

# MISSION BAY YACHT CLUB

## BYLAWS

(AS IN EFFECT VER. 1/1/2014)

### ARTICLE I CLUB FLAGS AND SEALS

1. **Burgee.** The Burgee shall have a yellow ground with red border, the width of which shall be one-sixth of the base, with a red mission bell in the center.
2. **Commodore.** The Commodore's Flag shall be rectangular in shape, having a fouled anchor and thirteen stars in white on a blue field.
3. **Vice Commodore.** The Vice Commodore's Flag shall be the same as the Commodore's, substituting red for the blue field.
4. **Rear Commodore.** The Rear Commodore shall carry a similar pennant, except that the field shall be white and the device and stars red.
5. **Secretary-Treasurer.** The Secretary-Treasurer's Flag shall be rectangular in shape, having two crossed blue quills superimposed on a yellow and brown acorn on a white field.
6. **Fleets Captain.** The Fleets Captain's Flag shall be rectangular in shape, having a fouled anchor in blue on a white field, but no stars.
7. **Port Captain.** The Port Captain's Flag shall be rectangular in shape, having a fouled anchor in white on a blue field, but no stars.
8. **Seal.** The corporate seal shall be the impression of a circular disk, with the following inscription upon the circle thereof, to wit: "Mission Bay Yacht Club, San Diego, California," and within the last mentioned inscription, the words and figures "incorporated 1927" superimposed on a mission bell.

### ARTICLE II MEMBERSHIP

1. **Classes.** The membership shall be divided into the following classes, which shall be designated as "Life Members," "Master Senior Flag Members," "Senior Flag Members," "Flag Members," "Junior Flag Members," "Honorary Members," "Social Flag Members," "Military Members," "Non-Resident Members," "Junior Members" and, "Sandpiper Members."
2. **Fees and Dues.** The Board of Directors (hereafter called "Board") shall be empowered to fix the initiation fees and dues.
3. **Life Members.** Life Membership in Mission Bay Yacht Club (hereafter called "Club") shall be awarded only to an active Flag Member, in good standing, for meritorious service, and shall grant full privileges of membership. The member awarded Life Membership shall be exempt from all dues and assessments. The award of Life Membership shall be initiated only by unanimous approval of the Board followed by approval of 90% of the members entitled to vote and voting at the next annual meeting.
4. **Honorary Members.** Honorary members are those who have been elected to Honorary membership by the Board for a period of one year, whether previously having been members of this Club or not. They shall be exempt from payment of all initiation fees, dues, and assessments of every kind. Honorary members shall have no voting privileges.
- 5(a). **Flag Members.** Flag members are boat owners or co-owners who have been elected to membership and have paid the current initiation fee plus tax, if any. Flag Members who

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become non-boat owners retain their status as Flag Members, provided they have been a Flag for at least two years.

Ownership of a sailboat of accepted class design as listed on the current approved classes of yachts published annually in the Club Year Book or a design determined seaworthy and meeting the eligibility qualifications for membership in the Racing Cruising Fleet, shall be deemed suitable for qualification to Flag Membership.

Ownership of a powerboat of a design determined seaworthy by inspection of three appointed board members, or designated staff commodores who shall give primary consideration to the boat's ability to participate in yachting and cruising activities, shall be deemed suitable qualification for Flag Membership.

- 5(b). **Senior Flag Members:** Senior Flag Members are Flag Members who have been Flag Members for at least twenty aggregate years and have reached the age of sixty-five.

The dues shall be 40% of Flag members.

- 5(c). **Master Senior Flag Members:** Master Senior Flag members are flag members who have been a senior flag member for more than 10 years or who establish to the satisfaction of the Board that he or she has been a member of MBYC for more than 30 years and who has attained age 75 before May 31; billing shall be 2.5% of annual Flag dues to be billed on or about June 1 of each year until further action of the Board.

- 5(d). **Junior Flag Members:** Junior Flag Members are boat owners, or co-owners with another member or members of the Club, who have attained the age of eighteen (18) years but have not yet attained the age of thirty (30) years, who have been elected to membership and have paid an initiation fee of thirty percent (30%) of the then-current initiation fee plus tax, if any, provided they meet all other qualifications for Flag Membership. Junior Flag Members shall not be entitled to vote and are not eligible to serve as a member of the board of directors. Junior Flag Members who have been members in good standing for a minimum of five (5) years, have not attained the age of thirty-five (35) years, and who have been active in Fleet and Club activities may apply to the Board for Flag Membership provided they meet all other qualifications for Flag Membership. No additional initiation fee shall be required.

"Active in Fleet or Club activities" shall include, but not be limited to, participating actively in racing, serving on race committee and other committees at the Club, and participating in activities that further enhance their Fleet and the Club.

- 5(e). **Military Members.** Military Members are those members who are on active duty with the U.S. Military Forces. Military Members shall not be entitled to vote or to serve as a member of the board of directors; however, each shall have all other privileges accorded Flag Members.

No person shall continue as a Military Member for any period of more than 36 months; provided so long as his membership may continue, a Military Member may apply for any other classification of membership for which he may otherwise be qualified. Military Members shall not be entitled to vote and are not eligible to serve as a member of the board of directors.

- 5(f). **Social Members.** Social Members are those persons admitted to membership who do not own a qualified boat but who express their intention in writing to actively participate in Fleet or Club activities (as the term is defined for Junior Flag Member.)

Social Members are not entitled to vote and are not eligible to serve as a member of the board of directors. Should a Social Member acquire a qualifying boat, the membership shall thereafter, commencing the beginning of the month following, upon application, transfer to flag membership as otherwise qualified.

6. **Non-Resident Members.** Non-resident members are defined as those who have paid the required initiation fee, who reside outside the County of San Diego, and who do not use the facilities of the Club regularly. Regular use of Club facilities shall include, but not be

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limited to, keeping or docking of a member's boat at the Club for a period in excess of two months in any one calendar year. Non-resident members shall have all the privileges of Flag Membership, except they are not eligible to vote or serve as a member of the board of directors. Dues for non-resident members shall be one-third of those of a Flag Member. All classes of Flag Membership could qualify for Non-Resident Members status, however discount of dues cannot be combined.

Transfer from Flag to non-resident or from non-resident to Flag Membership shall be effective on the next succeeding first day of the month after the Board's approval of such member's written request for change of status

7. **Membership Privileges; Dependents.** All members of the Club shall have the privilege of flying the Club Burgee, or having private signals registered with the Secretary or entering yachts in Club races, and of using the Club stations, floats and property in conformity with the rules of the Club. These privileges shall extend to Member's Spouses and dependents under the age of 21. Privileges of the Club may be further extended to those unmarried dependents who are bonafide full time students of a recognized educational institution or who are on active duty in the Armed Forces of the United States and have not attained the age of 26, upon written application, prior to January 1st of each year, by the parent member and with the approval of the Board.

- 7(a). **Junior Members.** Junior memberships are for persons between the ages of 12 and 21 that maintain full time student status. Application for a Junior membership must be made in compliance with Article II, Section 10, except that such membership is to be restricted to one year only, and is renewable only by reapplying in the regular manner to the Board.

Ownership of a boat is desirable, but is not a requirement for Junior Membership.

Junior Membership fees and dues shall be fixed by the Board.

Other fees shall be the same as for Flag Members.

- 7(b). **Sandpiper Members.** Sandpiper Memberships are for persons between the ages of 7 and 11. Application for a Sandpiper Membership must be made in compliance with Article II, Section 10, except that such membership is to be restricted to one year only and is renewable only by reapplying in the regular manner to the Board of Directors.

Ownership of a boat is desirable, but is not a requirement for Sandpiper Membership.

Sandpiper Membership fees and dues shall be fixed by the Board.

Other fees shall be the same as for Flag Members.

Sandpiper Members who have been in good standing must apply for Junior Membership upon attaining the age of twelve (12) years.

