



Beverly, Massachusetts

# **BY-LAWS**

## **2006**

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# BASS HAVEN YACHT CLUB BY-LAWS

Updated 10/2006

## ARTICLE I

### OBJECT

THE PURPOSE OF THE CLUB IS TO FOSTER GOOD FELLOWSHIP, PROMOTE AND STIMULATE INTEREST AND SAFETY IN BOATING, AND TO ENCOURAGE THE FULLER ENJOYMENT OF THE ADVANTAGES OF THE UPPER BASS RIVER ANCHORAGE.

### SEAL

THE SEAL SHALL BE A DOUBLE-BARRED CIRCLE ENCLOSING A REPLICA OF THE CLUB BURGEE.

### BURGEE

THE CLUB BURGEE SHALL BE A POINTED FLAG OF REGULATION SIZE OF WHICH THE UPPER LEFT AND LOWER RIGHT SEGMENTS ARE RED. THE LOWER LEFT AND UPPER RIGHT ARE BLUE, SUPERIMPOSED UPON THE FIELD IS TO BE A WHITE SQUARE PLACED SO THAT ITS CORNERS ARE AT THE INTERSECTION OF THE RED AND BLUE SEGMENTS, THE TOP AND BOTTOM CORNERS MEETING AT THE OUTSIDE EDGES.

FOR THE PURPOSE OF CLARIFICATION, THE LEFT EDGE OF THE BURGEE, AS REFERENCED ABOVE, IS THAT EDGE THAT IS NORMALLY TOWARD THE STAFF.

## ARTICLE II

### OFFICERS

**SECTION 1:** ALL OFFICERS MUST BE REGULAR MEMBERS IN GOOD STANDING.

**SECTION 2:** THE OFFICERS OF THE CLUB SHALL CONSIST OF A COMMODORE, VICE-COMMODORE, REAR COMMODORE, SECRETARY, AND TREASURER.

**SECTION 3:** THE COMMODORE, VICE-COMMODORE, AND REAR-COMMODORE SHALL BE KNOWN AS FLAG OFFICERS.

**SECTION 4:** NO FLAG OFFICER ELECTED TO THE SAME OFFICE FOR TWO CONSECUTIVE TERMS SHALL BE ELIGIBLE AGAIN FOR ELECTION TO THAT OFFICE UNTIL ONE YEAR HAS ELAPSED AFTER THE EXPIRATION OF SAID TERM.

**SECTION 5:** THE SECRETARY AND TREASURER SHALL EACH BE BONDED IN AN AMOUNT TO BE DESIGNATED BY THE BOARD OF GOVERNORS.

### **ARTICLE III**

#### **BOARD OF GOVERNORS**

**SECTION 1:** THE BOARD OF GOVERNORS SHALL CONSIST OF THE COMMODORE, VICE COMMODORE, REAR COMMODORE, SECRETARY, TREASURER AND SIX MEMBERS.

**SECTION 2:** THE FINANCE COMMITTEE SHALL CONSIST OF THE VICE COMMODORE AS CHAIRMAN AND FOUR (4) REGULAR MEMBERS ELECTED ANNUALLY AT THE ANNUAL MEETING. TWO (2) REGULAR MEMBERS SHALL BE ELECTED FOR A ONE (1) YEAR TERM AND TWO (2) REGULAR MEMBERS SHALL BE ELECTED FOR A TWO (2) YEAR TERM FOR THE FIRST ELECTION. THEREAFTER, TWO (2) REGULAR MEMBERS SHALL BE ELECTED FOR TWO (2) YEAR TERMS. THE DUTIES OF THE FINANCE COMMITTEE SHALL BE TO PREPARE AND PRESENT THE ANNUAL BUDGET SIXTY (60) DAYS PRIOR TO THE BOOKS OF ACCOUNT, TO ASSIST THE TREASURER AS HE MAY REQUIRE. TO PERFORM AN ANNUAL AUDIT OF THE BOOKS, AND CARRY OUT SUCH SPECIAL FINANCIAL ASSIGNMENTS AS THE COMMODORE MAY FROM TIME TO TIME REQUIRE. THE FINANCE COMMITTEE CAN NOT BUDGET, NOR CAN THE BOARD OF GOVERNORS SPEND, EXPENSES EXCEEDING THE CLUB'S YEARLY INCOME. WHEN PLANNING THE YEARLY BUDGET, THE FINANCE COMMITTEE CAN NOT BUDGET YEARLY EXPENSES EXCEEDING THE CLUB'S YEARLY INCOME. EXPENSES EXCEEDING THE CLUBS YEARLY INCOME MUST BE APPROVED BY THE GENERAL MEMBERSHIP AT A SPECIAL MEETING FOR THAT PURPOSE OR AT THE CLUB'S ANNUAL OCTOBER MEETING.

### **ARTICLE IV**

#### **MEMBERSHIP**

**SECTION 1:** THERE SHALL BE FOUR TYPES OF MEMBERSHIP: REGULAR MEMBERS, ASSOCIATE MEMBERS, HONORARY MEMBERS AND LIFETIME MEMBERS. APPLICATION FOR MEMBERSHIP SHALL BE MADE TO THE BOARD OF GOVERNORS ON AN APPLICATION FORM OBTAINED FROM THE SECRETARY. THE BOARD OF GOVERNORS SHALL MAKE DETERMINATION OF THE TYPE OF MEMBERSHIP. MEMBERSHIP IS OPEN TO ALL QUALIFIED APPLICANTS. CLUB MEMBERSHIP WILL BE LIMITED TO 220 MEMBERS IN TOTAL. THE BOARD OF GOVERNORS IS ALLOWED TO EXCEED THE 220 MEMBER LIMIT TO ALLOW IMMEDIATE FAMILY MEMBERS OF EXISTING MEMBERS IN GOOD STANDING TO JOIN IMMEDIATELY.

