

# TORONTO HYDROPLANE AND SAILING CLUB CONSTITUTION



(Incorporating Amendments enacted December 2013, 2014, 2017, 2018)

We, the undersigned, do declare ourselves to be a Club for mutual improvement of hydroplane racing, sailing, and boating in general, for both sport and pleasure. The special object of the Club shall be to encourage full enjoyment of the sport of boating in its broadest sense by providing, at a reasonable cost, adequate facilities and a friendly atmosphere for individuals who are willing to participate in sustaining and improving the Club as a condition of their membership. In the pursuit of which we desire to exhibit a due consideration for the opinions and feelings of others and have adopted for our government the following Constitution, By-Laws and Rules of Order.

## **Article 1: Club Name**

This Club shall be known by the name of the TORONTO HYDROPLANE AND SAILING CLUB (TH&SC). The official Club logo and colours shall be that as defined in the most current Letters Patent Artistic registered with the Province of Ontario.

## **Article 2: Officers and Club Executive Board**

The officers of the Club in order of seniority of position shall consist of a Commodore, Vice Commodore, Rear Commodore, Secretary/Treasurer, Property Manager, Harbour Master. The Club Executive Board shall consist of six elected officers plus the Past Commodore. Three officers shall be elected annually from the Club Membership for a 2 year term. The Commodore, Rear Commodore, and Property Manager will be elected in the first year and the Vice Commodore, Secretary/Treasurer, and Harbour Master will be elected in the alternate year. In the event of more than 2 candidates standing for the same position, the initial vote shall be followed by a runoff of the top two candidates if one candidate does not carry the vote with at least 50% of the vote plus 1. Only a Club member who has held continuous membership for a minimum of 2 years shall be eligible for election. In case of a vacancy occurring during the two year term of the elected officers, an election shall be held at the next Annual General Meeting, or at the discretion of the Executive Board, at a Special General Meeting called for that purpose, to fill the vacancy for the balance of the term. The new officer shall take his/her seat immediately after such election.

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A member shall not be elected to the same Executive Board position for more than three consecutive terms.

A member of the Executive Board may be expelled from office by a two-thirds majority vote at a properly constituted General Meeting.

The Executive Board shall be in power for the duration of the Club. Four elected officers shall constitute a quorum.

## **Article 3: Duties of the Executive Board**

The Executive Board shall delegate and have final controlling authority over the day-to-day operation of the Club. The Executive Board shall see that the Policy and Procedures manuals are kept up to date through an annual review.

## **Article 4: Duties of Elected Officers**

**(a)** It shall be the duty of the Commodore to preside at all meetings of the Club, to enforce a due observance of the constitution, by-laws and rules of order; to decide all questions of order, offer for consideration all motions regularly made, and otherwise provide for and perform such duties as this office may require.

He/she shall make no motion and, if the Club be equally divided, the Commodore has the option to break the tie.

The Commodore shall be a signatory for the Club accounts.

**(b)** In the absence of the Commodore the duties of that office shall be performed by the Officers of the Club in order of seniority as described in Article 2.

**(c)** The Vice-Commodore shall be responsible for keeping a record of the name and residence of each member, showing when he/she was admitted, and when he/she died, resigned, or was expelled, vessel ownership and ownership status and shall have charge of all books, documents, papers and electronic files belonging to the Club related to these records.

**(d)** The Rear Commodore shall be responsible for all activities related to racing, cruising, and all social activities.

Additionally, he/she shall be responsible for the dry sail fleet and the inventory of Club regalia.

**(e)** The Secretary/Treasurer shall be responsible for the keeping of a permanent record of the proceeding of the Club. He/she shall file notice of

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the change of officers in accordance with Provincial legislative requirements with the appropriate Provincial agency. He/she shall report the state of the treasury whenever required by the Commodore, the Executive Board or a resolution of the Club.

**(f)** The Property Manager shall be responsible for all the Club's land based assets.

**(g)** The Harbour Master shall be responsible for the Club's water based assets.

**(h)** The Past Commodore shall be responsible for maintenance of the continuity of the Club direction and projects.

**(i)** The Executive Board shall present to, and read before the Club, reports at the Annual general Meeting.

## **Article 5: Club Planning Committee**

The Planning Committee shall consist of the Past Commodore who shall act as chairperson plus four additional members to be appointed by the Executive Board of which at least two (2) members shall fulfill the following criteria; a member who has served at least one full term on the Executive Board or previous Executive or has been a member in good standing for a minimum of 10 years.

The Planning Committee will develop and oversee the implementation of the long range plan for the Club in consultation with the members of the Executive Board. This plan will be voted on by the membership at a duly constituted General meeting of the Club. The Executive Board will be bound to the plan unless a change is voted on and passed by the membership.

## **Article 6: Finances**

It is the objective of the Club to balance the financial year budget. The membership shall be able to generate sufficient funds to self-finance its operation as well as the acquisition of all assets. Any anticipated borrowing must be approved by the Executive Board and then by a two thirds majority vote at a properly constituted General meeting.