8. **Voting and eligibility to serve on the board of directors.** Only Life Members, Master Senior Flag Members, Senior Flag Members, and Flag Members shall have the right to vote at the meetings of the members and to serve on the board of directors
9. **Assets Split on Dissolution.** Only Life Members, Master Senior Flag Members, Senior Flag Members, and Flag Members shall be entitled to share in the assets of the Club in the event of dissolution, and in such event said Life Members, Master Senior Flag Members, Senior Flag Members, and Flag Members shall share equally therein.
10. **Admissions to Membership.** Applications for membership in Mission Bay Yacht Club are accepted from the general public on a first come first serve bases. Membership applications will be reviewed and approved or disapproved by the Board. The Board of Directors shall be empowered to establish all necessary procedures and policies pertinent to the membership application process.

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11. *Deleted*
12. **Resignation; Readmission.** The resignation of any members shall be made in writing addressed to the Board. Any member in good standing who resigns from the Club may later submit an application for membership and, subject to approval of the Board, be readmitted to membership upon payment of a readmission fee equal to 30% of the current Flag Membership initiation fee, plus tax, if any.
13. **Non-Transferable; Exception.** Membership to the Club shall not be transferable, except that the surviving spouse of a deceased original Flag Member may apply to the Board for transfer of said deceased original Flag Member's membership within six months of the death of said original Flag Member.
14. **Expulsion; Suspension.** A member may be expelled or suspended by the Board for conduct injurious to the welfare of the Club. Upon written complaint of one or more members, or by a member of our staff, the Board shall investigate the circumstances connected with such alleged misconduct, and, if in their opinion the charges are sustained, they may expel or suspend the member complained of provided that such member shall be notified in accordance with current state law to appear before the Board to defend himself before any penalty shall be invoked.
15. **Seniority Numbers.** Members shall be numbered on the roll of the Club in the order of their seniority.
16. **Dependent; Junior Member Transfers.** Dependents of Life Members, Master Senior Flag Members, Senior Flag Members, and Flag Members in good standing for at least three years, who attained their majority after the time of the member's election as a Flag Member, may, prior to attaining the age of 26, apply for Flag Membership, provided that they meet all other qualifications for Flag Membership. No initiation fee shall be required for any such dependant of a member so applying.

Junior Members may at age 21 and having been in good standing for a minimum of three years apply for Junior Flag Membership. No initiation fee shall be required for any such person applying provided that they meet all other qualifications for Junior Flag Membership.

The Board may extend the 21 year maximum age for application for Flag Membership up to "Prior to age 26" at their discretion upon receipt of a written request by the Junior Member for an extension and only on the basis that the Junior Member is single and retain full time student status or be in the Armed Forces. In this case the Junior Member shall pay Junior Flag Member dues and fees in effect..

17. **Divisible Membership;** Dissolution of Marriage, A Flag Membership shall be held by one person except that a married couple shall jointly hold a flag membership in which case only one of them shall vote or hold elective office at any one time.

If a married couple who jointly holds a Flag Membership dissolves their marriage, they shall notify the Board which person shall maintain the Flag Membership. Failure to so notify the Board will result in a suspension of the Flag Membership until such time as the Board is duly notified. Receipt of that notice is the extent of the involvement of the Board in that determination.

Upon a Judgment of Final Dissolution of Marriage or Legal Separation of the marriage of a Flag Member, the non-member spouse may apply to the Board for Flag Membership upon the payment of thirty percent (30%) of the then-current initiation fee and meeting the other requirements for Flag Membership. Said application must be made within six (6) months of the date of Judgment of Final Dissolution of Marriage, Legal Separation.

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## ARTICLE III GUESTS

1. **Distinguished Visitors.** The Flag officers may extend the privileges of the Club to distinguished visitors and may renew such invitation at their discretion.
2. **Non-resident Visitors.** A member may extend all the privileges of the Club to nonresidents for a period of ten days, provided the name of such member and his guest be first registered with the Secretary, together with the date of registry.
3. **Responsibility for Guests.** Any member inviting guests or requesting privilege cards for visitors shall be responsible for all debts to the Club incurred by his guests or visitors, and for all damage by them.

## ARTICLE IV FEES, DUES AND CHARGES

1. **Dues.** Dues shall be due and payable upon the first day of each month and shall be paid monthly in advance.
2. **Delinquent.** Any member who shall fail to pay dues or other indebtedness to the Club within thirty days after notification of such indebtedness, shall after a further period of thirty days have his/her name placed on the club's delinquency list. This list shall be made available to any club member by request to the club manager. After a further period of sixty days, the member may be dropped from the membership roll at the option of the Board.
3. **Severance of Membership While Delinquent.** Any member who resigns or has been dropped from membership in the Club while indebted to the Club must pay double the amount of such indebtedness plus three months dues plus the initiation fee provided by Article II, Section 12, if at any time said member wishes to rejoin the Club. Exceptions may be made only at the option of the Board.

## ARTICLE V GOVERNMENT AND MANAGEMENT

1. **Elective Officers; Commodore.** The elective officers of the Club shall be a Commodore, Vice Commodore, Rear Commodore and Secretary-Treasurer, who shall be known as Flag Officers, and seven additional Directors. The Commodore by virtue of his office shall be the President of the Club.
2. **Directors; Long-Range Planning Committee.** The government of the Club shall be vested in a Board of eleven directors composed of the Commodore, Vice Commodore, Rear Commodore, Secretary-Treasurer, Junior Staff Commodore and six other members of the Club.  
Acting in an advisory capacity to the Board shall be a permanent long-range planning committee of five members. The Commodore shall serve as an active member of this committee for a one-year term. The other members each shall serve a four-year term, one retiring each year and being replaced by a new appointee.
3. **Appointed Officers.** The Commodore, with the approval of the Board, shall appoint a Fleets' Captain and a Port Captain, both of whom shall rate as Flag Officers. In addition, appointments shall be similarly made and approved for representatives to other organizations as necessary, including one member of the long-range planning committee for a four-year term, and when deemed advisable, an assistant to the Secretary-Treasurer who shall have the authority to represent the Secretary-Treasurer at meetings of the Board.
4. **Acting Commodore.** In case of the absence of all Flag Officers, the senior Flag Member present, according to the Club roll, shall be the acting Commodore.
5. **Installation of Officers; Overlap.** All elective and appointed officers of the Club shall assume their duties upon being installed in office. To assure continuity, all outgoing committees shall continue to function until January 1, assisted by the incoming committees.

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## ARTICLE VI DUTIES OF OFFICERS

1. **Commodore.** The Commodore shall take command of the Club, preside at all meetings, and enforce the rules and regulations of the Club. He shall enforce all provisions respecting the conduct of the various officers of the Club, the conduct of the Club members and the general provision for the welfare of the Club. He shall call special meetings of the Club or Board whenever he shall deem it necessary, or upon the written request of 10% of the voting membership of the Club. The Commodore shall be an ex-officio member of all committees.
2. **Vice Commodore.** The Vice Commodore shall assist the Commodore in the discharge of his duties and officiate in his absence.
3. **Rear Commodore.** The Rear Commodore shall assist the Commodore and Vice Commodore in the discharge of their duties and officiate in their absence.
4. **Secretary-Treasurer.** The Secretary-Treasurer shall keep the minutes of the meetings, in a book provided for that purpose; have custody of all reports and documents connected with the proceedings of the Club; keep a correct roll of members, together with the dates of their election; notify each member of his election; keep a correct list of the yachts enrolled in the Club; conduct the correspondence of the Club; issue notices of meetings; present a written report at each annual meeting; have the custody of the funds of the Club, and of the collection and disbursement of all money, keep an accurate and correct record of same; and render accountings to the Board. Certain of these duties may, with the approval of the Board, be delegated to the Assistant of the Secretary-Treasurer.
5. **Fleets' Captain.** The Fleets' Captain shall be the executive officer of the Commodore in all fleet evolutions and maneuvers. He shall act as liaison between the Board, the Race Committee, and others desiring the services of the Fleets.
6. **Port Captain.** The Port Captain shall have the general supervision over the wharves, floats, boathouse, anchorages, buoys, beacons and lights maintained by the Club for channel marks. He shall twice a year, in the Spring and Fall, and as many other times as he deems necessary, make an inspection of all yacht moorings and ground tackle on the anchorages. He may condemn any such mooring, cable or ground tackle that he considers insufficient in strength to hold said yacht or vessel moored thereto. Any such gear that he may condemn must be effectively replaced or repaired at once, upon notification to the owner or captain. Such replaced gear must meet with the approval of the Port Captain. He shall have authority to move or cause to be moved the yacht of any person who has failed to comply with these orders, in order that said yacht will not be dangerous to other yachts or to Club property. He shall also designate all mooring locations and anchorages. All yachts on the anchorages are under his command, and must be moved at his orders.
7. **SDAYC; YRU Representatives.** The representations to the Southern California Yachting Association and the Yacht Racing Union of Southern California, with the Commodore, who shall be the No. 1 delegate to their meetings, shall represent the Club at all such meetings.
8. **Long-Range Planning Committee.** The long-range planning committee shall formulate master development and financial plans for the continued and controlled development of the Club. Financial plans shall be sufficiently detailed to assist the Board in establishing the fiscal year budget. Such plans and recommendations shall be submitted in writing to the Board.