**SECTION 1A:** A DEPOSIT TO COVER THE INITIATION FEE MUST ACCOMPANY APPLICATION FOR REGULAR AND ASSOCIATE MEMBERSHIP. WHEN MEMBERSHIP HAS EXCEEDED ITS 220 MEMBER LIMIT AND THERE IS A WAITING LIST, APPLICANTS MUST SUBMIT AN APPLICATION ACCOMPANIED BY THE INITIATION FEE TO BE PLACED ON THE WAITING LIST. APPLICANT MUST ATTEND THE BOARD OF GOVERNORS MEETING TO BE ACCEPTED AS A MEMBER.

**SECTION 2:** REGULAR MEMBERS MUST BE EIGHTEEN (18) YEARS OR OLDER AND INTERESTED IN THE OBJECTIVES OF THE CLUB. THEY SHALL HAVE VOTING PRIVILEGES. BOAT OWNERS HAVING A BOAT IN THE YARD MUST BE REGULAR MEMBERS.

**SECTION 3:** ASSOCIATE MEMBERS MUST BE EIGHTEEN (18) YEARS OF AGE OR OLDER AND INTERESTED IN THE OBJECTIVES OF THE CLUB. THEY SHALL BE NON-VOTING MEMBERS, CANNOT HAVE A BOAT STORED IN THE YARD, NOR CAN THEY OPERATE ANY BOAT OUT OF BASS HAVEN UNLESS ACCOMPANIED BY A REGULAR MEMBER.

ASSOCIATE MEMBERS CANNOT USE CLUB EQUIPMENT EXCEPT TO HELP A REGULAR MEMBER, PROVIDING THE REGULAR MEMBER IS PRESENT.

**SECTION 4:** SPOUSES AND DEPENDENT CHILDREN UNDER 21 OF REGULAR MEMBERS SHALL BE ENTITLED TO ENJOY THE PRIVILEGES OF THE CLUB.

**SECTION 5:** MEMBERS SHALL BE ENTITLED TO USE THE AVAILABLE CLUB EQUIPMENT AND FACILITIES AT THEIR OWN RISK.

**SECTION 6:** IN CASE OF PARTNERSHIPS, ALL OF THE PARTNERS MUST BE REGULAR MEMBERS.

**SECTION 7:** NO LOADED FIREARMS ARE ALLOWED ON THE PREMISES.

**SECTION 8:** ONLY MEMBERS CAN OPERATE THE TRACTOR.

**SECTION 9:** A REGULAR MEMBER SHALL BE ENTITLED TO ONE SPACE FOR A BOAT/CRADLE/TRAILER WITHIN THE YARD SUBJECT TO APPROVAL OF THE BOARD OF GOVERNORS AND ALL PREVAILING RESTRICTIONS. THE SPACE WILL BE ASSIGNED OR REASSIGNED BY THE YARD CHAIRMAN. SPACES FOR ADDITIONAL STORAGE ARE SUBJECT TO AVAILABILITY OF SPACE AND APPROVAL OF THE YARD CHAIRMAN AND BOARD OF GOVERNORS ON A YEARLY BASIS. THE MEMBER SHALL PAY YARD FEES FOR ALL ITEMS STORED ON A FISCAL YEAR BASIS.

**SECTION 10:** THE FOLLOWING IS A SUGGESTED CRITERIA THAT A MEMBER SHOULD BE ABLE TO MEET BEFORE BEING CONSIDERED FOR LIFETIME MEMBERSHIP. A DATE OR DATES SHOULD BE DESIGNATED BY THE BOARD OF GOVERNORS FOR REVIEWING ANY POSSIBLE CANDIDATES EACH YEAR. THE REVIEW DATE WILL ASSIST IN ASSURING THAT ALL MEMBERS ARE GIVEN POSSIBLE CONSIDERATION.

THE FOLLOWING CAN BE USED AS A FORMULA FOR ATTAINING LIFETIME MEMBERSHIP:  
70 YEARS AGE + 20 YEARS REGULAR MEMBER + 8 POINTS = LIFETIME MEMBER  
FLAG OFFICER OR GOVERNOR--2 POINTS FOR EACH YEAR  
COMMITTEE CHAIRMAN--1 POINT FOR EACH YEAR

LIFETIME MEMBERS HAVE THEIR MEMBERSHIP AND WORK ASSESSMENT DUES PAID BY THE CLUB. THE MEMBER PAYS ALL OTHER FEES. THEY HAVE FULL VOTING RIGHTS AND ARE GOVERNED BY THE SAME RULES AS ALL REGULAR MEMBERS. LIFETIME MEMBERSHIP WILL BE AUTOMATIC UPON MEETING THE ABOVE REQUIREMENTS.

**SECTION 11:** HONORARY MEMBERSHIP IS GIVEN BY THE BOARD OF GOVERNORS TO ANY INDIVIDUAL THEY DETERMINE WORTHY. HONORARY MEMBERS FEES ARE PAID BY THE CLUB AND ARE GOVERNED BY THE SAME RULES AS ALL ASSOCIATE MEMBERS.

## **ARTICLE V**

### **ELECTION OF OFFICERS**

ALL OFFICERS SHALL BE ELECTED AT THE ANNUAL MEETING AND SHALL HOLD OFFICE FOR THE ENSUING YEAR. ELECTION SHALL BE BY BALLOT. THIS APPLIES TO FLAG OFFICERS, SECRETARY, TREASURER, AND BOARD OF GOVERNORS. NO PERSON SHALL BE ELIGIBLE FOR ELECTION TO

ANY OFFICE UNLESS HE IS NOMINATED THEREFOR BY THE NOMINATING COMMITTEE, OR UNLESS HIS NOMINATION FOR SUCH OFFICE IS MADE IN WRITING BY ANY TEN (10) REGULAR MEMBERS AND RECEIVED BY THE SECRETARY AT LEAST TEN (10) DAYS BEFORE THE DAY APPOINTED FOR THE ANNUAL MEETING, AT WHICH THE ELECTION IS TO BE HELD. NO BALLOTS FOR PERSONS OTHER THAN THOSE NOMINATED AS AFORESAID SHALL BE RECEIVED OR COUNTED AT THE ELECTION.