## **Article 7: Definition of Membership**

### **Hydroplane:**

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(Full voting privileges) Those members who constitute the original membership of the Club at its inception, to be known as chartered racing members. Any person who owns, drives or maintains a solely motor driven racing boat, duly registered with the Canadian Boating Federation or its equivalent and who have paid the initiation fee and other appropriate charges payable at time of becoming a Hydroplane member.

## **Sailing Member:**

(Full voting privileges) Individuals who are interested in the sport of boating, desiring to aid in sustaining the Club to enable it to broaden its activities and who have paid the initiation fee and other appropriate charges payable at time of becoming a Sailing member.

## **Crew Member:**

(No voting privileges) Any individual interested in the sport of boating who desires to aid in sustaining the Club. Crew members in good standing shall be entitled to clubhouse, social and crewing privileges.

## **Junior Member:**

(No voting privileges) Any individual interested in the sport of boating under 18 years of age or a full-time student at a recognized educational institution. Junior members in good standing shall be entitled to clubhouse, social and crewing privileges.

## **Honorary Member:**

(No voting privileges) Any person may be elected an honorary member of the Club on a yearly basis, by a vote at any regular meeting. Honorary members shall be entitled to clubhouse, social and crewing privileges only and may not hold office or vote upon any question or motion.

## **Life Member: Amended December 2018**

### **Life Member:**

(Full voting privileges) A fully paid life voting membership shall be granted and commence the following fiscal year, to:

1) any member who is in good standing, over 65 years of age, has been a voting member for at least 15 full years and has completed at least 2 full

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terms on the Executive Board, former Board of Directors, or former Executive.

or:

2) a member who has reached age 65, who has been a voting member for at least 15 full years, recommended by the Executive Board for outstanding service to the Club, which in the opinion of the Executive Board is, equivalent to or exceeding the commitment of time and effort consistent with serving 2 terms as an Executive Board member, and voted on by the membership at a properly constituted meeting thereof.

## **Article 8: ADMINISTRATION**

Amendments, alterations and additions to this Constitution shall only be carried out upon a motion duly made and approved by the Executive Board and then by a two thirds majority vote at a properly constituted General meeting.

## **Article 9: VOTING**

A vote by proxy shall be acceptable if duly written and signed by the member.

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## CLUB BY-LAWS

### **By-Law No. 1 Validity**

These by-laws shall supersede and negate all or any previous by-laws adopted by the Toronto Hydroplane and Sailing Club (henceforth referred to as the Club) or any of its predecessors. These by-laws shall be the only bylaws of the Club in force and any Rules of Order made subsequent to the adoption of these by-laws shall be the only Rules of Order of the Club.

### **By-Law No. 2 Sailing Membership**

**(a)** A Junior Member who has been a Member for three consecutive years and is also the son, daughter, or ward of a Sailing or Life Member with a wet mooring, will not be required to pay the initiation fee to qualify as a Sailing Member. If the Junior Member is not ready to move to a Sailing Membership he/she can move to Crew Membership and become a Sailing Member later without being required to pay the initiation fee as long as they maintain uninterrupted membership.

**(b)** The spouse of a Member shall be entitled to all of the privileges of that Member (spouse as defined in the Family Law Act, 1990). There shall be only one vote per Membership.

**(c)** In the event of the death of a Sailing Member, the spouse shall be entitled to carry on the Membership and no additional initiation fee or additional wet mooring initiation fee shall be required.

**(d)** In the event of a boat being willed to a child of a deceased Sailing Member, provided the child is or becomes a Sailing Member, they will retain the assigned mooring, however, all initiation fees will still apply and be due. The above shall be subject to By-Laws 2 (f) and 2 (g).

**(e)** In the event of a legal separation or divorce of a Sailing Member, the spouse shall be entitled to carry on the Membership and no additional initiation fee shall be required as long as the Sailing Member resigns the Membership in favour of the spouse. In the event of a legal separation or divorce of a Sailing Member, Seniority Points shall be distributed as per mutual agreement among the Sailing Member and their spouse. If distribution of Points cannot be agreed upon by the Sailing Member and their Spouse, the Executive Board shall make such determination at its sole discretion. These Points may then be used by the non-Sailing Member spouse to be moved to the waiting list for an assigned mooring, provided



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the spouse is or becomes a Sailing Member. All initiation fees will still apply and be due. The above shall be subject to By-Laws 2 (f) and 2 (g).

**(f)** An applicant for Membership shall be sponsored by a Sailing Member in good standing and shall enclose the full amount of the initiation and annual fees with a completed application form. Installments for the wet mooring initiation fee may be approved at the discretion of the Executive Board.

**(g)** The application for Membership shall be posted in the clubhouse for ten (10) days and if no objections are raised, shall be submitted to the Executive Board for consideration. If a written objection is submitted, the application will be reviewed by the Membership Committee.