## ARTICLE VII DUTIES, POWERS AND MEETINGS OF BOARD

1. **Board Authority.** Subject to special action by the Club, the Board shall have the entire authority in the management of the affairs and finances of the Club, and shall have full control of all its property. All rights and powers connected therewith shall be vested in them. They shall make all appropriations. They shall appoint all special officers. They shall

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inquire into the standing and character of candidates, and elect to the membership of the Club such as they may consider desirable. Such election must be by unanimous vote of the members of the Board present at any regular Board meeting.

2. **Nominating Committee; Ballots; Elections; Terms; Appointments.** The Board shall appoint a nominating committee at their October meeting. The committee shall be composed of the following 6 people: three staff Commodores, not members of the current Board two members of the current board (preferably the Jr. Staff Commodore and one additional board member that is not seeking to continue on the board) and the Commodore. The Senior most Staff Commodore will preside over this committee. After the Nominating Committee has produced a slate for the ballot, the Commodore shall call a meeting of the board of directors to receive the ballot. This will normally occur during the fourth week of October. The nominating committee's recommendations shall be for the following officers: Commodore, Vice Commodore, Rear Commodore, Secretary-Treasurer, and three Directors.

The Nominating Committee shall submit five or more names to appear on the ballot for the election of Directors. The three persons receiving the greatest number of votes shall serve as directors.

The ballots shall be mailed to the Life Members, Master Sr. Flag Members, Senior Flag Members and Flag Members prior to, or during the first week of November. The results of the returned ballots shall be presented to the Board at a special meeting on the third Monday of November. The ballots shall contain the above mentioned several names and adequate space for writing in candidates for all offices.

The Commodore shall be elected as a member of the Board for two years; one year as Commodore and one year as Junior Staff Commodore.

The new Commodore shall appoint, with the approval of the newly elected Board members, additional Directors to complete the 11 members of the Board. He shall also make the appointments specified in Article V, Section 3 and may also appoint the following: Assistant Port Captain, Judge Advocate and a Publicity Director.

3. **Approving Expenditures.** The Board shall approve bills and expenditures, and no money shall be paid by the Treasurer unless approved by the Board, and the warrant signed by the Commodore or other person or persons designated by the Board for that purpose.
4. **Committee Appointments.** The Board must appoint a Sailing Race Committee and an Entertainment Committee. They shall also appoint such other committees from time to time, as may be deemed for the best interests of the Club.
5. **Vacancy.** If a vacancy occurs in the Board or among the Flag officers of the Club, the Board shall elect a member to fill the vacancy, and the member so elected shall hold office until the next annual meeting.
6. **Quorum.** A majority of the Board shall constitute a quorum for the transaction of business.
7. **Regular Meetings.** Regular meetings of the Board shall be held upon the call of the Commodore. Notice of regular meetings is hereby dispensed with.
8. **Special Meetings.** Special meetings of the Board may be called at any time by the Secretary on the order of the Commodore or two Directors. The Secretary shall give each Director notice of the date and place of said meeting at least one day prior thereto, either personally, by telephone or in writing, and the minutes of the meeting, upon being read and approved at the subsequent meeting, shall be conclusive upon the question of the service of notice of said meeting.
9. **Debt.** The Board shall have power to create an indebtedness of the Club, but at no time may it create any indebtedness exceeding \$25,000, except such as may be authorized by the affirmative vote of 2/3rds of the members represented at a regular meeting of the

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Club, or at a special meeting called for the purpose of authorizing the incurring of indebtedness, or by the written consent of 2/3rds of the members of the Club having the right to vote.

10. **Auditors.** The Board shall appoint auditors and make available to such auditors the statements, books and records to be reviewed. The auditors shall have access to the books and records of the Secretary-Treasurer at all reasonable times throughout the fiscal year, then shall prepare the appropriate auditor's opinion concerning the annual report of the Secretary-Treasurer.

## ARTICLE VIII

**Fiscal Year** The fiscal year of the Club shall be the calendar year.

## ARTICLE IX MEETINGS OF MEMBERS

1. **Quorum; Chair.** Twenty percent of the Life Members, Master Senior Flag Members, Senior Flag Members and Flag Members of the Club shall constitute a quorum, and in the absence of Flag Officers the senior member present shall preside, or such person as may be elected temporary chairman.
2. **Annual Meetings; Notice.** The annual meeting of the members shall be held in December at the Club or any other place so designated by the Secretary by order of the Board. The said meeting shall be for the installation of new officers, and for the transaction of such other business as may come before the meeting. Notice must be given to the members in writing two weeks prior to the meeting.
3. **Special Meetings.** Special meetings of the Club shall be held at the Clubhouse and shall be called by the Commodore at any time or on written request of ten percent of the Life Members, Master Senior Flag Members, Senior Flag Members and Flag Members of the Club. Notice of each such special meeting shall be given by the Secretary sending by mail to each member having the right to vote, a notice specifying the time and purpose of such meeting, addressed to the member at his residence or business address, if registered with the Club, and if not so registered, by posting on the Club bulletin board.
4. **Right to Vote.** Life members, Master Senior Flag Members, Senior Flag Members and Flag Members and none other shall have the right to vote by mail ballot or at meetings of the Club.
5. **Delinquent Members.** No member shall be allowed to vote whose name appears on the delinquency list for non-payment of dues or any other indebtedness to the Club.
6. **Person or Proxy.** No member shall be permitted to vote except in person or by written proxy.
7. **Removal of Director.** Any Director may be removed in the special meeting of the members, by vote of 2/3rds of the members present at said meeting, provided, however, that the consideration of said removal is given as one of the purposes of said meeting in the notice thereof.

## ARTICLE X CONSTRUCTION OF BY-LAWS

On all questions arising as to the construction or meaning of these By-laws, the decision of the Board shall be final unless rescinded by the Club at the annual meeting or at a special meeting called for that purpose.

## ARTICLE XI AMENDMENTS

These By-laws may be amended or repealed (except as herein before provided) or new By-laws may be adopted, or the number of Directors may be increased or decreased within the limits of



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the applicable law of the State of California, at any regular meeting of the Club, by a vote representing a majority of the total membership of the Club having the right to vote; and the written assent of the majority of the voting membership of the Club having the right to vote shall likewise be effective (except as herein before provided) to repeal or amend any By-law or to adopt a By-law or to increase or decrease the number of Directors of the Club; provided, however, that the provisions of Article II, Section 2, of these By-laws, and of this provision, shall not be amended or repealed, nor shall any new By-law or provision inconsistent therewith be enacted, except by the unanimous vote or written consent of all members of the Club who were entitled to vote.

## **ARTICLE XII DUTIES OF THE SAILING RACE COMMITTEE**

The Sailing Race Committee shall submit to the Board a program for the season's racing and subsidiary rules governing races.

It shall assume charge of all races scheduled, provide the necessary judges and other officers, and the necessary stake boats, buoys and marks for designating the courses. It shall furnish captains of boats entered for a race with charts and full information concerning the start, the course and the finish.

The Race Committee shall obtain from the Measurer and compile in a suitable book (provided by the Club) the racing measurements of all boats entered in the Club races. It shall be its duty to enter in said book in a legible and comprehensive form, the result of each race and regatta. Such record shall include the following: name and distinguishing number of all boats in each class, starting time, finishing time and corrected time.

It shall keep the said book at the Club, which shall be open to the inspection of the Club members at all times. It shall give notice of races to boat owners, and shall receive entries. It shall enforce such racing rules and regulations as the Club may from time to time adopt, and shall decide all questions arising thereunder. It may postpone a race, when in its judgment such a race can be more successfully sailed at a later date.

