

# SOUTHWESTERN YACHT CLUB

## RULES AND REGULATIONS

### 2. DOCK RULES:

These Dock Rules ("Rules") describe the manner in which Members of SWYC may apply for and qualify for Slip Assignments, the process by which Slips will be assigned, the continuing requirements that must be satisfied by a Member to maintain a Slip assignment, the circumstances under which Slip assignments may be changed or terminated, and other matters pertaining to Slips, docks, and use of facilities at SWYC.

It is important for all Members to understand that when a Member receives a Continuing Slip Assignment, this does not mean that the Member will be able to continue using a specific slip indefinitely. Rather, a Continuing Slip Assignment means that as long as a Member owns a qualifying vessel, and pays all appropriate Slip fees, and remains a Member in good standing, and complies with all applicable rules of SWYC, then, except for an unusual circumstance, the Member will be allowed to continue to moor his or her vessel at SWYC, in an appropriately sized Slip (determined in accordance with these Dock Rules). Nothing in the Bylaws or these Dock Rules shall be construed to entitle any Member to continue to occupy a specific Slip. SWYC reserves the right at all times, upon the recommendation of the Port Captain, and with the approval of the Board, to change or reassign the Slip assignments of all Members, in order to best accommodate the needs of SWYC, consistent with the Most Efficient Utilization of Space policies of SWYC (as described in Rule 2.6.3.).

#### 2.1 General Qualifications for Slip/Space Assignment

- 2.1.1 No yacht shall be moored or stored on SWYC property until compliance with these Rules is completed.
- 2.1.2 Only Flag and Life Members in good standing shall be eligible for Continuing or Temporary slip assignment or dry storage. "Only vessels all of whose owners are either Flag, Life, Regular or Joint Members may be placed in a continuing or temporary slip assignment. At least one owner must be a Flag or Life Member for the vessel to qualify for a

temporary or continuing slip assignment." (04/10/13)

### 2.1.3 Documentation Required

2.1.3.1 Proof of ownership, ref: Bylaws Article V, Section 3 (B)

2.1.3.2 Proof of insurance naming Southwestern Yacht Club as an additional insured, with minimum liability limits of at least \$300,000 or proof of homeowner's insurance clearly identifying the vessel (with the vessel identification number or the CF number) as insured and naming Southwestern Yacht Club as additional insured with minimum liability limits of \$300,000 (12/01/04). Member is responsible for the submission of proof of insurance on an annual basis. Proof of insurance must be provided within 30 calendar days of the policy renewal date (3/26/15).

2.1.3.3 Current State registration or U.S. Coast Guard documentation

2.1.3.4 Current bottom paint survey form (wet slip only). An updated Bottom Paint Survey form is required to be submitted on an annual basis. The form must be submitted no later than October 1 of each calendar year (3/26/15).

2.1.3.5 For any vessel having multiple owners, other than a married couple jointly owning the vessel, the title to the vessel and a document describing the ownership arrangement shall be provided. If the owners have a written agreement governing the ownership arrangement, it shall be provided. Otherwise, the agreement shall be documented in a notarized declaration of ownership on a form to be provided by SWYC. In addition, the owners shall provide to SWYC a written designation of the Qualifying Owner (see paragraph 2.6.1 of these rules) for purposes of establishing a priority date for slip assignment. The designee must be the owner having the largest ownership interest in the vessel, or, if all owners have equal interest, the controlling owner as shown on the title. The Qualifying Owner must hold at least a one-third ownership interest in the vessel. The Qualifying Owner must be a Flag or Life Member. (04/10/13) This requirement shall not apply to vessels whose ownership arrangements existed as of January 24, 2008, and whose ownership arrangements were documented to the satisfaction of SWYC on or before April 1, 2008.

2.1.4 All yachts moored or stored on Club premises must be seaworthy and must meet the standards of the Club as set forth in Section 2.5.1 of these Dock Rules, as determined by the Port Captain.

- 2.1.5 Member's yachts that occupy temporary slips or continuing assignment slips at SWYC may not be used for nor participate in any commercial activity, including but not limited to charters or commercial fishing.
- 2.1.6 A member may not have more than one continuing slip assignment. (09/23/04)
- 2.1.7 To be eligible to accept any of the following, a member shall be in compliance with Rules and Regulations sections 2.1.4, 2.2.4 and 2.5.1, and be a "member in good standing" as defined in Bylaws Article V section 19. The member's boat is subject to inspection by the Port Captain prior to approval: (08/25/22)
  - 2.1.7.1 To accept a slip exchange pursuant to section 2.7.4
  - 2.1.7.2 To accept a new continuing slip assignment pursuant to section 2.7.2
  - 2.1.7.3 To renew liveaboard status pursuant to section 2.11.4

## **2.2 Conditions of Slip Assignment**

- 2.2.1 The Board of Directors has the sole right, responsibility, and authority, to manage slips and storage. The Board will approve the size of each wet slip and dry storage space.
- 2.2.2 Slip or space assignment does not connote ownership, but merely a revocable license to use a particular Slip, as long as such Slip assignment is in the best interests of SWYC. Nothing in these Dock Rules shall be construed to entitle any Member to continue to occupy a specific Slip. SWYC reserves the right, at all times, upon the recommendation of the Port Captain, and with the approval of the Board, to change or reassign the Slip assignments of all Members, in order to best accommodate the needs of SWYC.
- 2.2.3 The Port Captain shall recommend all slip/space assignments, based on priority of application and the most efficient utilization of space and the Port Captain shall have the authority to make interim Slip assignments, subject to ratification by the Board of Directors of SWYC. All Slip assignment recommendations of the Port Captain, and all interim Slip assignments made by the Port Captain, shall be submitted to the Board of Directors for approval, and such assignments shall not take effect until they have been approved by the Board of Directors of SWYC. After Board approval the Port Captain will cause the approved assignments to be posted. Due to the shortage of larger slips, boats will be placed in the smallest slip possible consistent with these regulations. The Port Captain may revoke or transfer slip or space assignments, subject to ratification by the Board of Directors.