**(h)** Applicants will be granted a one year probationary Membership. At the anniversary of this Membership, the Executive Board may or may not grant permanent Membership. In the case of a Membership being denied, all or part of the initiation and member fees may be refunded at the discretion of the Executive Board.

**(i)** Discipline: Any member who fails to meet membership obligations shall appear at a hearing before the Membership Committee. The Membership Committee may recommend to the Executive Board censorship, discipline, suspension, or termination after holding such a hearing. The member may exercise their right of appeal upon the final decision of the Executive Board to the membership through By-Law No. 4(e).

**(j)** If a Sailing Member changes Membership to that of Crew Member, then that Member is not required to pay another initiation fee or wet mooring initiation fee (if already paid), should that Member request reinstatement as a Sailing Member. There will be no loss of seniority points.

## **By-Law No. 3 Club Executive Board**

**(a)** A Club Executive Board shall consist of the Immediate Past Commodore and six elected officers who shall be elected as defined in Article 2: of the Constitution. The Executive Board shall govern and coordinate the activities and operation of the Club.

### **The Club Executive Board shall consist of:**

Commodore, Vice Commodore, Rear Commodore, Secretary/Treasurer, Property Manager, Harbour Master, Immediate Past Commodore

### **The duties of the Executive Board shall be as follows:**

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## **Commodore**

- 1) Act as Chief Executive officer of the Club.
- 2) Preside at all Executive Board meetings.
- 3) Oversee the manner in which the Executive Board carries out its duties.
- 4) Shall be ex-officio, a Member of all committees.
- 5) Preside at all general Membership meetings.
- 6) Represent the Club officially to outside organizations.
- 7) Be responsible for all dealings with the Club Steward
- 8) Be responsible for the Safety and Environment policies

## **Vice Commodore**

- 1) Be responsible for keeping a record of the Club membership.
- 2) Advise and make recommendations to the Executive Board on matters pertaining to appeals of the decision of the Membership Committee.
- 3) Be responsible for:

**Membership Committee** - Discipline, Rules & Membership review

**Public Relations Committee** - Communication & Promotion

**Computer Committee** - Computer & Internet operation

- 4) Production of Policy and Procedures manual

## **Rear Commodore**

- 1) Be responsible for all activities related to racing, cruising, and all social activities.

- 2) Be responsible for:

- **Race Committee**
- **Cruising Committee**
- **Reciprocal Privileges**
- **Dry Sail Committee**
- **Social Committee**
- **Regalia Committee**

## **Secretary/Treasurer**

- 1) The Secretary/Treasurer shall be responsible for the keeping of a permanent record of the proceeding of the Club.



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2) Report the state of the treasury whenever required by the Commodore, the Executive Board or a resolution of the Club.

3) Be responsible for:

- **Finance Committee**
- **Recording Secretary Committee**
  - official minutes, records and correspondence
- **Ways and Means Committee**
  - purchasing of materials
  - recording the completion of members work obligations

4) Notify Members of Special and General Meetings.

5) Record all Members and their proxies present at all Special and Annual General Meetings.

## **Property Manager**

1) The Property Manager shall be responsible for all the Club's land based assets.

2) Be responsible for:

- **Buildings Committee**
- **Workshop Committee**
- **Yard Committee**
- **Hazardous Waste Facility Committee**
- **Mast and Dinghy Rack Committee**
- **Garden Committee**
- **Security Committee**
- **Fences, gates and locks**
- **Club Rental Committee**
- **Ice and Pop Committee**

## **Harbour Master**

1) The Harbour Master shall be responsible for the Club's water based assets.

## **Club Vessels Committee**

- operation and maintenance of Shadow and Mac 1 Club vessels

2) Be responsible for:

## **Mechanical, Electrical and Equipment Committee**

- All electrical systems

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- Crane
- Pump-out
- Winch
- Forklift
- Club Vessel mechanics

## **Docks and Barge Committee**

- mooring blocks
- sea-wall
- boardwalk
- operation and maintenance of the barge and workboat

## **Club Maintenance Vessels Committee**

- operation and maintenance of all vessels used solely for water based maintenance

## **Launch and Haul Committee**

- Vessel storage and placement summer and winter

## **Officer of the Day Program**

3) Be responsible for allocation of all mooring slips.

## **Past Commodore**

1) The Past Commodore shall be responsible for maintaining continuity of the Club. He/she shall chair the Planning Committee.

2) Be responsible for and chair the Nomination Committee.

## **By-Law No. 4 Club Meetings**

(a) All Executive Board, Election, Special and Annual General Meetings shall be conducted according to Robert's Rules of Order.

(b) A vote by proxy shall be acceptable if duly written and signed by the Member.

(c) An Election Meeting will be held in September of each year for the purposes of electing the members of the Executive Board as outlined in Article 2: of the Constitution.

(d) An Annual General Meeting (AGM) will be held in the last quarter of each year for the purpose of conducting Club business, receiving reports from the outgoing Executive Board and voting on the budget and plans of the incoming Executive Board.

