

FBYC BYLAWS

BYLAW # 1

No Bylaw shall be made that is contrary to articles of the Constitution or that exceeds the limits of authority set out by the Constitution.

BYLAW # 2 ADMISSION:

Application for membership shall be made on a form provided by the Club. The application shall contain a pledge by which the candidate promises, if accepted as a member, to be bound by the Constitution, Bylaws and House Rules of the Club. It shall be signed by a sponsor who shall either be an Active Member of the Club in good standing, or by the Membership Committee Chairperson. All applications from Junior Members to Active, Intermediate or Dinghy Membership must also be endorsed by the Rear Commodore of Junior Sail before acceptance by the Membership Committee. The application shall be accompanied by payment(s) in amounts and timeframes set by the Club Membership Committee and accepted by the Board of Directors. Applicants joining after the end of June shall have their membership fees and boat related fees prorated in proportion to the Club's operating year and the sailing season remaining, respectively. Each applicant's interest in membership shall be posted by the Membership Committee for a period of 30 days so the General Membership may provide the Membership Committee with comments about the applicant's acceptability for membership. Each applicant shall be interviewed by the Membership Committee and, upon the Committee's approval of the candidate and following the successful completion of the 30-day posting period, the Board of Directors shall be advised by the Membership Committee of the acceptance of the new member into the Club. If the application is rejected by the Membership Committee, the Board of Directors will be advised of the reasons and the candidate shall be promptly notified and the fee cheques returned.

BYLAW # 3 BORROWING:

When authorized by a resolution approved by two thirds of the members present at a properly constituted General or Special Meeting duly called for the purpose, the Board of Directors may;

- a) Borrow money on the credit of the Club;
- b) Issue, sell or pledge debt obligations of the Club; or
- c) Charge, mortgage, or pledge all or any of the currently owned or subsequently acquired real or personal property of the Club, including book debts, rights, powers, franchises and undertaking, to secure any debt obligations or any money borrowed, or other debt or liability of the Club.

The words "debt obligations" as used in this paragraph mean bonds, debentures, notes or other similar obligations of the Club, whether secured or unsecured.

In an emergency situation when time does not permit notice of a Special Meeting, no member's authorization shall be required for any borrowing by the Board of Directors if the amount to be borrowed together with the aggregate of all outstanding borrowings at that time does not exceed \$10,000.00.

Once transacted, the Board of Directors will call a Special General Meeting to report the transaction. This report could occur at one of the four General Meetings provided it is not more than one month from the transaction.

FBYC BYLAWS

BYLAW # 4 RATIOS:

At all times, members owning sailboats shall outnumber members owning powerboats in the ratio of at least 60/40.

BYLAW # 5 DEBENTURES:

a) It shall be a condition of Active Membership in the Club that a member is the beneficial owner of a perpetual \$350 debenture certificate.

b) It shall be a condition of Active Membership in the Club that a member is the beneficial owner of a perpetual \$650 debenture for dock replacement.

c) These certificates are not assignable.

d) If a member relinquishes membership in the Club, the certificates shall be made available to the Club for redemption in order that a new perpetual certificate may be issued to an incoming member. The Club will redeem such certificates in order of receipt only when funds are available from certificates purchased by new members.

BYLAW # 6 MEMBERSHIPS:

The membership of the Club shall be divided into the following classes;

Active Member: Active Members will have full privileges and responsibilities of the Club after having paid their annual dues and initiation fees. These privileges include voting rights and the right to hold office. The responsibilities shall include their functioning as Duty Officer when called upon.

The spouse and children (up to 16 or while attending school) are included in the membership of an Active Member.

Spouses are eligible to vote at the discretion of, or in the absence of, the Active Member. The spouse of an Active Member in good standing, may be elected to the Board of Directors provided that the Active Member relinquishes, in writing, the Active Membership to said spouse, for the duration of the term in office.

Junior Member: A Junior Member is a person who on the 1st of January of the current year is 7 years old and/or is a member of the Optimist Racing Program and/or a member of the FBYC Racing Team but under 25 years of age, providing they are full time students attending a recognized college or university. They must have a minimum of White Sail 3 of the CYA standard. The Junior Member's application must be countersigned by the parents or guardian if the member is less than 18 years of age. They can own a boat providing it can be dry sailed. Once a Junior Member ceases to be a full time student, they must apply for Intermediate Membership.