- 2.2.4 Prior to any assignment, all Member yachts entering SWYC for the first time shall be presented to the Port Captain by appointment for the completion of a Certificate of Measurement. The Certificate of Measurement will contain the following information: (i) proof of ownership [Reference: Bylaws Article V, Section 3 (B)]; (ii) length overall; (iii) beam at the widest point; (iv) confirmation of proper holding tank installation (where applicable); (v) proper external electrical connection per Dock Rule 2.13; (vi) current registration or documentation; (vii) confirmation of seaworthiness [Rule 2.4.5]; (viii) confirmation by the Port Captain that the vessel satisfies the appearance and condition standards of SWYC [Rule 2.5.1]; and (ix) proof of insurance [required pursuant to Rule 2.1.3.] This Certificate of Measurement shall accompany the Port Captain's recommendation to the Board of Directors, and shall be a prerequisite for Board approval, and shall be placed in the Member's file if Slip assignment is approved.
- 2.2.4.1. The procedure described in this Section 2.2.4 applies to all Slip assignments;
- 2.2.4.2. This procedure described in this Section 2.2.4 also applies whenever a Member desires to introduce a different boat into a previously assigned Slip, or to execute a Slip exchange.
- 2.2.4.3 It is the responsibility of the Member to report any change of vessel prior to introduction of any new vessel onto the Club premises. Every vessel brought onto the Club premises must comply with the procedures in this Section 2.2, and must meet the same standards and criteria required of any vessel being introduced to the Club, including the requirements of Section 2.5.1. Failure of a Member to promptly report a change in vessel may result in the loss of a Slip assignment.
- 2.2.5 Upon any change in ownership, title, registration or insurance policy or upon any reasonable request by the Port Captain, a qualifying Member whose vessel occupies any Slip at SWYC shall produce proof of current registration or documentation, and current insurance and current bottom paint survey form within 30 days. Failure to do so will subject the Member to sanctions under the Bylaws, Article V, Section 12, Suspension and Termination of Membership or continuing Slip Assignment.
- 2.2.6 Private agreements between Members for space or slip usage, or informal exchanges of Slip assignments or usage, or sub-letting, are prohibited, and a violation of this Rule may result in loss of Slip assignment.
- 2.2.7 SWYC Manager or his designated staff shall act as the Port Captain's

agent for assignment of storage space, collection of fees, and acceptance of copies of vessel registration/documentation and proof of insurance, and any other documentation required under these Dock Rules.

- 2.2.8 Yachts in dry storage shall display a current SWYC assignment slicker on the trailer.
- 2.2.9 Yachts may not limit the visibility of the bay from the clubhouse. Yachts with large superstructures shall not be assigned to slips B-09 thru B-19.

## **2.3 Conditions of Dinghy Rack Assignment**

- 2.3.1 Vessels assigned to dinghy racks shall not exceed fourteen (14) feet LOA, or eighty (80) pounds gross weight per space.
- 2.3.2 Racks 81 - 875: "Sabot" type boats are not to exceed eight (8) feet LOA
- 2.3.3 Racks 853 - 856: Sailboards and Kayaks
- 2.3.4 Racks A49 - A70: Lasers, Sunfish and Force 5 type vessels
- 2.3.5 Racks A1 -MB: Inflatable boats and other "oversize vessels"
- 2.3.6 Racks E, F: All vessels not to exceed fourteen (14) feet LOA
- 2.3.7 All vessels shall clearly display their assignment sticker on the stern of the vessel. Owners of vessels not displaying a slicker matching the rack assignment and current year will lose their space and be returned to the bottom of the Dinghy Rack Wait List for assignment.

## **2A Yacht Storage and Use**

- 2.4.1 All yachts in slips shall be secured at all times in a seamanlike fashion. No yacht shall become a burden on the Members or employees of Southwestern Yacht Club for the safety of the vessel.
- 2.4.2 Yachts parked on land shall be tied down to the trailer with trailer wheels blocked to prevent movement or damage from wind.
- 2.4.3 All halyards, loose lines, etc. must be secured so as not to infringe on the general serenity of the neighborhood
- 2.4.4 Article V, Section 3. of the Bylaws states that only Members may use a boat moored at Southwestern Yacht Club. This means that no one may use or operate a boat into or out of a SWYC slip unless a SWYC

Member responsible for that boat, or a Member specifically authorized by the owning Member, is on board (8/25/16).

- 2.4.5 All yachts shall be used on an active basis and shall not have, in effect, been abandoned. All Yachts shall be capable of getting underway either by sail if they are a sailing vessel or by power if they are a powered vessel. This shall be demonstrated to the satisfaction of the Port Captain by the vessel owner annually and/or when requested by the Port Captain.
- 2.4.6 Upon a written complaint to the Board of Directors regarding violations of Rule 2.4.4 or Rule 2.4.5, or a Member's inability to operate their vessel (i.e. depart the slip, making way under power or sail and returning to the slip without outside aid) or show activity, a committee composed of the Port Captain, a Sail Fleet representative, an Anglers representative, and SWYC Manager, shall investigate and report their findings to the Board of Directors for appropriate action. Any action taken by the Board will be as defined under Bylaws, Article V, Section 12, Suspension and Termination of Membership or Continuing Slip Assignment.