(e) A Special General Meeting (SGM) may be called at any time by the Commodore or on a petition in writing to the Commodore of any ten (10)

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voting Members in Good Standing. The Commodore shall call a meeting to be held within thirty (30) days of receipt of such a petition.

**(f)** The notice calling a General Meeting shall be accompanied by an agenda and a copy of all notices of motion to be presented at the meeting.

**(g)** Notice of these meetings shall be sent to each Member at the last email or civic address on the Membership roll no less than fourteen (14) days prior to the meeting.

**(h)** 40% of the Voting Members, or their signed proxies, shall constitute a quorum for the transaction of the business of the meeting.

## **By-Law No. 5 Sailing Dues and Assessments**

**(a)** Membership annual fees, storage charges, initiation fees, locker fees, special assessments, etc., shall be set as to the amount by the Executive Board subject to the approval of the Membership.

Providing that the Harbour Master has been notified and that he/she confirms that there is sufficient space, a Sailing Member who on bringing into the Club a second boat that is not a dry sail boat shall have a grace period of 1 (one) month to remove one of the two vessels with no mooring, storage or levy charges applied. Thereafter a charge of \$150.00 per month will apply to a maximum of 2 (two) months after which the member is required to remove one of the vessels or apply for a second membership. Should the vessel be brought into the Club after September 15th, only the current haul-out, launch and winter storage fees will apply until launch. Under extenuating circumstances the Executive Board may negotiate alternative arrangements with the owner.

Extra fees may be charged to any Member who overtaxes club facilities when using their vessel as a residence.

Annual fees and all other charges shall be mailed with payment to the receiving officer postmarked on or before February 28th of each year.

Fines (which are not subject to HST) shall be payable as follows:

### **1) Late payment of Membership annual fees:**

On March 1st, a member who has not paid their annual fees shall be designated as "Not In Good Standing" (NIGS) and a fine of 10% on the gross outstanding amount shall be levied. On April 1st, a fine of an additional 10% of the March 1st gross outstanding amount shall be levied. If membership fees and fines are not paid by launch, the NIGS member will be recommended for forfeiture of their membership.

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- 2)** For missing or not completing work assignments (see Rule No. 5(e), a fine shall be levied by the Executive Board as posted on the annual fee schedule.
- (b)** Launch, lift and haul-out fees shall be determined using the costs involved for the previous year.
- (c)** Individuals who join the Club after September 1st shall be required to pay only one half of the Membership fee for that year.
- (d)** Individuals who join the Club after Haul-out shall not be required to pay a Membership fee for the balance of that year, but shall be required to pay the initiation fee, wet mooring initiation fee (if applicable) and any boat storage fees (if applicable), for that year.
- (e)** In case of suspension or expulsion, there shall be no obligation to return any dues or fees, nor shall such Member be relieved of the obligation to pay any fees or dues outstanding at that time.
- (f)** If there is a need to lift a boat at Launch or Haul-out at the owner's request that is not entering or leaving the water, the lift cost according to the current fee schedule will be applied. Under extenuating circumstances the Executive Board may waive this fee.
- (g)** A Crew Member wishing to become a Sailing Member during the sailing season will pay prorated fees for the remainder of the year plus applicable initiation fees.

### **By-Law No. 6 Amendments and Additions**

- (a)** Any part or parts of these By-Laws or Rules of Order may be amended, repealed or additions made thereto by a simple majority at any properly constituted General Meeting.

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## CLUB RULES OF ORDER

### **Rule No. 1 Validity**

These Rules of Order shall supersede and negate all or any previous rules adopted by the Toronto Hydroplane and Sailing Club (henceforth referred to as the Club) or any of its predecessors. These Rules of the Club shall be the only Rules of Order in force.

### **Rule No. 2 Liability**

**(a)** Adequate personal comprehensive liability insurance shall be maintained by Club Members and evidence of such insurance shall be presented with Membership application or renewal.

**(b)** Each Member of the Club shall bring their water craft, motor vehicle, person, personality, chattels, guests, or otherwise upon the Club premises, water area or mooring at their own risk as to fire, theft, accident, collision or otherwise and upon being or becoming a Member of the Club, each Member specifically waives any liability or responsibility to self, family, friends, crew or visitors, and the aforesaid ownership on the part of the Club or its officers or committees, or any Member thereof, accepting the conditions of the Club's premises, buildings, grounds, walks, moorings, water craft and other facilities as is.

### **Rule No. 3 Code of Conduct**

All members must comply with the Club's Code of Conduct as follows. Failure to do so may result in discipline up to and including expulsion.

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## TH&SC Code of Conduct

*Amended December 7, 2017*

This **CODE of CONDUCT** has been developed to promote a secure, respectful and friendly environment so Toronto Hydroplane & Sailing Club (TH&SC) members and guests may gather in the spirit of cooperation, goodwill, mutual respect and open communication.

TH&SC requires its members and guests to comply with the Constitution and this Code of Conduct while on TH&SC property including docks and water area.