## **ARTICLE VI**

### **DUTIES OF OFFICERS**

**SECTION 1:** IT SHALL BE THE DUTY OF THE COMMODORE TO COMMAND THE CLUB AND ENFORCE THE LAWS AND REGULATIONS AND TO PRESIDE AT ALL MEETING OF THE CLUB.

**SECTION 2:** HE MAY CALL A SPECIAL MEETING OF THE CLUB WHENEVER NECESSARY AND SHALL DO SO AT THE WRITTEN REQUEST OF ANY TEN (10) REGULAR MEMBERS, SPECIAL MEETING TO BE SCHEDULED WITHIN THIRTY (30) DAYS FROM DATE OF NOTIFICATION TO COMMODORE.

**SECTION 3:** HE SHALL BE AN EX-OFFICIO MEMBER OF ALL COMMITTEES EXCEPT THE NOMINATING COMMITTEE AND AUDITING COMMITTEE. HE SHALL RECOMMEND AND SUBMIT TO THE BOARD OF GOVERNORS FOR THEIR APPROVAL OR REJECTION BY THE DECEMBER BOARD OF GOVERNORS MEETING, SUCH COMMITTEES AS MAY BE NECESSARY.

**SECTION 4:** HE SHALL APPOINT, SHOULD ANY VACANCY OCCUR AMONG THE OFFICERS OF THE BOARD OF GOVERNORS, A MEMBER TO FILL THE VACANCY FOR THE REMAINDER OF HIS TERM.

**SECTION 5:** IT SHALL BE THE DUTY OF THE VICE-COMMODORE TO ASSIST THE COMMODORE IN THE DISCHARGE OF HIS DUTIES, AND TO ACT IN HIS ABSENCE WITH THE SAME POWER AS THE SAID COMMODORE. HE SHALL SERVE AS CHAIRMAN OF THE FINANCE COMMITTEE, AND HE SHALL SERVE AS CHAIRMAN OF THE COMMITTEE CHAIRMEN AND REPORT MONTHLY TO THE BOARD OF GOVERNORS ON THE ACTIVITIES OF THE COMMITTEES.

**SECTION 6:** IT SHALL BE THE DUTY OF THE REAR-COMMODORE TO ASSIST THE COMMODORE AND VICE COMMODORE IN THE DISCHARGE OF THEIR DUTIES, AND IN THE ABSENCE OF BOTH, TO ACT FOR THEM. HE SHALL BE IN CHARGE OF THE ENTERTAINMENT COMMITTEE AND SOCIAL EVENTS. HE SHALL SUBMIT A PLAN OF CALENDAR EVENTS FOR THE UPCOMING YEAR TO THE BOARD OF GOVERNORS FOR APPROVAL BY THE JANUARY BOARD OF GOVERNORS MEETING.

**SECTION 7:** IT SHALL BE THE DUTY OF THE SECRETARY TO HAVE CUSTODY OF ALL CLUB TROPHIES, KEEP A TRUE RECORD OF ALL PROCEEDINGS OF THE MEETINGS AND OF THE CLUB AND BOARD OF GOVERNORS IN A BOOK PROVIDED FOR THAT PURPOSE, TO KEEP A ROLL OF ALL THE MEMBERS AND OF ALL NEW APPLICATIONS FOR MEMBERSHIP, NOTIFYING THE MEMBERS AS TO THEIR ELECTION, SUSPENSION, OR DISMISSAL AND OTHERWISE PERFORM THE CUSTOMARY DUTIES OF THIS OFFICE.

**SECTION 8:** IT SHALL BE THE DUTY OF THE TREASURER TO COLLECT AND RECEIVE ALL MONEY DUE THE CLUB AND TO PAY THE BILLS OF THE CLUB, TO MAKE A REPORT AT THE ANNUAL MEETING OF ALL HIS RECEIPTS AND DISBURSEMENTS WITH A STATEMENT OF THE AMOUNT OF MONEY THEN IN HIS HANDS.

HE SHALL ALSO GIVE FINANCIAL REPORTS MONTHLY TO THE BOARD OF GOVERNORS. THE TREASURER'S BOOKS SHALL BE AUDITED ANNUALLY AT THE CLOSE OF THE FISCAL YEAR

(AUGUST 31), WHENEVER THERE IS A CHANGE OF TREASURER, AND AS REQUESTED BY THE BOARD OF GOVERNORS OR A MAJORITY OF THE REGULAR MEMBERS AT ANY MEETING.

## **ARTICLE VII**

### **DUTIES OF THE BOARD OF GOVERNORS**

THE BOARD OF GOVERNORS SHALL MEET WITHIN THIRTY (30) DAYS AFTER THE ANNUAL MEETING AT WHICH TIME THEY WERE ELECTED TO ORGANIZE AND PREPARE FOR THE NEW FISCAL YEAR.

**SECTION 1:** THE BOARD SHALL MEET AT LEAST ONCE A MONTH. THE BOARD MAY BE CALLED TOGETHER BY THE CHAIRMAN IN SPECIAL MEETINGS WHENEVER NECESSARY.

**SECTION 2:** ANY MEMBER OF THE BOARD OF GOVERNORS WHO IS ABSENT FROM ANY MONTHLY BOARD OF GOVERNORS MEETING FOR A TOTAL OF THREE (3) ABSENCES MAY BE REMOVED BY A MAJORITY VOTE OF THE BOARD AT THE NEXT SCHEDULED MONTHLY BOARD OF GOVERNORS MEETING.

**SECTION 3:** A MAJORITY OF THE VOTES CAST IS SUFFICIENT TO CARRY ANY MOTION (SEE SECTION 8).

**SECTION 4:** THE BOARD SHALL HAVE FULL AUTHORITY IN THE MANAGEMENT OF THE AFFAIRS OF THE CLUB, HAVE THE POWERS OF DIRECTORS IN THE APPROPRIATION OF MONEY, AND HAVE GENERAL CONTROL OF CLUB PROPERTY, WITH THE AUTHORITY TO LEASE AND/OR PURCHASE AND MANAGE.