## **2.5 Yacht Maintenance**

- 2.5.1 The mechanical condition and appearance of all yachts shall reflect the standards of the Southwestern Yacht Club. That is, the condition of all yachts shall be such that they are consistent with the quality of yachts which may fly the burgee of Southwestern Yacht Club. No yacht shall be permitted to be in a condition that is a danger to any person or property. Powerboats shall be fully operational and sailboats shall be fully rigged and capable of Operation. (i.e. depart the slip, making way under power or sail and returning to the slip without outside aid) All applicable requirements of the United States Coast Guard shall be met. The overboard discharge of human waste is prohibited by Federal, State and Local law, and violations are subject to severe penalties which shall be paid entirely by the Member responsible.
- 2.5.2 Maintenance shall be performed in compliance with all current regulations including, but not limited to U.S. Coast Guard, Coastal Commission, and State and Regional Water Quality Boards. The use of oil-absorbing materials is required for all boats moored in the Club. The use of detergents and emulsifiers on fuel or oil spills is prohibited. State and Federal laws prohibit the discharge of paint sanding debris, hydrocarbons, or chemicals into the water. Vacuuming is required while sanding. (07/31/04) All items which could leak, including but not limited to paint, varnish, cleaning agents, fuel, additives, oil, anti-freeze, containers or items which contain fuel (outboard engines, fuel tanks, etc.), stored in dock box, are to be placed in secondary containers within the dock boxes. These can be buckets or containers which would not allow any leakage whatsoever. If any of these items cannot

be stored in a secondary container, they cannot be stored in the dock box. (01/28/10) Spray painting is not permitted at SWYC Docks. (10/24/13)

- 2.5.3 Members shall undertake maintenance and painting on their boat with consideration for neighboring yachts.
- 2.5.4 All major maintenance and external modification and/or construction require advance approval by the Port Captain. Docks and adjacent vessels shall be protected from painting and repair projects. Appropriate booms, shrouding or other containing devices must be in place to catch all droppings. Members who hire contractors (boat workers) are personally responsible for the conduct of such contractors, and to ensure that they register with the Office, work only at the time specified, and follow such rules may apply. Any damage caused to the docks or other vessels shall be the responsibility of the Member to correct, at the sole cost and expense of such Member. No member shall leave keys of any kind at the office to distribute to boat workers. Members are personally responsible for the distribution of keys to any maintenance workers and or contractors performing work on their boat. (4/22/21)
- 2.5.5 Upon a written complaint to Board of Directors regarding violations of Rules 2.5.1 through 2.5.4, a committee composed of the Port Captain, a Sail Fleet representative, an Anglers representative, and SWYC Manager, shall investigate and report their findings to the Board of Directors for appropriate action. Any action taken by the Board will be as defined under Bylaws, Article V, Section 12 Suspension and Termination of Membership or Continuing Slip Assignment.

## 2.6 Definitions

- 2.6.1 As used in these Rules, the term "Date of Priority" shall be determined by the date of the Member's last wet slip assignment, or by the priority of the application and shall be the date upon which a specific written slip request is filed by a Member at the SWYC office. (05/26/22) The Qualifying OWner is, for each vessel, the owner whose priority date governs and must be either a Flag or Life Member. (04/10/13) The Qualifying OWner is (a) the owner of the vessel if ii entirely owned by one person; (b) either spouse if the vessel is jointly owned by a married couple; or (c) the Qualifying Owner designated in accordance with Section 2.1.3.5 of these rules.
  - 2.6.1.1 As used in these Rules, "Priority Dale" is the dale used to determine the sequence of assignments made from the various lists described in Sections 2.6.4.1 through 2.6.4.3 of these Rules. For any Member, his or her priority date is the date of their last wet slip assignment, or the date upon which he or she filed a written request to be included on any of these

- 2.6.2 As used in these Rules, the term, "Overall Vessel Length" shall mean the length of a vessel measured from the extreme forward point to the extreme aft end of the vessel, including permanently installed bowsprits, bow planks, boomkins, stern steps, dinghies, davits, outboard motors, or other appendages in their normal operating position. For purposes of this Section 2.6.2, the actual measurements of the vessel shall be used, without rounding to the nearest foot.
- 2.6.3 As used in these Rules, the term "Most Efficient Utilization of Space" refers to the most efficient use of the SWYC dock facilities for the benefit of the maximum number of Members. Factors such as Overall Vessel Length, beam, maneuverability, access to slip, security, and safety shall be weighed by the Port Captain when making assignments. The Port Captain shall use his or her reasonable discretion in the application of these criteria for each Slip assignment, and/or reassignment, subject at all times to the review and approval of Board of Directors. Determinations by the Board of SWYC pertaining to the Most Efficient Utilization of Space shall be made in the reasonable discretion of the Board and shall be final and binding on all Members.
- 2.6.4 Slip Waiting Lists. The Port Captain shall maintain the waiting lists described in Section 2.6.4.1 through 2.6.4.3. Any Member in good standing will be put on a list upon SWYC receiving a written request to that effect except that new Members may apply only after conditional membership approval.
- 2.6.4.1 The "Active List" shows Flag, Regular or Life Members waiting for a first time slip assignment or an assignment to a larger slip. (08/24/06)
- 2.6.4.2 The "Inactive List" shows Flag, Regular, or Life Members who wish to establish a priority date for a first time or larger slip assignment, but who are not currently prepared to act on such an assignment should it become available. (08/24/06)
- 2.6.4.3 The "Exchange List" shows Members with an existing slip assignment who are requesting relocation to a different slip of the same or similar size [determined pursuant to Rule 2.7.4]. Priority on this list does not affect the "Date of Priority" on any other slip wait lists. (08/24/06)
- 2.6.5 Seaworthy describes a vessel in good material condition which is not likely to sink or become a menace to navigation or a nuisance, and which is capable of getting under way and navigating safely using its own propulsion system.