The Race Committee only shall decide protests.

It shall compute the results of each race promptly and post the same in a conspicuous place on the Club property.

It may exclude from the Club races any boat, the managing owner of which has violated any of the rules of the Club.

## **ARTICLE XIII DUTIES OF THE ENTERTAINMENT COMMITTEE**

The Entertainment Committee shall, with the consent and under the direction of the Board, have charge of the entertainments given by the Club. It shall not obligate the Club in any way nor make any expenditures of the Club funds without express authority of the Board.

## **ARTICLE XIV DUTIES OF THE SAILING YACHTS MEASURER**

The Sailing Yachts Measurer shall ascertain, in accordance with the rules of the Club, the racing measurements of all yachts entering the Club races, and keep a full and complete list of all yachts enrolled in the Club squadron together with their names or distinguishing numbers, and the name of the owner or managing owner, rig, length or water line, length overall, extreme beam and whether centerboard or keel. The Club shall provide a book for such a purpose and the same shall be the permanent property of the Club, and shall remain at the Clubhouse. Exception – all class boats (if racing in their class) shall be measured by their class measurer. The Measurer shall be allowed his necessary and proper disbursements for postage while he discharges the duties of his office.

# MISSION BAY YACHT CLUB

# RULES

(REVISED 1/07)

To assure all members of Mission Bay Yacht Club (herein called "Club") the fullest enjoyment of the Club and its facilities, it is essential that each member be aware of the rights and responsibilities of membership. These are summarized in the following rules governing the conduct of all members, dependents and guests while on Club premises. Members must comply with the following rules as a condition of membership.

The rules are divided into four parts:

- I. MEMBERSHIP, DUES AND OTHER FINANCIAL OBLIGATIONS**
- II. PREMISES AND FACILITIES AND USE OF SAME**
- III. RESPONSIBILITIES AND CONDUCT OF MEMBERS, DEPENDENTS AND GUESTS**
- IV. AUTHORITY OF CLUB MANAGER**

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## **I. RULES GOVERNING MEMBERSHIP, DUES AND OTHER FINANCIAL OBLIGATIONS.**

### **A. BILLINGS**

#### **1. Payment in Advance.**

Dues, slip rentals, boat storage fees and all other charges are billed and payable monthly in advance on the first day of each month. Initiation fee installments are also billed and payable on these days.

#### **2. Prompt Payment; Late Charges.**

All fees and charges should be paid promptly. If full payment is not received within 30 days of the billing date, a \$25.00 late charge will be assessed. If full payment is not received within 60 days, a second late charge of \$25.00 will be assessed and the member's name posted on the Club bulletin board as delinquent for the total amount owed.

#### **3. Member Dropped.**

If full payment, including late charges, is not received within 90 days of the original billing date, the Board of Directors of the Club (herein called "Board") has the option (and normally exercises it) of dropping the member from the membership roll. Members who have been dropped or resigned from membership not in good standing may not crew, skipper a boat, or be a guest of anyone at MBYC until the debt is satisfied.

### **B. PRORATES**

#### **1. Pro-ration Method.**

All dues, boat storage fees and locker rentals will be prorated on a daily basis, based on a 30-day month.

#### **2. Determining Dates.**

The determining dates will be:

- a. Dues for new members: the date of the Board meeting at which the member was accepted.

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- b. Dues for resigning members: the date the member's written resignation to the Board is received by the office.
- c. Storage fees: the date the office assigns the space or the date the member has both removed his/her boat (or emptied his/her locker) and notified the office.

## **C. NEW MEMBER FIRST BILLING**

The initial monthly billing of all new members includes dues and storage charges incurred up to the billing date and listed as "charges for prior period" along with any initiation fee installment and all dues and storage charges due for the current billing period.

## **D. SPACE ASSIGNMENT; PENALTY**

Each member must notify the office and receive a space assignment before bringing a boat aboard. Any member who brings a boat aboard without notifying the office, and stores it in a space that is not assigned to that member, will be assessed a penalty equal to three month's storage fee for that slip or space. The member will also be liable for the normal storage charges.

## **II. RULES GOVERNING THE PREMISES AND FACILITIES AND USE OF SAME**

### **A. CLUBHOUSE, ADJOINING BUILDINGS AND GROUNDS**

#### **1. Members; Guests.**

The Club is located in Mission Bay Park, a San Diego City Park, and is subject to all Mission Bay Park Regulations. The Clubhouse and grounds are for the use of members and their invited guests. No member in good standing shall be denied Club privileges nor be refused admission to Club facilities when they are available generally to members. Designated smoking areas, including vaping (electronic nicotine delivery systems) are the black top areas (specifically the car parking lot and the boat dry storage area), and the back dock area. Smoking in all other areas is prohibited.

#### **2. Hours.**

Clubhouse hours and days when open are published in the Mainstay.

#### **3. Bar; Liquor.**

On weekends and specified occasions, liquor is served in the Bar. Minors are not permitted in the Bar when liquor is being served. Liquor may not be brought onto Club premises except that it may be kept aboard wet stored boats, if locked up out of sight when not in use, and only consumed in the vessel.

#### **4. Galley.**

Food is served to coincide with and in keeping with seasonal demands.

#### **5. Attire.**

Members and guests in wet bathing suits or with sandy feet, etc., must not enter the Clubhouse, but may use the restroom facilities of the Bodrero Building.

#### **6. Bodrero Meeting Rooms.**

Meeting rooms are available for protest hearings and other activities upon application to and approval by the Board of Directors. The Bodrero Building, except for the Race Committee Tower and any reserved rooms, is available for use by all members during Club operating hours. Members desiring to use these facilities at any other times may obtain a key from the office.

#### **7. Lockers.**

Lockers are available to members on a rental basis on a first come, first serve basis.

#### **8. Beach and Picnic Areas.**

The sandy beach adjacent to the Clubhouse is set aside for swimming and beach parties.

Members are asked to refrain from throwing anything into the Bay; and in addition, are asked to help keep these areas shipshape by always cleaning up after use. Trash receptacles are provided.

# MBYC RULES



## **9. Use of Club for Social Events.**

Club premises may be used for social events only if:

- a. Sponsored by one or more members.
- b. The functions do not conflict with regularly scheduled Club events.
- c. Said functions are approved in advance by the Board, except for smaller events, for which approval may be granted by the Commodore and Club Manager, acting jointly.
- d. During such social events, the Club shall be open to all members.

## **10. The Gate; Car Parking Area.**

Upon approaching the gate, members may be asked to show their membership card. A speed limit of 5mph prevails in this area. Members should help maintain our good safety record by observing the speed limit and should park only in designated spaces. Cars blocking the fire lanes, parking on the grass areas or boat storage area may be towed at owner's expense.

## **11. Swimming.**

Swimming is permitted only in the designated swimming area and is expressly prohibited from any other Club float or pier. All boats shall keep clear of the swimming float at all times.

## **12. Fishing.**

Fishing is permitted only from the designated fishing areas, and from the member's own boat.

## **13. No Commercial Activity.**

No commercial activity is allowed at the Club.

- a. Members may earn their living in the marine field, such as sail making and yacht brokerage, but their membership in the Club must be personal and not professional. .
- b. No boats stored at the Club may be registered for commercial activity of any kind. Upon request of the Port Captain, a member storing at the Club shall furnish proof of ownership. If the boat is a documented vessel, the owner shall establish that the vessel has been documented in the member's name. If the boat is a registered boat, the member shall establish proof of registration in the member's name.
- c. Swordfish planks, lobster pots and any other apparatus normally used commercially are specifically prohibited.
- d. Small notices for such purposes as selling a boat may be placed on the Club bulletin board by members and nowhere else on the premises.

# MBYC RULES

## 14. Minors Operating Club Power Boats.

No person under age 16 shall operate a Club power boat except:

- a. A person age 14 or 15 may operate a club power boat if a person age 18 years or older is on board and is attentive and supervising.
- b. A person age 14 or 15 may operate a club power boat as part of a regatta race committee under the direction of the Race Committee Chairman if:
  - (1) The operator has completed formal training and has been certified by the Junior Coordinator and the Race Committee Chairman to be a proper person to operate the particular club boat.
  - (2) The consent of the operator's parent or guardian is on file in the club office.