AUTHORITY TO PURCHASE, RENT OR LEASE ANY PROPERTY OR EQUIPMENT IN AN AMOUNT IN EXCESS OF THE FUNDS IN THE BUDGETED ACCOUNTS FOR THAT PURPOSE MUST BE GIVEN BY A MAJORITY VOTE OF THE MEMBERSHIP AT A MEETING CALLED FOR THAT PURPOSE.

**SECTION 5:** THE BOARD SHALL MAKE SUCH RULES AS THEY DEEM PROPER RESPECTING THE USE OF ALL PROPERTY, BUILDINGS, GROUNDS AND EQUIPMENT (WHETHER LEASED OR OWNED) AND FIX PENALTIES FOR OFFENSES AGAINST SUCH RULES (SEE SECTION 9).

**SECTION 6:** ALL APPROPRIATIONS OF THE FUNDS OF THE CLUB SHALL BE MADE BY THE BOARD OF GOVERNORS.

**SECTION 7:** ALL BILLS ARE TO BE APPROVED BY THE BOARD OF GOVERNORS.

**SECTION 8:** THE BOARD OF GOVERNORS SHALL CONSIDER AND VOTE ON ALL APPLICATIONS FOR MEMBERSHIPS. APPLICATIONS FOR MEMBERSHIP SHALL BE POSTED IMMEDIATELY BY ANY OFFICER UPON RECEIPT OF A COMPLETED MEMBERSHIP CARD AND DEPOSIT. TWO (2) NEGATIVE VOTES SHALL REJECT ANY APPLICANT FOR MEMBERSHIP IN EITHER TYPE.

**SECTION 9:** THE BOARD OF GOVERNORS SHALL HAVE THE POWER TO SUSPEND OR EXPEL ANY REGULAR OR ASSOCIATE MEMBER FOR NON-PAYMENT OF DUES OR FOR THE VIOLATION OF ANY RULE OR REGULATION RELATING TO THE USE OF CLUB PROPERTY AND THE BY-LAWS, AND ANY UNLAWFUL ACT OR ANY ACT NOT IN THE BEST INTEREST OF THE CLUB.

IN ALL CASES WHEN A CONFLICT OF RULES OCCUR, OR A SITUATION ARISES THAT IS NOT COVERED BY CLUB BY-LAWS OR RULES AND REGULATIONS, THE MATTER SHALL BE REFERRED TO THE BOARD OF GOVERNORS FOR RESOLUTION.

ANY MEMBER CHARGED WITH A VIOLATION OF THE CLUB RULES SHALL HAVE A RIGHT TO A HEARING BY THE BOARD OF GOVERNORS AND SHALL ALSO HAVE A RIGHT TO APPEAL ANY DECISION TO THE MEMBERSHIP ACCORDING TO ARTICLE VI SECTION 2.

**SECTION 10:** IT SHALL BE THE DUTY OF THE BOARD OF GOVERNORS TO ACCEPT OR REJECT, AS RECOMMENDED BY THE COMMODORE AT THE DECEMBER MEETING, ALL COMMITTEES AND COMMITTEE CHAIRMEN.

**SECTION 11:** THE BOARD OF GOVERNORS SHALL SIT AS A TRIAL BOARD OF ANY MEMBER TO HEAR CHARGES OF VIOLATION OF SUCH RULES AS ALLEGED BY THE OFFENDED MEMBER.

**SECTION 12:** SIX (6) MEMBERS SHALL CONSTITUTE A QUORUM AT A BOARD OF GOVERNORS MEETING.

**SECTION 13:** THE NOMINATING COMMITTEE SHALL BE APPOINTED BY THE BOARD OF GOVERNORS BEFORE AUGUST 1 OF EACH YEAR AND SHALL CONSIST OF AT LEAST THREE (3) REGULAR MEMBERS. NO CURRENT MEMBER OF THE BOARD MAY SERVE ON THE NOMINATING COMMITTEE.

## **ARTICLE VIII**

### **MEETINGS**

**SECTION 1:** THE ANNUAL MEETING SHALL BE HELD ON SUCH DAY DURING THE PERIOD OF OCTOBER 1 TO OCTOBER 20 INCLUSIVE, OF EACH YEAR, AND AT SUCH HOUR AND PLACE AS THE COMMODORE SHALL DETERMINE. NOTICE OF THE ANNUAL MEETING AND A COPY OF THE REPORT OF THE NOMINATING COMMITTEE PREPARED FOR THE MEETING SHALL BE SENT TO THE MEMBERSHIP AT LEAST THIRTY (30) DAYS PRIOR TO THE DAY APPOINTED FOR THE MEETING.

**SECTION 1A:** THE PURPOSE OF THE ANNUAL MEETING SHALL BE TO HEAR THE REPORTS OF THE OFFICERS AND COMMITTEE CHAIRMEN, TO ELECT THE NEW OFFICERS, FINANCE COMMITTEE, BOARD OF GOVERNORS, AND TO ADDRESS ANY NEW BUSINESS BROUGHT FORWARD BY THE MEMBERSHIP.

**SECTION 1B:** THE ANNUAL BUDGET MEETING WILL BE HELD ON SUCH DAY DURING THE PERIOD OF JUNE 1 TO JUNE 20 INCLUSIVE, OF EACH YEAR, AND AT SUCH HOUR AND PLACE AS THE COMMODORE SHALL DETERMINE. THE PURPOSE OF THE ANNUAL BUDGET MEETING SHALL BE TO REVIEW AND VOTE UPON THE REVENUE CHANGES REQUIRED TO MEET THE BUDGET. NOTICE OF THE BUDGET MEETING SHALL BE SENT TO THE MEMBERSHIP AT LEAST TEN (10) DAYS PRIOR TO THE DAY APPOINTED FOR THE MEETING. IF NO QUORUM IS MET AT THE BUDGET MEETING, THE BOARD OF GOVERNORS WILL HAVE THE FINAL VOTES.