## 2.7 Slip Assignment Process

- 2.7.1 All requests to be added or removed from the Active List, Inactive List, or Exchange List must be submitted in writing to the SWYC Office on forms supplied by SWYC. The addition to any list shall take place no sooner than 30 days after the date of submission. (04/10/13)
- 2.7.2 Active List: The Active List is a listing of eligible Members who are currently prepared to accept a first time slip assignment, or an assignment to a larger slip. Members wanting to move to a smaller slip are governed by Rule 2.9.2.
- 2.7.2.1 Categories of slip sizes, approved by the Board of Directors, shall be created to manage requests on the Active List. A Member may have only one request on the Active List. Upon changing vessels or requested size, the Member shall advise the Port Captain in writing of the new size requested. The date of priority will remain the same.
- 2.7.2.2 It is recommended that all Members planning to introduce a boat to the club have it measured as soon as possible by the Port Captain, so that a Certificate of Measurement can be completed and filed pursuant to Rule 2.2.4. This will ensure that the proper size slip is being requested.
- 2.7.2.3 If plans change, Members may transfer from the Active List to the Inactive List by written request, retaining their date of priority. [see Rule 2.7.1.]
- 2.7.2.4 SWYC recognizes that, for a variety of reasons, Members will have different preferences and objectives in seeking Slip assignments. Nevertheless, in order to make the job of the Port Captain manageable, and to allow for a more efficient use of the Port Captain's time, and to expedite and facilitate the Slip assignment process, it is essential that Members who maintain positions on the Active List must be ready to act upon and accept a Slip assignment, when a Slip becomes available. Accordingly, when a slip becomes available, Members on the Active List shall be contacted by the Port Captain (or his/her designee) in the order of their priority date within their respective size category. If the Member with the first priority elects not to accept the slip assignment offered by Port Captain, the Member will be placed on the Inactive List, and a new priority date will be assigned to such Member, based upon the date the Member declined the slip offered by the Port Captain. Thereafter, the next Member with the highest priority will be contacted by the Port Captain, and so on, until the available slip has been assigned. Any assignment accepted by a Member through this process

shall cancel all other Active List requests of such Member. After an assignment is made, it is the responsibility of the Member to request in writing to be placed on a slip wait list (08/24/06).

2.7.2.5 A Member's obligation to pay Slip fees shall commence on the date the Member is offered the Slip assignment (provided the assignment is subsequently approved by the Board), and the Member shall have 60 days from the date of assignment within which to place a qualifying boat [see Rules 2.8.2 and 2.8.3] in the slip, subject to the Certificate of Measurement requirements [Rule 2.2.4]. SWYC may assign the slip temporarily during this 60 day period, and collect and retain slip fees during this period of time.

2.7.2.6 If the Member is unable to place a qualifying boat in the slip during the 60-day period, the Member shall nevertheless be obligated to pay slip fees during the period of time the slip was held available for the Member.

2.7.2.7 Upon the expiration of the 60-day period, the Member's assignment to the slip shall terminate, and the available slip will be offered to the next Member on the priority list until the slip is assigned. The Member who has not placed a qualified boat during the allotted 60 day period shall be placed on the Inactive List with a new priority date, which will be the date the 60 day slip assignment period expired. (06/24/06)

2.7.2.8 The Board of Directors, in its sole discretion, may extend the 60 day time period if a Member presents a written request to the Board within 45 days of the initial slip assignment, and provided that the Board determines that the Member has presented a compelling reason to extend the 60 day period.

2.7.3 Inactive List: The Inactive List is for Members who wish to establish a date of priority for a potential future acquisition of a yacht, but who have no specific plans or timeline for purchase. This list is open to all Flag, Life, and Regular Members, with or without a current yacht, and with or without a current slip assignment. A Member may have only one listing on the Inactive List. No specific boat size is included on this list. Members may transfer from the Inactive List to the Active List at any time by written slip size request, retaining their date of priority. [See Rule 2.7.1]

2.7.4 Exchange List: The Exchange List is for Members who have a current slip assignment, and who desire to request to relocate to another slip of the same or similar size category by initiating a written request in

accordance with Rule 2.7.1. The Port Captain, with Board approval, shall create and post categories of slips which are deemed to be the same or similar sizes. There will be seven (7) categories of slips with lengths which are deemed to be the same or similar size, and they shall be grouped as follows: (1) 24' slips, (2) 30' and 32' slips, (3) 34', 36' and 38' slips, (4) 40' slips, (5) 46' and 48' slips, (6) 50' and 54' slips, (7) 70' slips.

- 2.7.4.1 Exchanges must take place within a given size category.
- 2.7.4.2 Only specific slip numbers from a maximum of two docks shall be considered.
- 2.7.4.3 The slip numbers may be revised from time to time without affecting the Member's date of priority on the exchange list.
- 2.7.4.4 An assignment accepted or rejected by a Member via the Exchange List cancels all of that Member's other requests on the Exchange List. As a consequence, the Member shall be dropped from the Exchange List and shall be required to reapply if the Member desires to be added to the Exchange List.
- 2.7.4.5 The Exchange List shall have priority over all other slip assignment lists.