All applications from the Junior Club to Intermediate Membership must be approved by the Rear-Commodore of Junior Sail.

Membership fees shall be set by the Rear-Commodore of Junior Sail and shall be paid to the Junior Sailing Committee. Junior Members will have no voting privileges in FBYC.

The Junior Members privilege to bring guests onto the Club property may be cancelled at the request of any Officer of the Club.

FBYC BYLAWS

Sailing School Participant: This shall be a person between the ages of 7 and 17 who is attending Sailing School classes for the specific purpose of learning the art of sailing and is not a member of FBYC.

The participant is allowed to use Club facilities only during the hours of training or as set down by the Junior Sailing Committee and the House Committee.

All fees from Sailing School participants shall be payable to the FBYC Junior Sailing School

Adult Sailing School Participant: This shall be a person over the age of 18 who is attending Adult Sailing School classes for the specific purpose of learning the art of sailing and is not a member of FBYC.

The participant is allowed to use Club facilities only during the hours of training or as set by the Junior Sailing Committee and the House Committee

All fees for the Adult Sailing classes shall be payable to the FBYC Junior Sailing School.

Intermediate Member: These members will be under the age of 30 and shall have all the privileges and responsibilities of an Active Member but cannot vote or hold office. Annual dues will be 50% of those for an Active Member. An Intermediate Member moving from Junior Membership will pay annual dues of 20% of an Active Member for the first year and 50% thereafter.

When an Intermediate Member becomes an Active Member, full initiation fees and debentures will be payable over five years in equal annual instalments. An Intermediate Member who originally moved from Junior Membership will have such initiation fees reduced by 20% for each year of Junior Membership. These members will have to pay debenture fees on the same basis as other Intermediate Members.

Non-Resident Members: Active Members, upon application to and approval by the Membership Committee, may become Non-Resident Members for one year provided they live farther than 80 km from the Club and do not make normal use of the Club's facilities.

The Membership Committee may approve extensions on an annual basis.

Non-Resident Members may rejoin Active Membership at any time upon payment of any increase in initiation fees and debentures that may have been incurred since they were Active Members. Non-Resident Members must rejoin the Club when they move back within the 80 km radius.

Non-Resident fees will be set annually by the Board of Directors.

Dinghy Member: A Dinghy Member shall have all the privileges and responsibilities of an Active Member but cannot vote or hold office. If an Active Member transfers to Dinghy Membership, debentures will be treated as though such member were still in the Active Membership category and not redeemed until resignation from the Club.

Annual fees and boat storage charges will be established annually by the Board of Directors. If a Dinghy Member transfers to the Active Member category, such member will have to pay appropriate initiation fees and debentures in equal annual instalments over the next five years. Dinghy members can only keep a dry-sailed boat at the Club and are included in the maximum Club membership of 150 and limited to a maximum of 15 in number.

FBYC BYLAWS

Honorary Members: A person may become an Honorary Member upon the recommendation of the Board of Directors and subsequent approval by two-thirds of the votes cast at any regular meeting of the General Membership.

Any member may make a nomination for Honorary Membership by presenting written details to the Board of Directors of the nominee's outstanding contribution to FBYC over a period of years in one or more areas, including but not limited to promotion of sailing and boating, administration and work or effort as a private member that directly reflected on the well-being or image of the Club.

The nominee must have been a Member in one of the current membership categories within the previous 12 months.

The Board of Directors will confirm nominee acceptance before bringing a motion to the General Meeting. Honorary Membership may be granted for one or five year periods or for life. It may be terminated in the same way in which it was granted.

Honorary Members may enjoy all the facilities of the Club except that they may not vote or hold office, or be assigned a slip. Membership fees will not be applicable to Honorary Members.

Crew Associates: Crew Associates must have crewed for one year and be recommended annually by an active skipper in good standing as an Active Member.

Crew Associates will not have a Club key and will have no docking privileges. The membership fee will be established annually by the Board of Directors. If a Crew Associate becomes an Active Member, the cumulative Crew Associate fees paid shall be applied against the initiation fee.