## 15. General Use Docks.

- a. The red area of club docks is reserved for Race Committee vessels.
- b. The entire east sides of CC and DD docks are intended for use as rigging docks. Exceptions may be made by the Port Captain.
- c. The Main Dock and Junior Dock will have two hour time limits granted on a first come, first serve basis. No reservation or check in required.

The Main Dock will only accept visits longer than 2 hours for special circumstances such as Opening Day Raft Up or other scheduled events. Advanced permission from the Port Captain or his designee required. For special racing events, signs will be placed on the North end of the Main Dock indicating no visitor (MBYC member or other wise) mooring allowed, other than those boats involved in the regatta.

Longer mooring on the Junior Dock will only be granted when requested in advance to the Port Captain or his designee. This longer mooring will only be granted if the dock space is not required for sailing or Junior events.

## 16. Bikes.

All bikes must be stored on the bike rack provided by the club. Any member may store a bike on the rack for up to 3 days. After 3 days the bike must have a club storage permit affixed to the main crossbar of the bike. Bike storage permits are available in the club office for a fee. Bikes left at the club for over 3 days without a current permit will be removed to an impound area.

## B. STORAGE IN GENERAL

### 1. Qualifications for boat storage.

- a. All partners or co-owners in a boat moored or stored at the Club must be members in good standing.
- b. All members must provide proof of ownership before securing space.
- c. All boats must carry current registration or valid documentation.
- d. Members must show proof of continuous marine liability insurance (with fuel and other spill liability) with a minimum of \$300,000 to qualify for wet storage. MBYC must be named as an additional insured party.
- e. All boats moored or stored on Club premises must be seaworthy as determined by the Port Captain or his/her delegate.
- f. All vessels in wet storage at MBYC must have the ability to provide adequate: 1) sleeping accommodations, 2) galley facilities, and 3) head (bathroom) facilities. Upon recommendation of the Boat Inspection Committee (three designated Board Members), the Port Captain may grant a waiver for these requirements.
- g. No member may hold majority interest in more than one wet stored vessel.

# MBYC RULES

## 2. Underway Policy.

Every boat assigned to and kept in a wet slip or dry storage space shall be actively engaged in yachting activities and be capable of getting underway and performing the underway yachting activities appropriate to comparable boats. Each Member assigned a slip or dry storage space must demonstrate that the boat can get underway a minimum of one time every twelve months, traveling under its own power, and with the Member on board. This activity must be verified and documented by the Port Captain, General Manager, a member of the Board of Directors, or a designated, and can be satisfied by participation in the Opening Day Raft Up, TNT events, Parade of Lights, Catalina Cruise, Military Family Day, a trip to the MBYC Front Dock, or similar activities.

The annual underway requirement can be satisfied at any time during the year in each twelve-month period.

If a Member fails to complete the underway activity, the Member shall be notified in writing of failure to meet the minimum underway requirement. If the Member has not satisfactorily met underway requirement within 30 days of the date of the notice of failure, the Member shall be assessed a penalty, on a monthly basis, in an amount equal to the Member's monthly slip or storage fee, until the underway requirement is met. If the underway requirement is not met within 60 days of the notice, the Board of Directors may determine that the Member willfully violated Club rules and withdraw the Member's slip or storage privileges and require that the boat be removed within ten days.

## 3. Seaworthiness and Dead Storage.

Club Rules prohibit the "dead storage" of boats and trailers and require that all boats moored or stored at the Club must be Seaworthy. The term "Seaworthy", as employed in its various forms throughout the MBYC Rules and regulations, shall mean, "In good enough condition to venture under its own propulsion onto the waters of Mission Bay and beyond".

## 4. Boat Partnership Rules.

The intended purpose is to permit equitable progression on the waiting list of those members awaiting wet or dry slip assignments and to preclude members from entering into simulated joint ownership agreements for the purpose of circumventing this equitable progression.

- a. All owners and co-owners must be members, in good standing, of Mission Bay Yacht Club. At least one owner or co-owner must be eligible for the slip assignment, based on priority date on the Waiting List. At or prior to the formation of a partnership, each owner or co-owner must submit a request for storage and be listed on the Wait List.
- b. The member with the slip assignment must be the majority owner (at least 50%) of the vessel (Any exceptions must be made by Port Captain in writing and filed with office.) The majority owner will receive the Slip Assignment, based on Wait List eligibility and will be billed for, and responsible for payment of monthly slip fees and any other assessments. All co-owners must demonstrate active participation in the operation and use of the vessel.
- c. The percent of ownership of each partner must be provided in writing, approved by Port Captain, and filed with the office.
- d. Current copies of Insurance, Registration and Vessel Documentation must be submitted to the Port Captain and to the office, and must include the names of all joint owners
- e. A statement must be submitted to the Port Captain and the office each year certifying that the joint ownership remains in place, signed by all owners, signifying their intent to comply with all regulations for the coming year.
- f. If it is determined that the original owner eligible for the slip assignment is no longer a co-owner, or no longer a Club member, the vessel must be removed and the slip must be vacated within 30 days.
- g. Mission Bay Yacht Club continues to recognize and encourage multi-generational family involvement and active Club participation and support. Our legacy program allows family members who are direct descendants of long-standing, actively participating

# MBYC RULES

members to assume vessel ownership and a slip assignment if the following conditions are met. The vessel owner with the slip assignment must be an actively participating member for a minimum of ten years. The family member wishing to assume the slip assignment must be listed on the vessel registration or documentation, and insurance, as a co-owner for a minimum of five years, and must be on the MBYC Wet Storage Wait List for a minimum of five years. Transfer of slip assignment may result in relocation of the vessel at the Port Captain's discretion if the move maximizes the Club's profitability or slip usage.

## **5. Poly Tarps.**

Poly Tarps are prohibited for use at the Club in both wet and dry storage areas due to the detrimental impact of disintegrating plastic materials in our marine environment.

## **6. Port Captain's Authority.**

- a. The Board of Directors has the sole right to manage and administer slips and storage.
- b. Boats must be kept in rented slips or spaces assigned by the Port Captain (See Paragraph I.D. above for penalties for unauthorized storage).
- c. The Port Captain may revoke or transfer slip or space assignments for any reason he/she deems necessary or appropriate, subject to the action of the Board of Directors to the contrary.
- d. The office, under the Club Manager's supervision, shall act as the Port Captain's agent for the assignment of storage space and collection of fees.
- e. Slip or space rental does not connote ownership, but merely a revocable license.
- f. Private agreements between members for space or slip usage or sub-letting is prohibited.
- g. The use of any space or dock other than the member's own must be approved by the Port Captain.

## **7. Responsibility for Safe Mooring or Storage of Boats.**

- a. Each boat owner is responsible for the safe mooring or storage of his/her own boat.
- b. Adequate mooring lines shall be provided by boat-owner if the boat is in wet storage.
- c. Boats parked on land shall be tied down with trailer wheels blocked to prevent damage from wind. It is especially necessary to tie down boats stored on racks.
- d. The Club assumes no responsibility for any boat or its contents, whether in wet or dry storage, and whether from theft, fire, wind or any other cause whatsoever.

## **8. No Dead Storage; Repairs Required.**

- a. Dead storage for boats, trailers and equipment is prohibited.
- b. Owners of boats or equipment in need of repairs shall be notified in writing by the Port Captain and given a reasonable time to complete the required repairs.
- c. Major repairs, hull and deck painting are not permitted.

## **9. Boneyard.**

- a. If required repairs are not completed, the property shall be moved to the boneyard. Owners of boats removed to the boneyard shall then be charged a daily fee of \$10.00.
- b. The boneyard is not to be used as permanent storage.
- c. Any member wishing to temporarily store a boat, trailer or other equipment in the boneyard may do so only with the Port Captain's permission. All such storage is limited to 10 days. After 10 days the member must pay storage fees of \$10.00 per day.

## **10. Vacant Spaces or Slips.**

- a. Temporarily vacant space may be rented to members at the Port Captain's discretion if the proper size slip or space is available. The renter of a temporary space or slip may be required to move the boat on one day's notice, or allow the Club to move it as required.