## **2.8 Rates:Length and Width**

- 2.8.1 Charges for wet slips will be determined by overall vessel length or slip length, whichever is greater. Boats, both power and sail, will be measured in the same way. Overall vessel is as defined in Rule 2.6.2. \*(For purposes of calculating slip fees and charges, vessel sizes of "X" feet and "Y" inches shall be rounded up to the next foot in all cases.)
- 2.8.2 Overall vessel length shall not exceed five (5) feet greater or three (3) feet less than slip length except in the 70' slips or in those slips that will accommodate a longer vessel as determined by the Port Captain and approved by the Board of Directors. Overall vessel length for 70' slips shall not exceed seventy five (75) feet in length or be less than fifty nine (59) feet in length. (10/29/08)
- 2.8.3 A yacht is not acceptable for wet storage if the combined width of the vessel and its rigging, equipment, fenders, and appurtenances exceeds more than one-half the width of the assigned double slip.
- 2.8.4 The monthly fee for diy storage is based on the size of the space provided.
- 2.8.5 Fees to be charged for both wet and diy storage shall be determined

and established in accordance with the Bylaws, Article V Section 16.

## 2.9 Supplemental Slip Assignment Criteria

- 2.9.1 A Member may relinquish his/her Slip assignment and be granted reinstatement on the Active List or the Inactive List. The date of priority will be the date of the most recent size assignment if after 09/01/88. If the last size assignment is prior to 09/01/88, then the new priority date will be 09/01/88. Priority among Members having the same date will go to the Member with the earliest date of application for current Membership. It is the responsibility of the Member to request in writing to be placed on a slip wait list. (8/24/06) A member whose temporary slip assignment is terminated by SWYC without prejudice may apply for reinstatement on the temporary slip wait list and retain his original date of application to the temporary slip wait list provided he reapplies within 30 days of such slip termination. A member who terminates his temporary slip assignment and later wishes reinstatement to the temporary slip wait list will be given a new date of application. (12/18/08)
- 2.9.2 A Member who purchases a smaller boat must complete the Certificate of Measurement process described in Rule 2.2.4 before the boat is placed in the Slip. If the boat is smaller than the prior boat owned by the Member, with the approval of the Port Captain the new boat may be placed in his/her current assigned slip, provided the Member notifies the Port Captain in advance, complies with Rule 2.2.4, and moves when directed to an appropriate sized slip. Failure by a Member to move within 15 days when directed by the Port Captain will result in the loss of the Member's current slip assignment at SWYC, and the Member's Date of Priority with respect to the new, smaller boat will become the date of that action.
- 2.9.3 Should a Member remove his yacht from his assigned slip for more than thirty (30) days the Member may petition the Board of Directors to retain his current slip assignment for a period of twelve (12) months, provided that the Board of Directors approves, in writing, the Member's request to retain his/her slip assignment, and provided further that the Member continues to pay all monthly slip fees during such period of time. If, at the end of the twelve (12) month period, or such shorter period of time as may be approved by the Board of Directors, the Member shall lose his/her slip assignment, unless the Member has:
- 2.9.3.1 Placed a qualifying yacht in the assigned slip prior to the expiration of the twelve month period, [in compliance with Rule 2.2.4 and other applicable Rules]; or
  - 2.9.3.2 Relinquished the slip and transferred to the Inactive List; or
  - 2.9.3.3 Submitted a written petition to the Board prior to the

expiration of the twelve month period, requesting an extension of such slip retention period, and the Board has granted such request.

- 2.9.3.4 If the Member has not completed any of the actions described in Rules 2.9.3.1, or 2.9.3.2, or 2.9.3.3, prior to the expiration of such twelve month period, then upon the expiration of the twelve month period the Member's **slip** assignment shall be automatically terminated, and the Member's new date of priority for a slip assignment shall be the date the slip assignment terminated.
- 2.9.3.5 During the twelve month period, or such shorter period as the Member shall have removed his/her vessel from the slip (as described in Rule 2.9.3), SWYC may temporarily assign the slip and collect slip fees.
- 2.9.3.6 A Member who has vacated his/her assigned slip in accordance with this Rule 2.9.3 shall give the Port Captain thirty (30) days prior written notice of his/her intention to return his vessel to the slip to which the Member has been assigned, or to place another vessel in the slip, in compliance with Rule 2.2.4, and other applicable Rules.
- 2.9.4 A Member who has been granted Cruising Status in accordance with SWYC Bylaws Article V, Section 3, (B) (5) may retain his/her slip assignment for the length of time he maintains Cruising Status provided he/she continues to pay fees for such assigned slip.
- 2.9.5 When a Member sells his/her yacht or otherwise relinquishes or transfers ownership of his/her yacht, including the transfer or change of title into one of the various legal entities defined in Article V, Section 3 (B) (2) A through E of the Bylaws, while the yacht occupies an assigned slip, the yacht shall be removed immediately from the assigned slip, with or without any instructions from the Port Captain or the Board of Directors. (02/28/08)
  - 2.9.5.1 In the case of any pending partial ownership change, the Member with the continuing slip assignment, who controls directly and indirectly the management, use and operation of the boat and owns the majority interest, will be allowed to petition the Board of Directors to retain the continuing slip assignment. The Board of Directors will investigate all of the facts (such as written agreements between the parties, boat registration, etc.) of the new pending ownership/co-ownership to determine if the slip assignment can continue. Co-ownership/partnerships will not be allowed to, in effect, defeat the slip waitlist seniority rules. Nothing herein stated is meant to conflict with Article V, Section 3 3, (B) (2) (a) through 3, (B) (2) (g) of the

Bylaws. (02/28/08)