ALL DUES AND FEES SHALL BE SET BY THE BOARD OF GOVERNORS, AND POSTED AT ALL TIMES. CHANGES VOTED BY THE BOARD MUST BE POSTED ON THE BULLETIN BOARD BY JULY 15 FOR THE ENSUING YEAR.

SPECIAL MEETINGS MAY BE CALLED IN ACCORDANCE WITH ARTICLE VI SECTION 2.

**SECTION 2:** AT ANY MEETING OF THE CLUB, A QUORUM SHALL CONSIST OF TWENTY (20) PERCENT OF THE REGULAR MEMBER ELIGIBLE TO VOTE. MATTERS OF BUSINESS SHALL BE DECIDED BY A MAJORITY VOTE OF REGULAR MEMBERS PRESENT AT ANY MEETING. ADDITIONS OR CHANGES TO RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, MAINTENANCE,

AND USE OF CLUB PROPERTY SHALL BE VOTED ON, BY REGULAR MEMBERS (SEE ARTICLE X TO AMEND THE BY-LAWS).

**SECTION 3:** NO BUSINESS SHALL BE TRANSACTED AT A SPECIAL MEETING OF THE GENERAL MEMBERSHIP EXCEPT THAT OF WHICH NOTICE WAS SENT AT LEAST TEN (10) DAYS PRIOR TO SUCH MEETINGS.

**SECTION 4:** THE MEETINGS SHALL BE CONDUCTED ACCORDING TO ROBERT’S RULES OF ORDER.

**SECTION 5:** ALL FLAG OFFICERS FOR THE ENSUING YEAR SHALL BE ELECTED AT THE ANNUAL MEETING.

**SECTION 6:** THE BOARD OF GOVERNORS SHALL BE ELECTED AT THE ANNUAL MEETING.

## **ARTICLE IX**

### **FEES AND DUES**

**SECTION 1:** MEMBERS MUST PAY ALL FEES AND DUES BY SEPTEMBER 1 OR BEFORE HAULING THEIR BOAT, WHICHEVER COMES FIRST. ALL MEMBERS MUST HAVE DUES AND YARD FEES PAID IN FULL FOR THE ENSUING YEAR BEFORE POSTING ON THE BOARD TO USE THE RAILWAYS AFTER SEPTEMBER 1.

**SECTION 1A:** WHILE SERVING IN HIS ELECTED OFFICE, THE COMMODORE’S DUES AND FEES WILL BE PAID FOR BY THE CLUB.

**SECTION 1B:** WHILE SERVING IN THEIR ELECTED OFFICES, THE VICE-COMMODORE’S AND REAR-COMMODORE’S DUES WILL BE PAID FOR BY THE CLUB.

**SECTION 2:** NEW APPLICANTS MUST PAY ALL FEES AND DUES WITHIN THIRTY (30) DAYS OF NOTIFICATION OF THEIR ACCEPTANCE TO MEMBERSHIP IN ORDER TO BECOME MEMBERS. YARD FEES SHALL BE FIGURED ON OVERALL LENGTH X WIDTH, WHICH SHALL INCLUDE ALL THE OVERHANGS, SUCH AS BOWSPRITS, BOOMS, DAVITS, RUDDERS, CRADLES, ETC.

**SECTION 3:** IF A MEMBER HAS A CRADLE WITHOUT A BOAT, HE WILL BE CHARGED FULL YARD FEES.

**SECTION 4:** CATEGORIES OF FEES AND DUES ARE:

- (a) INITIATION FEE
- (b) ANNUAL DUES
- (c) YARD FEES
- (d) LOCKER FEE
- (e) TENDER FEE
- (f) WORK ASSESSMENT

**SECTION 5:** ALL REGULAR MEMBERS ACCEPTED AT THE JUNE REGULAR BOARD OF GOVERNORS MEETING SHALL BE CHARGED:

- FULL INITIATION FEE
- 50% ANNUAL DUES
- 50% YARD FEES
- FULL TENDER FEES
- FULL LOCKER FEES
- 0% WORK ASSESSMENT



ALL REGULAR MEMBERS ACCEPTED AT THE JULY REGULAR BOARD OF GOVERNORS MEETING SHALL BE CHARGED:

- FULL INITIATION FEE
- 25% ANNUAL DUES
- 50% YARD FEES
- FULL TENDER FEES
- FULL LOCKER FEES
- 0% WORK ASSESSMENT

ALL REGULAR MEMBERS ACCEPTED AT THE AUGUST REGULAR BOARD OF GOVERNORS MEETING SHALL BE CHARGED:

- FULL INITIATION FEE
- 0% ANNUAL DUES
- 50% YARD FEES
- FULL TENDER FEES
- FULL LOCKER FEES
- 0% WORK ASSESSMENT

**SECTION 6:** ASSOCIATE MEMBERS SHALL PAY ALL INITIATION FEES AND ANNUAL DUES AS SET BY THE BOARD OF GOVERNORS.

**SECTION 7:** AN ASSESSMENT MAY BE LEVIED BY THE BOARD OF GOVERNORS IF REQUIRED.

**SECTION 8: BILLING**

ANNUAL BILLING

- ANNUAL BILLS FOR THE ENSUING YEAR WILL BE SENT OUT THE FIRST WEEK OF AUGUST.
- ANNUAL BILLS ARE DUE IN FULL BY SEPTEMBER 1.
- ANNUAL BILLS NOT PAID BY OCTOBER 1 WILL INCUR A \$25 PER MONTH SURCHARGE.

MISCELLANEOUS BILLING

- MISCELLANEOUS BILLS SENT OUT OVER THE COURSE OF THE YEAR ARE DUE WITHIN 30 DAYS.
- MISCELLANEOUS BILLS NOT PAID IN FULL WITHIN 30 DAYS WILL INCUR A \$25 PER MONTH SURCHARGE.

APPLICANTS FOR MEMBERSHIP WILL BE BILLED THEIR OUTSTANDING BALANCE. IF PAYMENT IS NOT RECEIVED WITHIN 30 DAYS, ALL MONEY WILL BE RETURNED.