# MBYC RULES

- b. Temporarily vacant slips or other space appropriate for that purpose may be assigned by the Port Captain for the use of visitors from other approved yacht clubs, free of charge for three days in any calendar year, and ten dollars (\$10.00) per day thereafter for dry storage, and twenty-five (\$25.00) per day thereafter for wet storage.
- c. If, after continuous occupancy of an assigned space or slip for a period of at least one year, a member disposes of the boat but wishes to retain space/slip rights until the member obtains another boat, he/she may do so by paying the usual fee. The Club, however, may, during this interim period, sublet the space/slip and collect fees.
- d. Any slip not occupied by the member's boat for a period of thirty consecutive days will revert to the Club's jurisdiction. The member may retain priority for the space/slip use by continuing to pay the regular rental fee. The privilege of slip retention shall not exceed twelve months. Thirty days in advance of the member's desired re-occupancy, however, he/she must make a request for re-occupancy, in writing to the Port Captain. If the member notifies the Port Captain and/or the Club in writing in advance of his/her intent to temporarily vacate, he/she may retain continued use upon returning.

## C. WET STORAGE

### 1. Priority or Waiting Lists.

A member requesting to be placed on the "Waiting List", or "Request to Relocate List", is required to apply, in writing, through the Club Office or the Port Captain for a position on the priority lists.

- a. A list is kept of "Awaiting Storage" and "Request for Relocation" by the Port Captain. It is the responsibility of the Port Captain to maintain these lists, and to make available to all Club Members and Officers at all reasonable times.

### 2. Awaiting Storage Rule:

- a. \$100 deposit shall be collected for placing the member's name on the Awaiting Storage list. Members (or Applicants who are subsequently voted in the Club as members) on the "Awaiting Storage List" have priority based on their date of deposit. The "Awaiting Storage category is kept chronologically by the application fee receipt date.

Members may be considered active or inactive. The active category requires that a member provide a request in writing to the Club Office or Port Captain. At the time the member requests to be in the active category, a written "Request for Slip" must be submitted to the club. The inactive category does not require a request in writing, but allows the member to retain their priority date.

### Selection Process

Request categories are created to manage requests within the active list. Examples of request categories are: 1) upwind slip, 2) end tie, 3) outside slip on GG dock, 4) any slip for a 30' boat, or 5) other categories as the Port Captain deems necessary to manage the active list. When a slip becomes available, members on the active list are contacted by the chronological order within their respective category based on their priority date. If the first priority member elects not to rent the slip, the member shall be dropped to the bottom of their request category. A new priority date will be assigned based on the day the member declined the slip, and the #2 priority shall be contacted, etc., until the slip is rented.

If the member renting the slip does not own a boat, the fees shall start on the day of acceptance and the member shall be allowed 60 days to obtain a boat. The club may sublet the slip and charge a second fee for the slip during this period of time. After 60 days, if no boat is purchased, the slip will be offered to the next member on the priority list until the slip is rented. The member, not having purchased a boat, shall move to the bottom of the list with a new priority date, and shall forfeit the rental fee paid for the 60 days.

After accepting a slip, a member may select to have their slip deposit returned, or they may leave the deposit with the club, and remain on the Request for Relocation list. If the member elects to remain on the Request to Relocation list, their priority date will be adjusted to be the date of their written request to relocate.



# MBYC RULES

## **Rules for Request for Relocation**

A member renting wet storage may have their name placed on the Request for Relocation category by applying, in writing, at the office, and depositing the \$100 fee. The member's priority date will be the date the deposit fee is received. A member may have one request pending per each deposit fee. Members on the Request for Relocation list may elect to be active or inactive. The active status requires a specific written request from the member. Priority dates in the Request for Relocation list are based on the date of the written request. The Port Captain will only contact these members as their request matches any available open slips. When a vacancy occurs, the oldest priority date is considered first. If a member significantly modifies the request, a new priority date will be assigned.

The inactive status does not require a request in writing. At the time the member requests to be on the active list, a written request for relocation must be submitted to the club.

## **Selection Process:**

See corresponding paragraphs under Awaiting Storage.

No partner in a boat has priority to any slip based on the partnership in that boat. Any member gaining access to a slip must have had his name come up to the top of the "Awaiting Storage" category through the prescribed procedure.

## **3. Rates; Length and Width.**

- a. The wet storage rental fee is based on a rate per linear foot of the boat or of the finger, whichever is longer.
- b. A boat's overall length must not exceed the length of the slip by more than two feet, and shall not be less than five feet under the overall slip length, with certain exceptions granted by the Port Captain.

## **4. Personal Gear; Lockers; Etc.**

- a. The Club owns all fixtures and specialized equipment installed by a member on any dock. Ownership may revert to that member only upon application to and consent of the Board.
- b. Power lines, spars, etc., which extend over the docks, must clear by at least 6 feet. Offending boats may be moved by the Club and low power lines raised.
- c. Skiffs, kayaks, sailboards, floats, etc., must not be kept on any dock, or in the water. Storage space can be assigned by the Port Captain. Personal property must not be kept on the docks, unless kept in approved lockers, or purely as a temporary measure, do not exceed a 75 pound limitation and do not prevent free access to all parts of the dock. The Port Captain shall advise offending members of the infraction of this rule in writing by mail. If the infraction is not corrected within 10 days of mailing the notice, the Club will clean up the dock and after 30 days may dispose of any material removed. The offending member is liable for clean-up costs.
- d. Gear lockers and boarding steps are limited to one piece each for each boat. The weight of such equipment shall be included in the 75 pound maximum allowance.
- e. The placement of lockers is limited to the center portion of each finger and must be immediately adjacent to a pontoon.
- f. Where two lockers are placed on one dock, they may not be placed directly opposite one another but must be staggered with at least four feet clearance between them.
- g. The maximum dimensions of lockers shall not exceed 16 inches in width, 4 feet in length and 20 inches in height and must be raised 3/4 inches above the float deck for ventilation. Existing equipment, substantially fulfilling this requirement, is considered satisfactory.
- h. In such locations as the triangular gusset area forming the dock and finger, if it is large enough to accommodate a practical locker box, it may be used to a height of 20 inches and may extend no more than 6 inches beyond the triangular base.

# MBYC RULES

- i. A combination boarding step and locker may be as high as the stored boat's boarding rail up to four feet in length and sixteen inches in width. The member must keep his equipment painted and in good repair.
- j. All lockers must be adequately ventilated if solvents, thinners or paints are to be stored within. Accumulations of oily wastes, etc., which constitute a fire hazard, are prohibited.

## **5. Miscellaneous; No Liveboards; Dock Painting; Temporary Vacancy notice.**

- a. No one may live aboard a boat berthed at the Club, but the member-owner of a wet stored boat may spend overnights on such boat, not to exceed ninety times per calendar year.
- b. Dock areas shall be protected from all painting operations. Any offending member causing damage by not doing so shall be liable to the Club for the cost of cleaning the dock as appropriate.
- c. Members must notify the office when their slip will be temporarily vacant.

## **D. DRY STORAGE**

### **1. Waiting list**

A member requesting to be placed on the "waiting list" for a dry storage space must apply through the MBYC website for a position on the list. The list is managed by the Port Captain and his designees. It is the responsibility of the Port Captain to maintain this list, and to make available to all Club Members and Officers at reasonable times.

### **2. Selection Process**

When a space becomes available, members on the list are contacted by the chronological order within their respective category based on their priority date. If the first priority member elects not to rent the slip, the member shall be dropped to the bottom of the list. A new priority date will be assigned based on the day the member declined the slip, and the #2 priority shall be contacted, etc., until the slip is rented.

If the member renting the space does not own a boat, the fees shall start on the day of acceptance and the member shall be allowed 60 days to obtain a boat. The club may sublet the space and charge a second fee for the space during this period of time. After 60 days, if no boat is purchased, the space will be offered to the next member on the priority list until the space is rented. The member, not having purchased a boat, shall move to the bottom of the list with a new priority date, and shall forfeit the rental fee paid for the 60 days.

No partner in a boat has priority to any space based on the partnership in that boat. Any member gaining access to a space must have had his name come up to the top of the "Awaiting Storage" category through the prescribed procedure.