- 2.9.6 Members must give thirty (30) days written notice when vacating a slip.
- 2.9.7 Juniors may store vessels on Club premises in spaces or racks allotted to Juniors' use by the Port Captain and approved by the Board of Directors.
- 2.9.8 The Competition Committee may berth or store vessels at SWYC for the purpose of training or race preparation on Temporary Assignment by the Port Captain, and subject to the approval of the Board of Directors on a case by case basis.
- 2.9.9 Should a Member remove a vessel from its assigned slip longer than seventy-two (72) hours, the Member shall sign out on the "Southwestern Yacht Club Float Plan". Only SWYC may assign another vessel and collect fees for the vacated slip.
- 2.9.10 A temporary slip or Small Boat Storage assignment (which may or may not be in addition to a continuing slip assignment) may be requested by a Member. The Port Captain shall maintain a Temporary Slip Request List. This list shall include the Member's name, the requested slip size, the minimum temporary period and the date requested (which becomes a priority date). The list shall also include provision for additional information to assist the Port Captain in determining whether an available slip is appropriate for the Member. The assignment of temporary slips is not dependent in any way on the Active or Inactive Waiflists. The assignment of a temporary slip does not affect the position of a member on the Active or Inactive Waiflists. The Port Captain shall assign available temporary slips based on the size of the temporary slip requested, the priority date and constraints such as the minimum period acceptable. Temporary slip assignments are subject to approval by the Board of Directors. A Member with a temporary slip shall remove his yacht within thirty (30) days after notification from the Port Captain, or allow SWYC to remove the boat at the owner's expense. (9/23/04)
- 2.9.10.1 The Port Captain will endeavor to maximize the utilization of all slips and provide benefit to Members with boats that are a maximum of 20'11" LOA x 8' beam, and do not qualify for a continuing slip assignment, through a temporary non-conforming small boat slip assignment ("Small Boat Assignment"). This Small Boat Assignment may or may not be in addition to a continuing slip assignment. Small Boat Assignment may be requested by a Member in good standing, where the small boat is owned by the Member and otherwise is in compliance with the Rules and Regulations.

Because multiple vessels may be assigned under this provision to a given slip, the Small Boat Assignment does not grant exclusive use of the slip, nor does it permit use of shore power or the dock box. Any Small Boat Assignment is a temporary assignment and can be withdrawn with five days' notice, based upon demand for permanent slip assignments for conforming vessels.

The Port Captain will use discretion to maximize the capacity of an otherwise unused slip by assigning as many small boats as he or she deems suitable for shared use of the slip. Members are not guaranteed a specific position within the slip, and boats may not protrude from the confines of the slip.

The Member will assume full liability for their vessel and the consequences of potential contact with other boats in the slip. Small Boat Assignment vessels will be charged 90% of the monthly rate applicable to a 24' slip fee rate, per-foot of LOA/per month. All other conditions of the Bylaws and Rules and Regulations are applicable. (07/01/18)

- 2.9.11 A Member shall not live aboard a vessel or otherwise reside on Club premises without the approval of the Board of Directors in accordance with rule 2.11.
- 2.9.12 If it is determined by the Port Captain that a Member is in violation of Rule 2.9.11, then the Member shall be governed as follows:
  - 2.9.12.1 The Member shall be notified via certified mail return receipt requested that he must meet with three Members of the Board appointed by the Commodore. Said meeting to take place at a time designated in the notice to the Member, and such meeting shall take place at SWYC within no less than 7 days and no more than 14-days from the date of the notice, for the purpose of allowing the Member to address and respond to the alleged violations of Rule 2.9.11.
  - 2.9.12.2 If a Member remains in violation of Rule 2.9.11, as determined by the Port Captain, beyond such meeting described in Rule 2.9.12.1, or more than 14 days after the mailing date of the letter, whichever occurs first, daily charges will accrue at the rate of \$5 per day.
  - 2.9.12.3 If a Member remains in violation of Rule 2.9.11, as determined by the Port Captain, beyond the 30-day period from the mailing date of the letter, he shall be brought

before the Board of Directors at the next regularly scheduled meeting to show cause why he should not be suspended or expelled from SWYC and his boat removed from Club property.

- 2.9.12.4 The Board of Directors, at their discretion, may grant temporary liveboard privileges to a Member for hardship or other reasons. Charges for such temporary Liveboard privileges shall be the same as for an approved Liveboard Member and shall be reviewed and revised by the Board as necessary. Fees shall be payable in the normal manner. Solely at the discretion of the Board of Directors, such conditions may be required as the Board deems to be in the best interests of SWYC.

## **2.10 Dock Improvements**

- 2.10.1 Any improvements added or attached to any dock, slip or dock box by any Member must be approved in writing by the Port Captain and shall become the property of Southwestern Yacht Club. In the case of the installation of specialized equipment, title to same equipment may revert to the Member only upon written consent of the Port Captain.
- 2.10.2 The use of carpeting and fire hoses, etc., will not be allowed for dock lining. The Port Captain must approve lining. Existing lining must be maintained in good condition and be neat in appearance.

## **2.11 Liveboard Rules**

As used in these Rules, the term "Liveboard" refers to a Flag Member or Life Member who is approved by the Board of Directors to maintain a boat at SWYC as his primary residence. While the number of Members who may hold Liveboard status are limited by the Board [Rule 2.11.1.1] to prevent overburdening of the limited premises and resources of SWYC, a certain number of Liveboards are allowed and encouraged at SWYC, in order to ensure the security of the SWYC premises, docks and vessels on a 24-hour basis.

In addition to all other Rules, the following Liveboard Rules shall apply to all Members who apply for or who are granted Liveboard status:

- 2.11.1 Application: An applicant for Liveboard privileges shall have been a permanent Flag or Life Member in good standing for three (3) years immediately prior to application to the Board of Directors, except that when Liveboard vacancies exist, the Board of Directors may extend this privilege to any conditional or permanent Flag or Life Member next in line, until such vacancies are filled.
  - 2.11.1.1 The total number of Liveboard privileges granted shall be limited to a maximum of 10% of the available slips. The Board of Directors may review the Liveboard

percentages periodically, and increase or decrease it as necessary to assure adequacy of Club facilities is not exceeded.

2.11.1.2 Upon Board approval, the applicant's name will be placed on a waiting list to be maintained by the Port Captain as part of the Membership records. A copy of said waiting list shall be posted and maintained on SWYC bulletin board.