CHECKS RETURNED FOR INSUFFICIENT FUNDS WILL INCUR A \$25 SURCHARGE PLUS ANY BANK FEES INCURRED.

ALL OVERDUE BILLS WILL BE TURNED OVER TO THE BOARD OF GOVERNORS FOR RESOLUTION.

**ARTICLE X**

**AMENDMENTS**

ADDITIONS OR CHANGES TO THE BY-LAWS SHALL BE SUBMITTED TO THE BOARD OF GOVERNORS, COMPLETE WITH TWENTY FIVE (25) SIGNATURES OF GOOD MEMBERS IN GOOD STANDING, FOR CONSIDERATION AND OPINION, AT LEAST TEN (10) DAYS BEFORE THE BOARD OF GOVERNORS MEETING. ALL ADDITIONS OR CHANGES SUBMITTED WILL BE PLACED ON THE BALLOT WITH THE BOARD OF GOVERNORS' RECOMMENDATION. THE ADDITIONS OR CHANGES MAY BE VOTED ON AT THE ANNUAL MEETING, OR ANY SPECIAL MEETING CALLED FOR THAT PURPOSE, PROVIDING A COPY OF THE ADDITIONS OR CHANGES ALONG WITH NOTICE OF THE

ANNUAL OR SPECIAL MEETING, IS GIVEN EACH MEMBER IN WRITING AT LEAST TEN (10) DAYS BEFORE THE MEETING.

ADDITIONS OR CHANGES TO THE BY-LAWS SHALL REQUIRE A TWO THIRDS (2/3) VOTE OF THE REGULAR MEMBERS PRESENT.

## **ARTICLE XI**

### **INDEMNIFICATION OF DIRECTORS AND OTHERS**

#### **SECTION 11.1 DEFINITIONS:** FOR PURPOSES OF THIS ARTICLE XI:

(a) "DIRECTOR/OFFICER" MEANS ANY PERSON WHO IS SERVING OR HAS SERVED AS A DIRECTOR, OFFICER, EMPLOYEE OR A MEMBER OF THE BOARD OF GOVERNORS, OF THE CORPORATION, EITHER BY ELECTION OR APPOINTMENT, AND MEANS ANY MEMBER OF THE CORPORATION, INCLUDING WITHOUT LIMITATION THE MEMBER OF A COMMITTEE, WHO IS PROVIDING A SERVICE OR HAS PROVIDED A SERVICE TO THE CORPORATION UNDER A DELEGATION OF AUTHORITY TO SUCH MEMBER BY A DIRECTOR/OFFICER DULY AUTHORIZED TO MAKE SUCH A DELEGATION. IN THIS ARTICLE XI THE TERM "CORPORATION" MEANS ALWAYS THE "CLUB", THE TERM "BOARD OF DIRECTORS" IS SYNONYMOUS WITH THE CLUB'S "BOARD OF GOVERNORS", AND ANY REFERENCE TO THE MASCULINE PERSONAL PRONOUN IS TO BE DEEMED TO INCLUDE THE FEMININE AS MAY BE APPROPRIATE.

(b) "PROCEEDING" MEANS ANY ACTION, SUIT OR PROCEEDING, WHETHER CIVIL, CRIMINAL, ADMINISTRATIVE OR INVESTIGATIVE, BROUGHT OR THREATENED IN OR BEFORE ANY COURT, TRIBUNAL, ADMINISTRATIVE OR LEGISLATIVE BODY OR AGENCY, AND ANY CLAIM WHICH COULD BE THE SUBJECT OF A PROCEEDING.

(c) "EXPENSE" MEANS ANY FINE OR PENALTY, AND ANY LIABILITY FIXED BY A JUDGMENT, ORDER DECREE OR AWARD IN A PROCEEDING, ANY AMOUNT REASONABLY PAID IN SETTLEMENT OF A PROCEEDING, AND ANY PROFESSIONAL FEES AND OTHER DISBURSEMENTS REASONABLY INCURRED IN CONNECTION WITH A PROCEEDING.

#### **SECTION 11.2 RIGHT TO INDEMNIFICATION**

EXCEPT AS LIMITED BY LAW OR AS PROVIDED IN SECTIONS 11.3 AND 11.4 OF THIS ARTICLE XI, EACH DIRECTOR/OFFICER (AND HIS HEIRS AND PERSONAL REPRESENTATIVES) SHALL BE INDEMNIFIED BY THE CORPORATION AGAINST ANY EXPENSE INCURRED BY HIM IN CONNECTION WITH EACH PROCEEDING IN WHICH HE IS INVOLVED AS A RESULT OF HIS SERVING OR HAVING SERVED AS A DIRECTOR/OFFICER.

#### **SECTION 11.3 INDEMNIFICATION NOT AVAILABLE**

NO INDEMNIFICATION SHALL BE PROVIDED TO A DIRECTOR/OFFICER WITH RESPECT TO A PROCEEDING AS TO WHICH IT SHALL HAVE BEEN ADJUDICATED THAT HE DID NOT ACT REASONABLY OR IN GOOD FAITH IN THE REASONABLE BELIEF THAT HIS ACTION WAS IN THE BEST INTERESTS OF THE CORPORATION.

#### **SECTION 11.4 COMPROMISES OR SETTLEMENT**

IN THE EVENT THAT A PROCEEDING IS COMPROMISED OR SETTLED SO AS TO IMPOSE ANY LIABILITY OR OBLIGATION ON A DIRECTOR/OFFICER OR UPON THE CORPORATION, NO INDEMNIFICATION SHALL BE PROVIDED AS TO SAID DIRECTOR/OFFICER WITH RESPECT TO SUCH PROCEEDING IF SUCH DIRECTOR/OFFICER SHALL HAVE BEEN ADJUDICATED NOT TO HAVE ACTED REASONABLY OR IN GOOD FAITH IN THE REASONABLE BELIEF THAT THIS ACTION WAS IN THE BEST INTEREST OF THE CORPORATION.