1. Anyone using TH&SC facilities shall conduct themselves in a manner not injurious to the reputation, interest, congeniality and good order of the TH&SC and its members.
2. Anyone using TH&SC facilities must be, at all times, respectful to the Club's members, guests, and volunteers.
3. A member is responsible for the conduct of their guests, children, and pets at all times.
  - Children under the age of 12 are required to wear a lifejacket or PFD (Personal Floatation Device) while on the boardwalk or the docks.
  - Pets are required to be on a leash while on Club property. Pets are not permitted within the Clubhouse.
4. During a licensed event, anyone using TH&SC facilities shall follow the regulations of the Special Occasions Permit (SOP), for the sale and/or service of alcohol at special occasions.
5. Conduct that is injurious or detrimental to the Club may include, but shall not be limited to the following:
  - a. Acts of violence or harassment of any kind including but not limited to bullying or sexual harassment and/or foul, aggressive, abusive language directed toward members, volunteers and guests.
  - b. Vandalism of Club or member property.
  - c. Inappropriate use of Club facilities and/or equipment or the personal property of other members and guests.
  - d. Littering or failure to clean up after pets on the TH&SC property
  - e. Inappropriate disposal of hazardous waste materials.
6. TH&SC endeavours to help smokers quit, protect people from exposure to second-hand smoke and encourage young people to never start.



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Smoking (including vaping & e-cigarettes) is not permitted in the Club buildings, the entire patio area, balcony or main entrance. When the club is operating under an SOP the non-smoking perimeter will extend to the limit of the SOP.

**Failure to comply may result in disciplinary action up to and including expulsion from the Club.**

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## **Rule No. 4 Complaints**

Any Member who has a complaint against an officer, or other Club Member, shall make the complaint in writing to any Board Member, who shall table the letter at the next meeting of the Executive Board for appropriate action.

## **Rule No. 5 Membership Obligations**

**(a)** The Club is a working club. All Sailing Members and Life Members with boats shall share equally the responsibility of the operation, maintenance, the carrying out of authorized special projects, Officer of the Day Program and Club improvements. Work party commitment will be satisfied by this obligation.

**(b)** All members with boats on the property shall participate at Launch and Haul-out at the direction of the Harbour Master.

**(c)** Members may volunteer for work assignments. Any member not performing work assignments may be assigned work or will be assessed fines in accordance with the current fee schedule.

**(d)** For special projects a call to the membership will be made. If insufficient person days are achieved through the voluntary call then the Ways and Means Committee shall assign individuals based on their other work commitments and their expertise.

**(e)** Special consideration will be given to any Member who, through sickness or extenuating circumstance, is unable to attend a work assignment or provide an acceptable substitute.

**(f)** Any Sailing Member not subject to (d) who fails to share equally their responsibility shall be subject to being fined and/or disciplinary action by the Membership Committee. Failure to complete work assignments for two (2) successive years will result in a membership review by the Executive Board which could result in termination of membership.

**(g)** Smoking is prohibited in all Club Buildings as per City and Provincial laws.

**(h)** Failure to contain airborne particulates when working on any vessel shall result in the vessel owner paying all clean-up costs relating there to.

## **Rule No. 6 Seniority System**

**Seniority points shall be determined on the following basis:**

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- (a)** Sailing Members shall be credited with four points for each completed month of continuous Membership in good standing.
- (b)** Junior Members shall be credited with one point for each completed month of continuous Membership in good standing.
- (c)** A Crew Member shall be credited with two points for each completed month of continuous Membership in good standing. A Crew Member wishing to accrue seniority points at the rate of a Sailing Member may do so by completing work assignments.
- (d)** In any Club year in which a Member has not fulfilled the work obligation, the Executive Board will withhold the awarding of seniority points.
- (e)** In the event that a waiting list is required for slips and should a slip become available, it shall be offered to that Sailing Member on the list who has the highest seniority point total. Should that Sailing Member not be in a position to make adequate use of the said slip within thirty (30) days or within a reasonable period of time as defined by the Executive Board, it shall then be offered to that Sailing Member on the list with the next highest seniority point total.

## **Rule No. 7 Boaters**

- (a)** Use of a Member's vessel is limited to:
  - 1)** the registered Owner/Member and the immediate family who complies with Rule No. 15(d).
  - 2)** another Club Member who the owner has designated as able who complies with Rule No. 15(d).
- (b)** Designated users must register in advance with the Harbour Master and will be limited to six occasions per sailing season. Requests for exceptions to the above must be submitted in writing to the Executive Board.
- (c)** In circumstances of joint-ownership of a vessel at the time of becoming Members of TH&SC, all owners must be Sailing Members. Ownership arrangements must be declared in writing to the Vice-Commodore. One owner must be named the designated owner for Club purposes and responsibilities. In the event of dissolution of the joint-ownership, the right to the wet mooring may remain with either of the original designated owners. However, if joint-ownership is the result of a Sailing Member buying part ownership of a boat previously 100% owned by another Sailing Member, the new part-owner must be a Sailing Member in good standing for three (3) years before becoming eligible to automatically retain the

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assigned mooring, should they buy out the other member and become the full owner of the boat. If the purchaser of the boat has been a Sailing Member for less than three (3) years, they will be responsible for paying a wet mooring initiation fee.