2.11.2 Qualification: At the time of a Liveaboard vacancy, the applicant at the top of the list shall be considered next for approval for Liveaboard status by the Port Captain who shall make recommendation to the Board of Directors, subject to the following conditions being met by the applicant and confirmed by the Port Captain. Liveaboard fees will commence on the last day of the month in which approval is granted. When Liveaboard Status has been approved and offered to a Member, the Member may accept or decline Liveaboard status, subject to the limitations contained in Rule 2.11.3.5.

2.11.2.1 Applicant shall have a continuing slip assignment for the subject boat and a post office box for the receipt of all mail.

2.11.2.2 As a qualification for Liveaboard status, all Liveaboard boats shall be a minimum of 28 feet on deck and must be a complete vessel, which includes a functional Head and holding tank (3/26/15). The Port Captain will inspect each Liveaboard vessel to verify compliance. The overboard discharge of human waste is prohibited by Federal, State and Local law, and violations are subject to severe penalties which shall be paid entirely by the Member responsible. Powerboats shall be fully operational and sailboats shall be fully rigged in addition to having an operational engine.

2.11.2.3 As a qualification of Liveaboard status, all Liveaboard boats shall be equipped with private telephone or cell phone service at the expense of the boat owner.

2.11.2.4 Authorization to live aboard shall be granted by the Board of Directors only after ascertaining that sufficient services are available.

2.11.2.5 A list of Liveaboard Members and all other persons living aboard, approved by the Board of Directors shall be maintained by the Port Captain and posted on SWYC bulletin board.

2.11.3 Conditions: A Member who has been approved for and who has accepted Liveaboard status shall abide by the following rules and conditions:

- 2.11.3.1 A maximum of two (2) occupants will be allowed to live aboard any boat on a continuing basis except those specific occupants living aboard prior to October 26, 1976 or as otherwise approved by the Board. Persons living aboard shall be limited to parking a maximum of two (2) vehicles per boat on Club premises at any one time.
- 2.11.3.2 Prior to acquiring a pet, Members with Liveaboard privileges shall notify the Port Captain for approval of type and number of animal(s). Any Member with a pet, who is granted Liveaboard privileges shall annually register their pet with the Port Captain and be governed by Rule 1.16.
- 2.11.3.3 The monthly charges for Liveaboard privileges shall be established by the Board of Directors. Rates shall be reviewed and revised annually by the Board of Directors. (01/24/08)
- 2.11.3.4 Liveaboard Members shall be assigned/reassigned slips, by the Port Captain, in a manner that will provide maximum security for the premises, docks and vessels. Expenses incurred by a Liveaboard Member in a move made for Club convenience will be reimbursed.
- 2.11.3.5 Upon approval of Liveaboard status, the Member must move aboard within a sixty (60) day period or decline the privilege to Liveaboard, in which case the privilege will be offered to the next qualified Member on the Liveaboard Waiting List. A Member who declines an offer for Liveaboard status shall retain his/her priority on the Liveaboard Waiting List until that Member has been declined a total of three (3) Liveaboard opportunities. After the Member declines Liveaboard status for the third time, the Member shall be removed from the Liveaboard Waiting List.
- 2.11.3.6 Flag Members who have Liveaboard status when they go on cruising status shall automatically regain their Liveaboard status for the balance of the year in which they return subject to the Rules in effect at the time of their return and provided that they continue to pay for their slip during their absence. Liveaboard fees shall be waived while on cruising status.
- 2.11.3.7 Upon the sale or other disposition of the boat, an approved Liveaboard Member may retain Liveaboard privileges by paying the Liveaboard fee for a period not to exceed the balance of the term approved.

#### 2.11.4 Annual Re-approval

Requests for continuing Liveboard status shall be submitted annually on July 1 to the Board of Directors for review and approval. During the application review process, the Board of Directors may consider security or electrical requirements, the conduct of the Member, condition of the vessel, and compliance with existing Liveboard and other Club rules by the Member in question prior to approval of a renewal request. Members applying for renewal of Liveboard status shall be required to comply with all Rule 2.11.3 conditions required by the Board prior to receiving renewal approval.

#### 2.11.5 Dockmaster

2.11.5.1 A Dockmaster is a Liveboard Member, selected by the Port Captain and approved by the Board of Directors. The term of office shall be one calendar year. The number of Dockmasters is not restricted, but guided by the best possible dock coverage.

2.11.5.2 The Dockmasters are to assist the Port Captain in matters primarily related to safety, security and maintenance. His authority shall fall within the framework of SWYC Bylaws, Rules and Regulations, and by direction of the Port Captain. Dockmasters will assist Members and guests in a polite and courteous manner, but will be prepared for problems of a serious nature.

#### 2.11.6 Port Captain Advisory Committee

2.11.6.1 The Port Captain Advisory Committee shall consist of six (6) Members holding separate Flag or Life Memberships. The Members of this committee shall be nominated by the Port Captain, and approved by the Board of Directors at a December meeting. The committee Members shall serve for three years with terms of office so that two (2) Members will retire and two (2) Members will be appointed annually. The committee Members shall choose the chairman of this committee from one of the two (2) senior Members.

2.11.6.2 The duties of the Committee shall be to assist the Port Captain in matters primarily related to safety, security and dock/vessel maintenance. Specific areas of responsibility shall be developing and conducting safety training on an annual basis; development and training on the emergency procedures manual; developing security guidelines for dockmasters; providing advice to the Port Captain on the distribution of Liveboards and any other duties as

determined by the Port Captain.