#### **SECTION 11.5 ADVANCES**

THE CORPORATION SHALL PAY IN ADVANCE SUMS FOR INDEMNIFICATION BEFORE KNOWING THE FINAL OUTCOME OF A PROCEEDING, PROVIDED THAT THE DIRECTOR/OFFICER REPRESENTS TO THE BOARD OF GOVERNOR'S SATISFACTION THAT THE DIRECTOR/OFFICER WILL REPAY SUCH SUMS, PROVIDED THE REPAYMENT IS ACCORDING TO TERMS SATISFACTORY TO THE BOARD OF GOVERNORS, WHICH REPRESENTATION AND TERMS MAY BE ACCEPTED WITHOUT REFERENCE TO THE FINANCIAL ABILITY OF SUCH PERSON TO MAKE REPAYMENT. THE REQUIREMENT SHALL BE VALID EVEN IF IT MAY BE, AND LATER IS DETERMINED TO BE, THE CASE THAT THE DIRECTOR/OFFICER IS NOT ENTITLED TO INDEMNIFICATION PURSUANT TO SECTIONS 11.3 AND 11.4 HEREOF.

**SECTION 11.6 NOT EXCLUSIVE**

NOTHING IN THIS ARTICLE SHALL LIMIT ANY LAWFUL RIGHTS TO INDEMNIFICATION EXISTING INDEPENDENTLY OF THIS ARTICLE XI.

**SECTION 11.7 INSURANCE**

THE PROVISIONS OF THIS ARTICLE XI SHALL NOT LIMIT THE POWER OF THE BOARD OF GOVERNORS TO AUTHORIZE THE PURCHASE AND MAINTENANCE OF INSURANCE ON BEHALF OF ANY DIRECTOR/OFFICER AGAINST ANY EXPENSE INCURRED BY HIM IN ANY SUCH CAPACITY, OR ARISING OUT OF HIS STATUS AS SUCH, WHETHER OR NOT THE CORPORATION WOULD HAVE THE POWER TO INDEMNIFY HIM AGAINST SUCH EXPENSE UNDER THIS ARTICLE XI.

**SECTION 11.8 AMENDMENT**

THE PROVISIONS OF THIS ARTICLE MAY BE AMENDED OR REPEALED BY THE MEMBERS; HOWEVER, NO AMENDMENT OR REPEAL OF SUCH PROVISIONS WHICH ADVERSELY AFFECTS THE RIGHTS OF A DIRECTOR/OFFICER UNDER THIS ARTICLE WITH RESPECT TO HIS ACTS OR OMISSIONS PRIOR TO SUCH AMENDMENT OR REPEAL SHALL APPLY TO HIM WITHOUT HIS CONSENT.

# **BASS HAVEN YACHT CLUB RULES AND REGULATIONS**

Updated 04/2009

## **GENERAL**

1. ALL PERSONS USING CLUB EQUIPMENT DO SO AT THEIR OWN RISK.
2. EACH MEMBER IS ENTITLED TO ONE KEY WHICH MAY BE OBTAINED FROM THE SECRETARY OR TREASURER ON PAYMENT.
3. MEMBERS ARE RESPONSIBLE FOR THE ACTIONS OF THEIR CHILDREN AND GUESTS.
4. NO CHILDREN UNDER TWELVE (12) YEARS OF AGE WILL BE ALLOWED ON THE CLUB PREMISES UNLESS ACCOMPANIED BY AN ADULT.
5. NO PROPERTY OF ANY DESCRIPTION IS TO BE LEFT ON THE PLATFORMS, PASSAGEWAYS OR RUNWAYS OF THE CLUB. THE PLATFORMS, PASSAGEWAYS AND RUNWAYS MUST AT ALL TIMES BE KEPT CLEAR AND OPEN.
6. ALL DOGS SHALL BE ON A RESTRICTED LEASH OF 6 FOOT MAXIMUM LENGTH, AND NOT ALLOWED IN THE CLUBHOUSE OR AT CLUB FUNCTIONS. MEMBERS WILL CLEAN UP AFTER THEIR DOGS.
7. ALL COMPLAINTS SHALL BE MADE IN WRITING, SIGNED BY THE COMPLAINING MEMBER, AND ADDRESSED TO THE BOARD OF GOVERNORS.
8. THE LAST MEMBER TO LEAVE THE CLUB PREMISES AT ANY TIME SHALL SEE THAT ALL LIGHTS IN THE CLUB ARE OUT AND THE CLUB SECURED AND GATE LOCKED.
9. MEMBERS WILL BE REQUIRED TO SHOW THEIR MEMBERSHIP CARDS TO ANY OFFICER OF THE CLUB UPON REQUEST.
10. MEMBERS MUST DEPOSIT RUBBISH ONLY IN RECEPTACLES PROVIDED FOR THE SAME, CASTING NOTHING FROM THE PLATFORM OR FLOAT THAT WILL PRESENT AN UNSIGHTLY APPEARANCE.
11. A MEMBER WHEN SELLING OR EXCHANGING A BOAT MUST NOTIFY THE SECRETARY IN WRITING WITHIN TEN (10) DAYS OF THE SALE, AND IS ALSO RESPONSIBLE FOR THE BOAT UNTIL IT LEAVES THE YARD OR BECOMES THE PROPERTY OF A CLUB MEMBER.
12. NO BREAD, FOOD OR GRAIN FOR THE PURPOSE OF FEEDING BIRDS OR ANIMALS WILL BE STORED IN THE CLUBHOUSE OR ON THE CLUB PREMISES.
13. NO CLUB PROPERTY IS TO LEAVE THE CLUB PREMISES WITHOUT THE PERMISSION OF THE BOARD OF GOVERNORS.
14. A COMMITTEE CHAIRMAN CAN SPEND UP TO \$500 OF HIS BUDGET AND THEN MUST COME BEFORE THE BOARD BEFORE SPENDING MORE.

