising, marketing, media and communications; and
  - v. The social program.
- 7. The Rear Commodore (Club Operations) is responsible for the appointment and terms of reference of the following volunteer team members:
  - a. Core team: Social Program Director, Communications Director
  - b. Support team: Trophies Officer

### **Treasurer**

- 8. The Treasurer is the Chief Financial Officer of SYC and is responsible for:
  - a. Providing financial data to the PSP manager to aid in the development of the SYC budget.
  - b. Monitoring implementation of the SYC budget and capital plan and providing recommendations as necessary to the Executive Committee.
  - c. Preparing financial reports for presentation at Executive Committee meetings and SYC General Meetings; and
  - d. Chairing the SYC Finance Committee.

### **Executive Secretary**

- 9. The Executive Secretary is responsible for:
  - a. Preparing the Notice of Meeting for the Executive and General meetings and publishing the Agendas.
  - b. Recording and posting Executive and General meeting minutes as directed in the Constitution.
  - c. Maintaining the Club Constitution and Bylaws.

## **Special and Standing Committees**

### **Nominating Committee**

- 10. The Chairperson of the Nominating Committee is appointed by the Commodore. The Chairperson will select at least one other Club member to serve on the committee.
- 11. The chairperson:
  - a. Communicates to the general membership the opening of nominations for candidates for the Executive Committee.
  - b. Reviews nominations with the Nominating Committee member(s) to ensure they meet the Executive Committee and elections criteria.
  - c. Posts the slate of candidates with the Executive Secretary's Notice of Meeting for the Fall General Meeting.
  - d. Receives any nominations from the floor prior to the election and reviews with the Nominating Committee member(s) to ensure they meet the Executive Committee and elections criteria.
  - e. Leads the elections process.

### **Finance Committee**

- 12. The Treasurer is the chairperson of the Finance Committee. Standing members of the committee include: the Vice Commodore, the Rear Commodore (Club Operations), and one non-

executive member chosen by the Chair. Other members may be appointed on an *ad hoc* basis to assist with tasks such as the fee structure review.

13. The Finance Committee:

- a. Recommends a financial strategy to address SYC operational and capital requirements and priorities for the next five years;
- b. Reviews the budget and capital plan, and financial performance on a quarterly basis and provides an analysis for the Executive Committee.
- c. Reviews the SYC Fee Structure bi-annually and recommends changes as required in accordance with SYC policy.

### Awards Committee

14. The Chairperson of the Awards Committee is appointed by the Commodore. The Chairperson will select at least one other Club member to serve on the committee

15. The chairperson :

- a. Communicates to the general membership the opening of nominations for candidates for the non-racing SYC awards.
- b. Reviews nominations with the Nominations Committee member(s) to ensure they meet the criteria for the award.
- c. Forwards the committee recommendations for recipients to the Executive Team.
- d. Forwards the Executive Committee's decision regarding the award recipients to the Trophies Officer in time for engraving by the SYC Annual Awards Night.
- e. Maintains records for all candidates to provide a base for award selections in the future.