Senior Associates: An Active Member with over five years membership in the Club and being at least 60 years of age, with the approval of the Membership Committee and Board of Directors, may become a Senior Associate member.

Such members may not be assigned a slip or bring a boat into the Club and may not vote or hold office.

Membership fees will be established annually by the Board of Directors. Active Members desiring to change to Senior Associate shall not be eligible for return of debenture or initiation fees but they will be eligible for return of debentures when they resign from the club.

Senior Associate Members may serve as Committee Chairs.

Social Members: Such members will be granted the privileges and responsibilities of an Active Member but cannot bring a boat into the Club and cannot vote or hold office.

The membership fee will be established annually by the Board of Directors.

This class of members shall be restricted to one-half of the vacancies in the Club roster as of March 1st each year and is subject to annual renewal after March 1st of each year. If vacancies in the Club roster of 150 are 10 or less, no Social Memberships will be available.

Active Members desiring to change to Social Membership will not be eligible for return of debentures or initiation fees but they will be eligible for return of debentures when they resign from the club.

FBYC BYLAWS

Spouses Rights: Upon the death of an Active Member in good standing, all membership privileges shall be granted to the surviving spouse without the requirement of any additional payment of annual fees for the year of the death of the deceased member.

BYLAW # 7 DUES AND FEES:

Dues and fees shall become due and payable annually on January 1st and must be paid in full by January 31st of each year, with the exception of the Slip Fees which shall be payable on March 31st, and the Social Membership which shall be payable by April 15.

When an Active Member fails to pay respective dues and fees by the required date of January 31st, the Board of Directors will issue, by registered mail, a formal notice to the last known address. This notice will advise that payment in full is required within 10 days from the date of mailing to prevent cessation of membership. Failure to pay dues and fees as outlined above will automatically constitute resignation from the Club and re-application for membership will be necessary.

A report of outstanding dues and fees will be made by the Treasurer at the February General Meeting.

All membership dues and fees are payable to Frenchman's Bay Yacht Club, except the Junior fees which are payable to the FBYC Junior Sailing School.

BYLAW # 8 ASSESSMENTS:

Only Active Members are liable for assessments made by the Board of Directors.

BYLAW # 9 VOTING:

Only Active Members will be allowed to vote at General Meetings. Any member not in good standing will not be allowed to vote or hold office or to propose or second any motion at a General Meeting.

BYLAW #10 SUSPENSIONS AND COMPLAINTS:

A member who is suspended shall not enjoy any of the privileges of the Club or participate in any of its activities or use the Club premises in any ways.

Any member, who has a complaint against any officer or other Club member or about any service rendered by the Club, shall make the complaint in writing to the Board of Directors which will take whatever action they deem necessary at the next ensuing Board of Directors meeting.

Any member who, having a complaint so dealt with by the Board of Directors, feels that the action taken was not justified by the facts, or anyone who having been so complained against feels they were not fairly treated shall have the right of appeal to the General Membership.

A Special Meeting of General Membership may be called to consider the case. Such meeting may only be called after the member desiring the meeting has presented to any Member of the Board of Directors a petition signed by the lower of 15 Active Members or 20% of the then current registered Active Members., requesting that a Special General Meeting be called in accordance to the Club Constitution.

The privileges in the foregoing paragraphs shall also apply to persons under suspension or expulsion. Any Flag Officer on noting, or having called to the Flag Officer's attention, wilful or flagrant infractions of the Constitution, Bylaws or House Rules of the Club, may take the following action:

FBYC BYLAWS

a) Warn the offender that such action or practice must cease forthwith as it is contrary to the rules of the Club.

b) Lodge a complaint against the offender with the Board of Directors which will send, by registered mail, a notice of hearing to appear before the Board of Directors in their own defense. If the offender does not appear, without due cause being presented, the decision of the Board of Directors will be final.

o) If the offence is such that it involves danger or discomfort to other Members, or damage to the property of the Club or other members, or is such that it will bring the Club into disrepute, any member of the Board of Directors may temporarily suspend the member until such time as the Board of Directors has dealt with the case. The Board of Directors will make a decision on the case within six days.

In case of suspension or expulsion there will be no return of dues or fees, nor shall such member be relieved of the obligation to pay any dues or fees outstanding at that time.