**(d)** Provided space is available a Sailing Member may keep one other vessel as a Dry Sail vessel as per the current fee schedule.

## **Rule No. 8 Size of Boats**

**a)** No person that has been a Member for 5 years or less (a "New Member") shall be permitted to bring a vessel to the Club nor shall the Club accommodate such vessel, if such vessel has an LOA greater than 30 feet and a beam of more than 10 feet: provided however that the Executive Board may waive compliance with this Rule 8(a), acting in its sole and absolute discretion, so long as such vessel and its owner otherwise complies with this and provided further that the foregoing shall not apply to any member that was a Sailing Member as at December 31, 2013.

Any Sailing Member that is not a New Sailing Member shall not be permitted to bring a vessel to the club nor shall the Club accommodate such vessel, if such vessel has an LOA greater than 36 feet or a beam of more than 12 feet; provided that any vessels under current ownership and at TH&SC as of December 31, 2005, shall not be subject to this Rule 8(b) for so long as such vessel is owned by such Sailing Member. The maximum displacement of any vessel at the club shall not exceed 16,000 pounds. Any vessel over 10,000 pounds displacement but less than 16,000 pounds displacement may require heavier moorings at the owner's expense.

**(b)** The maximum weight for a dry sailed vessel shall be 2,100 pounds

**(c)** Motor vehicles are not permitted on the dry sail launch ramp and may not be used to assist in the process of launching dry sail boats unless the winch is inoperable.

**(d)** Any Member wishing to bring a vessel into the Club other than that currently recorded on the Clubs records shall apply in writing to the Harbour Master.

## **Rule No. 9 Moorings General Amended December 2018**

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- a)** Moorings are the property of the Club and shall be assigned by the Harbour Master. A mooring space is not directly transferable to another member or individual.
- (b)** Members who choose not to use their mooring space for more than one calendar year will lose their assigned slip and when their boat goes into the water, will be reassigned a slip based on Seniority Points and slip availability.
- (c)** The Executive Board shall have the right to use a vacant assigned mooring as a temporary mooring for a Sailing Member on the waiting list. A wet mooring initiation fee will only be charged when a permanent mooring is assigned.
- (d)** Moorings may be denied to any member not complying with **Rule No. 15(d)**
- (e)** In order to be allocated a mooring space and to promote active membership, it is expected that a boat be fully rigged and ready for use. Failure to fully maintain one's boat for a sailing season will result in a membership review by the Executive Board, which could result in loss of the allocation of a mooring space.

## **Rule No.10 Moorings Procedures**

- a)** The Club mooring shall be approached and departed under power.
- (b)** Fenders shall be in position at all times when a vessel is at, approaching or departing a mooring. Every reasonable effort shall be made by a Member to avoid contact with other boats.
- (c)** Mooring lines and fenders shall be of a type and size approved by the Harbour Master. In no case shall a vessel be secured by fewer than three (3) lines.
- (d)** No part of a vessel or equipment shall obstruct or overhang the dock.

## **Rule No. 11 Right of Way**

In the mooring area, inbound vessels shall have the right of way. An outbound vessel shall not be cast off when an inbound vessel is approaching.

## **Rule No. 12 Dock Time**

The docks adjacent to the Club launching ramp are for the use of Dry Sailors and visitors. Members shall limit their dock time to thirty (30)

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minutes unless permission is granted by the Harbour Master for a longer period.

## **Rule No. 13 Notification of Cruise Plans**

Members planning to cruise overnight, or longer, shall advise the Harbour Master, or representative, of the date of departure and estimated date of return in order that the mooring can be made available to visiting sailors. Notification shall be made by entering the appropriate information in the "Arrivals/Departures Log". Members must notify the club as soon as possible if their return date changes.

## **Rule No. 14 Visitors**

- (a)** Visiting sailors, who are Members of clubs with reciprocal visiting privileges, shall normally be provided with a mooring space, without charge, for up to forty eight (48) hours. Permission for a longer stay shall be obtained from the Harbour Master, or representative, and a daily fee shall be charged. The total number of days that will be without charge shall not exceed six per season for any visitor.
- (b)** Visitors must enter details of their stay in the log provided and must be in attendance on their vessel overnight.
- (c)** Special arrangements may be made with the Harbour Master for accommodation of boats during a regatta.