## **2.12 DockUse**

2.12.1 SWYC reserves the right to require Members to vacate their slips during certain club-sponsored events or when certain repair work is to be accomplished. During these periods SWYC will furnish a temporary mooring or slip whenever possible for the vessel involved. A Member will not be required to vacate a slip for an event of another Club.

2.12.2 The guest docks (AG1z, AG2, CG3, CG4) (10/24/13) are not to be used for lengthy permanent or temporary slip assignments.

2.12.2.1 First priority of guest dock usage shall be granted to SWYC Members without slip assignments, for no more than seventy-two (72) hours without prior approval of the Port Captain. Second priority shall be granted to transient yachts for no longer than seventy-two (72) hours without prior approval of the Port Captain. Any assignment beyond seventy-two (72) hours will be treated as a temporary slip assignment by the Port Captain, and will be based on the availability of a suitable slip and subject to established fees.

2.12.2.2 SWYC Members without slip assignments will not be charged for brief stays in vacant slips unless they have been offered a continuing slip assignment and declined the same.

2.12.2.3 From time to time, either for races, charitable events, during holiday weekends, or at other times, all of the SWYC guest docks are occupied, or assigned. It shall constitute a serious breach of the SWYC Rules and the conduct and courtesy expected of all SWYC Members for any SWYC Member to use a guest dock without advance authorization. Accordingly, before any SWYC Member docks at a guest dock, such Member shall obtain prior written approval from the Port Captain, or prior telephonic or radio approval from the Port Captain or the SWYC office. If approval is not granted, the Member shall not use the guest dock. If approval is granted, within thirty (30) minutes of docking at a guest dock, the Member shall personally report to the SWYC office and complete the appropriate documentation.

2.12.2.4 Transient yachts will be granted reciprocal privileges based on their yacht club's policy towards visiting SWYC Members, with a maximum limit of three free days per year. Fees may be waived by action of the Board of

Directors for special events: i.e., approved races and/or cruises.

- 2.12.3 The use of the small boat dock is reserved for those boats, which are normally kept in dry storage on trailers. The hoist area is to be kept clear at all times. At no time shall a member moor a boat on the small boat dock overnight without permission of the Port Captain. (10/24/13)
- 2.12.4 Small boats, normally kept in the water, must be in spaces assigned by the Port Captain.
- 2.12.5 SWYC assumes no responsibility for injury to persons using the club or dock facilities. Parents must restrict small children from the docks and slips unless closely supervised. Refer to House Rule 1.4.

### **2.13 Equipment Related to Boating**

- 2.13.1 Boarding steps shall be limited to one (1) for each boat. Where two steps are placed on the same finger, they may not be placed directly opposite one another, but must be staggered with at least four (4) feet clearance between the steps. Access for emergencies shall not be impeded. The maximum dimensions of boarding steps shall not normally exceed two (2) feet in width by four (4) feet in length, and must be raised to provide adequate ventilation. Existing equipment not substantially fulfilling this requirement will be removed. The weight may not adversely affect the structure or stability of the docks.
- 2.13.2 Members shall not waste fresh water. In keeping with this provision, siphons shall not be attached to, or used with water lines. Hoses shall be equipped with a shut off nozzle. Hoses shall be neatly coiled on the hose rack provided with the dock box when not in use.
- 2.13.3 Skiffs, kayaks, paddleboards, sails, sailboards, floats, dinghies, tenders, sailboats, etc., are not to be kept on any docks, walkways or fingers. When in Member's slip they will be maintained in a clean, safe and secure manner and will not interfere with usage of any slip. Bait receivers and floating devices for dinghies, kayaks, and other small vessels shall be kept in good condition.
- 2.13.4 Mops, brushes, hoses, extra lines, paint cans, hatches, boat covers, sails, life preservers, bait tanks, boarding ladders, tires, tools, lumber, spars and similar gear are not to be stored on the docks unless kept in approved lockers or purely as a temporary measure and only insofar as such gear presents no safety hazard and does not prevent free access to all parts of the slip.
- 2.13.5 Members are responsible for repairing any damage or modifications they make or cause to the docks. The Port Captain shall advise any Member of an infraction of this rule in writing by mail. If the infraction is not corrected within ten (10) days of mailing notice, the Port Captain

will have the dock cleaned up and after thirty (30) days may dispose of any material removed. The Manager may then bill the infractor for the costs involved to Southwestern Yacht Club.

- 2.13.6 Dock carts, provided at each dock, are for general use and shall be returned to the head of the dock ramp as soon as possible in a clean condition. Members getting underway shall return dock carts to the staging areas before departing the Slip.
- 2.13.7 Boat baths, and the water enclosed in them, shall be kept in a clean and sanitary condition, and be turned and flushed periodically so as to prevent septic action. They shall be installed with the Port Captain's approval. The Member is responsible for their removal.
- 2.13.8 Members using the scales to weigh fish shall be responsible for treating this delicate mechanism with care, and for cleaning, covering, and locking after its use.
- 2.13.9 Southwestern Yacht Club assumes no responsibility for property on or attached to dock facilities. Boats shall be securely moored and ample fenders provided. Dock boxes, lockers and boats shall be locked when unattended. (01/28/10)
- 2.13.10 Members may not post "For Sale" signs on vessels moored or personal vehicles on SWYC premises. "For Sale" notices may be posted on the bulletin board at the entrance to the head and shower facility. All notices shall be removed after sixty (60) days of posting date. "For Sale" advertisements shall not use SWYC address or phone numbers.
- 2.13.11 SWYC provides adequate restroom facilities. The overboard discharge of human waste is prohibited by Federal, state and Local law. In the event that these laws are violated, fines may be substantial, and shall be paid entirely by the Member responsible for the violation.
- 2.13.12 A Member may not post political or commercial signage of any kind on vessels stored or moored at Club Facilities. (9/23/21)