Special consideration is given to vessels belonging to currently approved racing fleets at MBYC. These fleets are indicated in the Club Rules. In this case, if a boat is sold to a member of an approved fleet the space may transfer to that member. That is, the new owner of the boat would not be subject to the waiting list procedures. All other rules for dry storage apply. However, if within a fleet there is a waiting list for spaces then the fleet member(s) on the waiting list would have priority.

### **3. Basis for Dry Storage Charges.**

The dry storage rental fee shall be based on the square footage of the space occupied.

### **4. Space Assignments.**

The Port Captain has the authority to assign, reassign and require removal of any boat or trailer from dry storage areas and may grant permission for the short-time storage of visiting boats.

- a. A member must contact the Port Captain or Club Office for a space assignment before bringing a boat on board.
- b. Spaces are assigned to specific boats/trailers. A member may use only that space assigned and may not move or switch without the permission of the Port Captain.

# MBYC RULES

- c. All boats except those on racks shall be stored on a trailer or dolly.
- d. Only one dolly or trailer is permitted per storage space.
- e. Upon approval of the Port Captain more than one boat may be kept in one space but the secondary boat shall not extend beyond the perimeter of the primary boat.
- f. All boxes are to be stored on trailers.
- g. No items may be stored on the ground in dry storage spaces.

## 5. Storage Permits.

- a. All boats and/or trailers shall display an MBYC "Storage Permit" sticker clearly visible from the driveway; Sabots and Lasers on the outside of the transom, all other boats on the left fender or tongue of the trailer.
- b. If a boat is sold or otherwise changes ownership, the old and new owners must report such information to the Port Captain or the Club Office.

## 6. General Requirements.

- a. Trailers and dollies must be maintained in attractive and operational condition at all times. Major repairs, hull and deck painting are not permitted in the dry storage areas.
- b. The tongue wheel must be at least 4 inches in diameter and must not be metallic. A rubber tired wheel is preferred.
- c. Dry stored boats are expected to be with the mast up in its sailing position. When masts are stored down, it is the owner's responsibility to see that the mast does not restrict the driveway or interfere with boats in adjacent spaces.
- d. Fire lanes must be kept clear at all times. Boats, masts, trailers, motors, etc. must not reduce the required width of a fire lane.
- e. Each member is required to keep his/her assigned space clean.

## 7. Dry Storage of Power Boats.

No power boats except those owned by the Club shall be kept in the dry storage areas. However, large sailboats may have an externally mounted outboard motor or an auxiliary inboard engine.

## 8. Notice Before Removal of a Boat.

The Port Captain or the Club's office shall be notified before any boat, trailer or piece of equipment is removed from the Club's premises.

# III. RULES GOVERNING RESPONSIBILITIES AND CONDUCT OF MEMBERS, DEPENDENTS AND GUESTS.

## A. FLAG MEMBERS

### 1. Members Responsible for Dependents, Guests; Disciplinary Action of Board.

Members are responsible for the conduct of their dependents and their guests while on the Club premises. Unbecoming conduct by members and/or their guests shall be cause for disciplinary action by the Board. Members also are responsible for any damages or loss caused by their dependents and guests and for the observance of all Club rules by their dependents and guests.

### 2. All Guests Deemed Members' Guests.

A guest shall be deemed to be a guest of the Flag member whether entertained by the Flag member or a member of the immediate family. Guests must be accompanied by a Flag member or a member of the immediate family while on Club facilities. A "member of the immediate family" is defined as any relative of the Flag member who resides in the Flag member's home.

### 3. Guest Log.

The name of the Flag member or the name of a member of the immediate family who is acting as host, and the names of all guests, must be recorded at the Club office.

# MBYC RULES

## **4. Numbers of Guests.**

Other than open Club social events, the number of guests per Flag member shall be limited at any one time to six; except that when a member of the immediate family is acting as host, the number of guests shall be limited to three. This rule may be suspended by the Board upon approval of a social event under Rule II.A.9.

## **5. Denial or Rescission of Club Privileges to Visitors, Guests.**

The Club reserves the right to deny or rescind Club privileges to visiting yachtsmen or guests. Violation of Club rules by guests or boisterous conduct offensive to any other guest, member or employee of the Club, shall be grounds for expulsion of any person from the Club premises; and the directive of a Club director or the Club Manager shall be obeyed in this connection. Failure to obey such a directive may result in disciplinary action against the Flag member whose guest fails to obey such a directive.

## **6. Restriction on Frequency of Visits By Guests.**

No person shall be a guest more than three times in any three-month period. However, a member may extend Club privileges to non-residents of San Diego for ten consecutive days, if the member and the guest are first registered with the office. Such guest privileges shall not include boats unless approved by Port Captain or the Board.

## **7. Minors on Premises; Time Restrictions.**

A Junior, Sandpiper, or dependent member may not be on the Club premises before sunrise or after sunset without the permission of the Club Manager, unless accompanied by a Flag member or unless attending a sanctioned Junior event.

## **8. Pets.**

Pets are not allowed on the premises, except that pets are allowed on wet stored boats. Dogs may be walked on a leash only between your car and your boat and out the front gate or in the designated dog walk area. Owners must pick up after their pets. Dogs must not be allowed to use the Club docks as a bathroom. Barking dogs are not welcome in the close confines of the docks and shall not be allowed to interfere with the quiet enjoyment of MBYC by its members.

Pets must remain on board the boat or car. Visiting vessels are allowed to keep pets onboard provided that these animals shall not be allowed on Club premises.

## **9. Football; Similar Activities Prohibited.**

Football and similar activities are prohibited in the car parking lot.

## **10. Violent Displays Prohibited.**

Violent displays are prohibited.

## **11. Skateboarding, Roller Skating, Roller-Blading, Bicycle Riding Prohibited; Exception.**

Skateboarding, roller-blading, skating, bicycle riding are prohibited on the docks and decks, and extreme caution must be used in doing so in blacktop areas.

## **12. Water-skiing from Premises Prohibited.**

Water-skiing from the Club's facilities is forbidden.

## **13. Restroom; Holding Tanks.**

The Club provides adequate restrooms. The use of head facilities on boats without holding tanks is absolutely prohibited in the Bay.

## **14. Personal Watercraft.**

The use of personal watercraft from Club beaches is prohibited.

## **B. JUNIOR FLAG MEMBERS**

Junior Flag Membership is defined in the by-laws and is distinguished from "Junior Members" and "Juniors (dependents) of Flag Members."

# MBYC RULES

## **C. JUNIOR MEMBERS**

### **1. Must Follow Rules.**

Junior Members and dependent members must comply with all the Club rules, including but not limited to the rule concerning unbecoming conduct (see Rule III.A.1).

### **2. Times When May Be Aboard.**

No Junior Member under 18 years of age will be allowed on the Club premises on days that the Club is officially closed as stated in the Mainstay calendar. See Rule III.A.7. above regarding the sunrise-sunset restrictions.

### **3. Must Sign Log.**

Junior Members shall sign the log in the Club office upon entering the Club premises.

### **4. No Guest Privileges.**

A Junior Member does not have guest privileges.

### **5. Continuing Active Participation.**

Continuing active participation in junior sailing and related Club events are required to retain Junior Member status. "Active Participation" is defined as frequent sailing on a year round basis in Club junior regattas, helping on junior work projects and junior race committee duty. Sailing in senior events, while not the principal thrust of Junior Membership, is also a qualifying activity.

### **6. Junior Coordinator.**

The Junior Coordinator, at regular intervals through use of junior log entries, junior regatta race entry sheets and observation of the personal behavior of Junior Members, shall evaluate them and shall recommend continued participation in the junior program.

## **D. SANDPIPER MEMBERS**

Sandpiper members must abide by the rules for Junior Members as stated in Section III.C. above.

## **IV. RULES GOVERNING AUTHORITY OF THE CLUB MANAGER.**

### **A. OPERATIONS AND RULES**

The Manager shall have complete authority to enforce the Club rules and to operate the Club facilities.

### **B. EMPLOYEES**

The Manager shall have exclusive authority to direct all Club employees. Members may not confront Club employees directly, but must bring concerns to the Club Manager, or to the Board of Directors for resolution.

### **C. CLUB PROPERTY**

The Manager may authorize the use of Club property.