## **Rule No. 15 Safety**

- (a)** The Commodore shall chair the Club Safety and Environmental Committee. The Safety Officer(s) shall promote and encourage safe and environmentally appropriate boating practices.
- (b)** Children under 12 years of age shall wear a Canadian approved flotation device and be accompanied by a responsible adult when on the docks, boardwalk and launching areas.
- (c)** Club equipment may only be used by Members authorized to do so by applicable law and by the Executive Board officer responsible for that equipment. Under no circumstances shall any club equipment be operated under the influence of drugs or alcohol. No person under the age of eighteen (18) years shall operate Club equipment.
- (d)** A Member owning a vessel that uses machinery in whole or in part for its propulsion or that is equipped with such machinery must hold a valid



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Toronto Port Authority Power Vessel Operator's License and a valid Federal Boat Operators Licence, as legally required. This license information shall be reported with the member's annual membership renewal.

## **Rule No. 16 Pets**

- (a) Owners shall clean up after their pets.
- (b) Pets shall be on a leash when on club property.
- (c) Pets shall not be allowed in the Clubhouse.
- (d) Pets shall not interfere with Members' and guests' enjoyment of the Club.

## **Rule No. 17 Vehicle Parking**

- (a) All vehicles parked on the Club property shall display a Club parking pass in the windshield. Parking shall be permitted only in designated areas.
- (b) Members shall not park any vehicles on Club property for more than 16 consecutive days unless previously authorized by the Property Manager.

## **Rule No. 18 Cleanup of Premises**

Each Member shall be responsible for proper disposal of personal garbage in the designated containers provided and for cleaning up after using the Club's facilities. Members must not dispose of residential or commercial garbage in club containers or on club property.

## **Rule No. 19 Flammable Material**

Fuels or solvents shall not be stored in Member's lockers. Lockers may be inspected.

## **Rule No. 20 Cradle, Dinghy and Trailer Storage**

- (a) Cradles shall be of a type that can be folded or disassembled for storage on Club property. Large non-folding cradles shall be removed from the Club premises when not in use. All trailers and cradles must be identified with the names of both the owner and the vessel. Trailers and/or cradles not identified will not be moved into winter storage position by the cradle crew preparing for haul-out.
- (b) Boat trailers may be stored on Club property at the discretion of the Harbour Master. A fee shall be charged.

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(c) All equipment, masts, and dinghies stored on Club property must be clearly identified with the membership number, the name of the vessel or the name of the member.

(d) All dinghies not moored with the member's vessel must be stored in the dinghy rack.

## **Rule No. 21 Commercial Ventures**

Unless authorized by the Executive Board, no Member shall be allowed to participate in a commercial venture which utilizes Club property, moorings or registered vessel, for commercial gain.

## **Rule No. 22 Use of Club Vessels & Vehicles**

The use of the Club vessels & vehicles shall be restricted to official Club business, and operated by authorized Club operators. Each Club vessel must carry a log book and all usage shall be entered.

## **Rule No. 23 Identification of Members' Vessels**

All Club Members' vessels shall display identification markings (e.g. 50E number or registered name) as prescribed by the Toronto Port Authority By-Laws.

## **Rule No. 24 Winter Storage Amended December 2018**

(a) All ladders must be locked in such a manner that they cannot be used to gain access to any vessel stored on Club property, when the owner or delegate is not on Club property. The Harbour Master or delegate has the power to lock or remove unsecured ladders.

(b) No vessel shall be connected to electrical outlets when the owner or delegate is not on Club property. The Harbour Master, or delegate, may disconnect power from unattended boats.

(c) No vessel shall remain dry stored on Club property without launching for a continuous period of more than three (3) years. An extension may be granted at the discretion of the Executive Board.

(d) To adhere to Club lease and insurance policies, no person is permitted to live on a boat while the boat is on land.

## **Rule No. 25 Private Functions**

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- (a) The Club may not be used on weekends or race nights during the sailing season for private functions.
- (b) The Club may be used in the off sailing season by a voting member in good standing for a private function and only upon approval by the Club Rental Committee and ratification by the Executive Board.
- (c) At least (6) weeks advance notice must be given, and posted by the Club Rental Committee at the time of application, so that the membership may be advised.
- (d) The Club rental form must be completed and all applicable liquor licenses and insurances obtained.

### **Rule No. 26 Crane Operation**

- (a) The crane shall be operated only by a Club Member at their own risk.
- (b) No person shall be hoisted by the crane.
- (c) The crane shall be operated only with adequate light.
- (d) During lifting operations no one other than the crane crew shall be in the marked Lifting Danger Zone.
- (e) No one shall be under a load which is solely supported and/or suspended from the crane.
- (f) A crane crew, during lifting operation, shall consist of a minimum of two (2) persons.
- (g) All members of the crane crew shall wear hard hats during lifting operations.
- (h) Members shall report any crane malfunctions to the Harbour Master or Officer of the Day.

### **Rule No. 27 Club Function**

During Club Events, the use of the kitchen, bar and BBQ area are reserved for the event use only.

### **Rule No. 28 Launch & Haul-out**

Launch shall be the first Saturday in May and Haul-out shall be the weekend following Thanksgiving, subject to any situation or event beyond the control of the Club.