BYLAW #11 RULES FOR SLIP ALLOCATION:

The purpose of formulating such rules is:

a) To assure that all members desiring slip space are treated fairly and equally.

b) To give guidance to the Rear-Commodore Harbour and to protect him/her from undue criticism in relation to slip allocation.

c) To give guidance to those who presently do not have slips so that they may be assured that they are treated fairly in the order that available slips are allocated.

PROCESS

1. No member has any proprietary interest in any slip as to location and/or size and the right to occupy any allocated slip is subject, at all times, to the orders of the Rear-Commodore Harbour.

2. It is the duty of the Rear-Commodore Harbour to see that slips are allocated so as to make the best use of the harbour and such allocation will not be interfered with.

3. Seniority between members shall be established by their ranking on the "Club Seniority List". The Membership Committee will maintain and issue this list to the Rear- Commodore Harbour, through the Vice-Commodore, as soon after the dues deadline as possible.

4. A Member, who did not occupy a slip in a given year, may request reservation of this slip for one additional year only. Thereafter the Member assumes a position according to the rules of the second priority.

5. A boat size is determined by its overall length and width. Length includes a permanently attached boat feature such as bowsprit or dinghy davits hanging from the stern, or swim-decks on powerboats.

6. A Dinghy Member may use an appropriate and available slip subject to the appropriate discounted slip fee, as set annually by the Board of Directors. If an active member is assigned the slip, the Dinghy member must vacate the slip with 7 days of notice from the Rear Commodore Harbour. They may then be refunded part of their slip fee.

FBYC BYLAWS

RULES:

It shall be the duty of the Rear-Commodore Harbour to annually allocate the slips, in accordance with the priorities hereinafter set forth, as soon after the dues deadline as possible.

First Priority: Every member who;

1. Had a slip in the previous year and
2. Requires a slip of the same size or smaller, shall be deemed to have first priority for the purpose or slip allocation and be entitled to a slip in priority of members of all other priority categories.

As between members with first priority, the member who has the higher ranking on the "Club Seniority List" shall be deemed to have priority over a member with a lower ranking.

Second Priority: Every member who;

1. Requires a larger slip than occupied the previous year or
2. Did not have a slip the previous year or
3. Occupied a dry slip or
4. Is a new member requiring a slip,

Shall have a slip allocated in sequence of the position on the "Club Seniority List" and as a suitable slip becomes available.

Notwithstanding the foregoing, no member has a priority right to a slip unless the member's annual dues and slip fees are paid prior to the established deadline for such payment.

Notwithstanding the foregoing, no slip shall be allocated for boats larger than can easily be accommodated in current facilities at the discretion of the Rear-Commodore Harbour.

TEMPORARY SLIP ALLOCATION

Whenever it is brought to the attention of the Rear-Commodore Harbour that a slip is not being used, a temporary allocation may be made at the discretion of the Rear-Commodore Harbour. No member may accept temporary allocation of a slip other than from the Rear-Commodore Harbour. A member holding a temporary slip allocation shall vacate the slip when and as required by the Rear-Commodore Harbour. No member shall advance from one priority category to another by reason only of having had a temporary slip allocation.

DECISION APPEALS:

Any member affected by any decision of the Rear-Commodore Harbour as to who is entitled to slip allocation may appeal the same to the Board of Directors by notice in writing setting forth the basis of the Member's complaint. The Board of Directors shall designate three of its members to investigate such complaint and make written recommendations within 30 days of written notice of appeal to the Board of Directors as to the disposition of the appeal. The Board of Directors may allow the appeal and direct the Rear-Commodore Harbour to take such action as is requisite to give the effect to its decision or dismiss the appeal and confirm the original decision of the Rear-Commodore Harbour.

FBYC BYLAWS

BYLAW # 12 INSURANCE:

All vessels in slips at the Club must carry \$2,000,000 liability insurance. Evidence of vessel insurance presented to the board of Directors within 14 days of request and that such insurance coverage must be maintained on the vessel while it is docked at the Club.

BYLAW #13 REVISIONS:

Any bylaw may be repealed or amended or any additional bylaws passed by a simple majority of duly qualified voting members at any General or Special Meeting called for the purpose, providing that due and proper notice of the meeting has been given and a quorum of qualified members is present.

May 30, 2016