# MISSION BAY YACHT CLUB

## RACING ADMINISTRATION AND CONTROL

**(REVISED & RESTATED 1/1/95)**

MBYC races shall be conducted under the provisions of the current International Yacht Racing Rules, and when applicable, Team Racing Rules, as adopted with prescriptions by the United States Yacht Racing Union.

### **SAILING RACE COMMITTEE**

A permanent committee has been established within the Board of Directors, under By-Laws Article XII, which is empowered to control and administer MBYC fleet racing. This committee consists of Rear Commodore (Chairman), Fleets Captain, Port Captain, and the Race Chairman. The Committee shall function in accordance with the procedures of Articles II and III of these Racing Administration and Control regulations. The powers of this committee extend to the regulation of one-design classes and the handicap class.

The Committee shall encourage the scheduling of a variety of sailing opportunities to promote Corinthian sailing among the members of the Club and their dependents.

The Sailing Race Committee shall provide the necessary personnel and equipment and supervise the activities of the fleet(s) designated to assist. This committee shall include an Appeals Committee authorized to review questions arising under the racing rules. When made prior to the award of a trophy, their decision on protests shall be considered the final determination of the Race Committee as regards the award of a Club trophy.

The activities of the Appeals Committee are intended to apply only to those MBYC races in which the yachts of other clubs do not ordinarily compete.

### **CLUB CHAMPIONSHIP**

The Club Championship will be sailed annually in October or in such other month as the Sailing Race Committee may select. The class of boats to be sailed, and specific rules applicable to this event, will be determined by the Sailing Race Committee with advice from the fleet captains.

### **TROPHIES**

For a skipper to qualify for trophies in Club regattas and series races, a skipper must be a member in good standing of MBYC; or be both a member in good standing at a yacht club with reciprocal rights with MBYC and be a member of the fleet in which he is racing. In cases of doubt, the Fleet Captain of the involved fleet, or in his absence a flag officer of the club, shall determine if a non-MBYC member is in fact a member of the fleet. In either case, the skipper must be signed up for the regatta using the sign-up sheets on the south wall of the main Clubhouse. For each Club regatta or series, it shall be the duty of the Fleet Captain to verify the authenticity of the skippers' names as listed on his Fleet's race sign-up sheets posted on the Race Committee Bulletin Board.

The ratios used to determine the number of trophies to be awarded to any one Class or Fleet are as follows:

- 1 Trophy for 3 to 5 MBYC skippers.
- 2 Trophies for 6 to 8 MBYC skippers.
- 3 Trophies for 9 to 11 MBYC skippers.
- 4 Trophies for 12 to 14 MBYC skippers.
- 5 Trophies for 15 or more MBYC skippers.

# RACING ADMINISTRATION AND CONTROL



## STARTING TIMES

Starting times will be published in the annual directory. Updates and changes will be published in the Mainstay. Bay races will customarily start by warning at 12:00 p.m. Ocean races will customarily start by warning at 12:00 p.m.

Bay starts may be postponed pending finishing of the Junior Sabots to allow Senior skippers who are dependent on Juniors for crews adequate time to afford them the opportunity of participating in competitive racing.

## ARTICLE I INTENT, PURPOSE AND EXISTING FLEETS

**SECTION 1** – It is the goal of these rules and guidelines to encourage and promote a very high degree of competitive racing at MBYC. Competitive racing can suffer by having too few classes, which tends to stifle the inherent capability or tastes of our membership and by having too many classes, which tends to dilute the number of competitors in each class. As new boats come into being and older classes pass from popularity and the character of the sport of sailboat racing changes, a method of changing the composition of MBYC one-design racing is required. However, this method should be deliberate and orderly to provide a tryout period for new classes and to provide time for members to dispose of older class boats without undue financial loss.

**SECTION 2** – The current approved racing fleets at Mission Bay Yacht Club are:

- |              |                 |             |
|--------------|-----------------|-------------|
| 1. Finn      | 6. Multihull    | 11. Soling  |
| 2. Handicap  | 7. Naples Sabot | 12. Sunfish |
| 3. Laser     | 8. Cruising     | 13. Thistle |
| 4. Lido 14   | 9. Scow         | 14. Victory |
| 5. Lightning | 10. Snipe       |             |

The above list is to be changed in accordance with Article II and III but published herein once each year.

**SECTION 3** – Consistent participation in racing events and fulfillment of Race Committee obligations, as detailed on the Club sailing calendar, are expected from each class.

## ARTICLE II THE ADDITION OF NEW CLASSES

**SECTION 1** – A prospective new class boat must be one which has an established class organization, by-laws, measurement rules and other evidence of continuing involvement in the sport. The class must be proposed by a “fleet captain” who has had communications with the class organization and has a fleet charter granted or has obtained assurances that such a charter will

# RACING ADMINISTRATION AND CONTROL

be granted. This “fleet captain” shall act as sponsor and spokesman of the boat and be responsible to the Board of Directors and the MBYC Racing Rules and By-Laws.

Any number of skippers of boats in any approved Fleet may start a race, but at least three of the same skippers must be ranked as a starter in at least 50% of the scheduled races of a Club regatta or series for that Fleet to be eligible to receive any trophies.

**SECTION 2** – The “Captain” of the prospective new racing fleet shall petition the Sailing Race Committee in writing to be granted Temporary Fleet Status. He shall present evidence of the class organization and the names of three (3) MBYC members who are willing to race regularly, and six (6) members who own, or intend to own in the near future, the boat. At the next Board of Directors meeting, the Sailing Race Committee chairman shall present the petition of the new fleet. The chairman shall discuss the boat, its popularity, its class organization, its probable future and present the committee’s recommendation. The “fleet captain” should be present and is expected to plead for the acceptance of the class. The Board of Directors, by majority vote, shall either accept or reject the petition. If accepted, the fleet will be recognized as a Temporary Fleet at MBYC and the Race Committee will begin to give starts to that fleet.

**SECTION 3** – No earlier than six (6) months and not later than twelve (12) months after acceptance as a Temporary Fleet, the Sailing Race Committee shall review the status of the new fleet. If their participation in Club races has increased to six (6) or more and/or the number of members owning boats has increased to twelve (12) or more, the Sailing Race Committee chairman shall recommend to the Board that the class be granted full Racing Class status. If the above is not the case, the chairman can either recommend removal of their Temporary Fleet Status or an extension in time to allow fleet growth. The fleet captain shall be present to present his case when this action is contemplated. In any case, by the end of eighteen (18) months, the status of the fleet must be acted upon.

**SECTION 4** – In addition to Article II, Section 1 above, there may be a Handicap Class. The intent of this fleet will be to foster sailing among owners of non-class yachts and yachts of classes with fewer than three starters whether or not the class has racing status. The fleet captain of the Handicap Fleet shall submit to the Sailing Race Committee a proposed eligibility requirement and the Sailing Race Committee shall submit the proposal with their recommendation (Pro or Con) to the Board of Directors. All other rules for establishment and removal of a fleet shall remain in force.

## ARTICLE III THE REMOVAL OF EXISTING CLASSES

**SECTION 1** – If after a minimum of three (3) months there is no race participation, reception of trophies, or fulfillment of Race Committee obligations, the Sailing Race Committee chairman is empowered to, at his discretion, send a letter to the fleet captain pointing out this fact and informing him that his fleet will not be given a start during regular Club races unless a written request is received by the Race chairman. If such a request is received, a start will be given. The Sailing Race Committee chairman will notify the fleet captain that unless improvement in Club race participation is noticed a recommendation will be made to the Board of Directors to place the fleet on a Temporary Fleet Status.

**SECTION 2** – If after a minimum of six (6) months and after three (3) months have passed since the receipt of the letter of Section 1, no significant improvement in participation has been made, the Sailing Race Committee chairman shall recommend to the Board of Directors that the fleet be placed on a Temporary Fleet status. The fleet captain should be present at this action and be given an opportunity to speak on the subject. If the Board, by majority vote, declines to accept this recommendation, full racing fleet status will be continued for the fleet.

**SECTION 3** – If, six (6) months after being made a Temporary Fleet, no improvement in participation is noted, the Board of Directors may (1) by majority vote, remove that fleet from the list of eligible racing fleets or (2) by majority vote, restore the full racing status of the fleet. Only one extension of time should be allowed.