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## TH&SC Complaint Procedure, Discipline, and Appeals Policy

Effective December 2017

### Complaint Procedure

Any member who wishes to lodge a complaint may take the following steps, including the filing of a formal complaint under this policy, without fear of reprisal:

#### **Step 1 – Informal Resolution**

While there is no obligation to do so, members who believe there has been a violation of the Code of Conduct or Club rules are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct. Where members feel confident and comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct, and witnesses, if any.

#### **Step 2 – Formal Complaint**

If informal attempts at resolving the issue are not appropriate, or prove to be ineffective, a formal complaint may be filed. To file a formal complaint:

- (a) Prepare a complaint letter, via hard copy or electronic document, containing an account of the incident(s) (i.e. what happened, when and where it occurred, the person(s) involved, and names of witnesses, if any), as well as copies of any documents relating to the complaint. The letter shall also include the remedy sought and be signed and dated.
- (b) Provide the complaint letter to a member of the Executive.
- (c) Co-operate with those responsible for investigating the complaint.
- (d) Anyone can file a complaint, including a witness to inappropriate behaviour.

The Executive will review the written complaint and determine the need to open a formal investigation. At this point, the Executive shall advise all parties involved that an investigation has been opened. The alleged offender shall be notified via registered letter. If allegations are made against you, keep a record of your version of the alleged incident(s). If and when called upon, be prepared to present your case to the Discipline Committee. All formal investigations shall be conducted in accordance with the following process:

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- 1) The Vice Commodore or Commodore will present the complaint to the Executive and will form a Disciplinary Committee in compliance with the by-laws.
- 2) The Committee will be made up of three (3) Members. One (1) member of the Committee will be appointed as Chairperson. Decisions of the Committee shall be by majority vote. If a majority decision is not possible, the vote of the Chairperson shall be the decision of the Committee.
- 3) The Committee will take the following steps:
  - a. Inform the respondent of the complaint, the members of the committee, and provide each of the foregoing with a written copy.
  - b. Inform the respondent that he /she has ten (10) days to respond in writing, if he/she wishes to do so. If the committee deems the matter to be urgent, this time period may be shortened.
  - c. Upon reviewing the written complaint and the reply, if a reply is provided, the Committee will conduct confidential interviews with all the parties involved and any witnesses to the alleged incident, as the Committee in its sole discretion may determine.
  - d. As soon as possible but in any event within ten (10) days of completing the investigation, the Committee shall prepare a confidential written report of its findings, a copy of which will be provided to the Executive.
- 4) The report shall contain:
  - a. A summary of all the relevant facts.
  - b. A determination as to whether, taken as a whole, the evidence supports the allegations in the complaint, and whether, as a result, it discloses a breach of the Club's Code of Conduct or Club rules.
  - c. If the acts constitute a violation of the Code of Conduct or Club rules, a direction for disciplinary action against the respondent and recommendation of measures to remedy or mitigate the harm or loss suffered by the complainant.
  - d. If the Committee determines that the allegations are vexatious or frivolous, a direction for disciplinary action against the complainant.
- 5) The names of any third-party witnesses who do not wish to be identified shall not appear in the report and shall be kept in confidence by the Committee.
- 6) The investigation process shall at all points be handled in a timely and confidential

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manner. All documentation related to a disciplinary investigation, including the committee report and recommendation, will be turned over to the Vice Commodore for record keeping purposes.

7) The Executive will make the final decision based on the report provided by the Discipline Committee.

## **Discipline**

When determining appropriate disciplinary actions, the Committee shall consider factors as determined in its sole discretion, including without limitation the following:

- The nature and severity of the incident
- Whether the incident involved any physical contact
- Whether the incident was an isolated incident or part of an ongoing pattern
- The nature of the relationship between the complainant and respondent
- Whether the alleged offender had been involved in previous incidents
- Whether the alleged offender admitted responsibility and expressed a willingness to change
- Whether the alleged offender retaliated against the complainant

In recommending disciplinary sanctions, the Committee may include, but not be limited to the following options, singly or in combination, depending on the nature and severity of the offence.

- Spoken apology
- Written apology
- Letter of reprimand from the organization
- A fine up to a maximum of \$500.00
- Removal of certain privileges of membership including probation
- Expulsion from membership with no reimbursement of membership fees (including initiation fees)

## **Appeals**

Both the complainant and offender shall have the right to appeal the decision of



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the Executive. A notice of intention to appeal, along with grounds for the appeal, must be provided within seven (7) days of the complainant or offender receiving the Executive decision. The intent to appeal must be presented to the Vice Commodore or Commodore. The Executive shall hear the appeal as soon as it is possible to set a date at which both the Executive and the Member requesting the appeal is also able to be present. The meeting shall take place within seven (7) days of the appeal being filed.

During this meeting, the Executive will then vote on the validity of the decision.

The sole permissible grounds for an appeal will be evidence and additional information that was not included in the original investigation.

## **Publication**

A copy of this Policy will be posted on the Club bulletin board.