15. ANYONE WHO VIOLATES ANY BYLAW OR RULE, INCLUDING DISOBEYING THE INSTRUCTIONS OF ANY APPOINTED OR ELECTED OFFICIAL, MAY BE CALLED BEFORE THE BOARD OF GOVERNORS AND, AT THE DISCRETION OF THE BOARD, WILL BE SUBJECT TO A WARNING, A FINE OF UP TO \$100 AND/OR EXPULSION FROM THE CLUB.
16. THE STORAGE OF LOBSTER TRAPS IN THE YARD WILL NOT BE ALLOWED.
17. A CHARGE OF \$25 WILL BE IMPOSED ON ALL BAD CHECKS SUBMITTED TO THE CLUB.
18. EXCESSIVE DRINKING, PUBLIC INTOXICATION OR THE OPERATION OF CLUB EQUIPMENT WHILE INTOXICATED WILL NOT BE TOLERATED AND IS CAUSE FOR TERMINATION.
19. WORK ASSESSMENTS NEED TO BE ASSIGNED AND AUTHORIZED BY A COMMITTEE CHAIRMAN. EACH WORK ASSESSMENT CARD REQUIRES TWO SIGNATURES. EACH WORK ASSESSMENT CARD NEEDS TO BE SIGNED BY A COMMITTEE CHAIRMAN OR FLAG OFFICER, AND THE CHAIRMAN OF COMMITTEES.

### **SAFETY RULES**

1. GASOLINE, PAINT AND OTHER FLAMMABLE MATERIALS MUST NOT BE STORED IN THE LOCKERS.
2. SMOKING IN THE BUILDINGS SHALL BE PROHIBITED.
3. NO MORE THAN THE MINIMUM SPEED NECESSARY FOR STEERAGE SHALL BE MAINTAINED THROUGH THE ANCHORAGE AREA.
4. SPEED OF AUTOMOBILES IN THE YARD MUST NOT BE OVER FIVE (5) MILES PER HOUR.
5. ALL PROPANE TANKS ATTACHED TO BOATS MUST BE SHUT OFF AT THE TANK AND THE HANDLE REMOVED WHEN LEFT UNATTENDED.
6. ALL ELECTRICAL CORDS WILL BE UNPLUGGED FROM THE POLES AT NIGHT AND WHEN LEFT UNATTENDED.

### **TRACTOR RULES**

1. REPORT DAMAGE TO TRACTOR AND ALLIED EQUIPMENT IMMEDIATELY TO THE YARD CHAIRMAN OR ANY MEMBER OF THE BOARD OF GOVERNORS.
2. CHECK GAS, OIL AND BATTERY BEFORE USING TRACTOR.
3. TRACTOR SHALL NOT BE ALLOWED ON THE OUTBOARD RAMP.
4. ONLY MEMBERS HOLDING A VALID DRIVER'S LICENSE WILL BE PERMITTED TO DRIVE THE TRACTOR.

5. ALWAYS RETURN GEAR (WHEELS, ROLLER AND PLANKS) TO THEIR RIGHTFUL PLACES IN THE YARD.
6. MEMBERS USING THE TRACTOR MUST PUT GAS IN THE TRACTOR.

### **RAILWAY RULES**

1. ALL PROPOSED USAGE OF THE RAILWAY MUST BE POSTED ON THE BOARD IN THE CLUBHOUSE. INCLUDE NAME, DATE AND TIME.
2. REPORT ANY AND ALL DAMAGE OF EQUIPMENT TO THE YARD CHAIRMAN OR ANY MEMBER OF THE BOARD OF GOVERNORS IMMEDIATELY.
3. RAILWAY AND RAMP IS FOR USE OF REGULAR MEMBERS ONLY.
4. ALL ROLLERS NOT BEING USED ON THE RAILWAY SHALL BE STORED IN THE STORAGE RACK.

### **STORAGE YARD RULES**

1. EACH MEMBER SHALL BE RESPONSIBLE FOR CLEANING THE AREA NEAR HIS CRADLE.
2. ALL EQUIPMENT AND MATERIALS MUST BE STORED ON OR UNDER YOUR BOAT.
3. TIME OF YEARLY CLEANUP WILL BE DESIGNATED BY THE BOARD OF GOVERNORS
4. NAME OF MEMBER MUST APPEAR ON TRAILER OR CRADLE.
5. NOTHING, INCLUDING BOATS, IS TO BE STORED WITHIN TWO FEET (2') OF THE CLUB FENCES.
6. ALL LADDERS MUST BE SECURED (I.E. LOCKED TO BOAT, TRAILER, CRADLE OR JACK STANDS).
7. ALL BOATS NOT ENTERING THE WATER BY JULY 15<sup>TH</sup> OF EACH YEAR BE CHARGED A SUMMER STORAGE FEE OF ONE-HALF THE WINTER STORAGE FEE. THERE IS AN EXCEPTION FOR BOATS ON TRAILERS THAT GO IN AND OUT OF THE WATER WITH SOME CONSISTENCY. THE BOARD OF GOVERNORS SHALL HAVE THE POWER TO GRANT HARDSHIP WAIVERS (E.G. MEDICAL, MECHANICAL, ETC.) AS THEY SEE FIT.

### **DRY STORAGE OF BOATS**

1. BOAT PLACEMENT SHALL BE BY THE YARD CHAIRMAN.
2. ALL EQUIPMENT WILL BE RETURNED TO ITS STORAGE AREA AND TRACTORS RETURNED TO THEIR PARKING AREAS AND LOCKED AFTER USE.

### **FLOAT RULES**

1. CLUB TENDERS ARE TO BE MOORED AT THEIR ASSIGNED SPOTS ON THE FLOATS.
2. CLUB TENDERS WILL BE RETURNED CLEAN AND PUMPED OUT.

3. NO OUTBOARDS SHALL BE ATTACHED TO CLUB TENDERS.
4. TIME LIMIT FOR USE OF CLUB TENDERS SHALL BE THIRTY (30) MINUTES; HOWEVER, DISCRETION SHOULD BE USED TO AVOID TYING UP ALL THE CLUB TENDERS AT THE SAME TIME OR CAUSING OTHERS TO WAIT UNREASONABLY.

### **TENDERS OWNED BY MEMBERS**

1. MUST BE REGISTERED WITH TREASURER.
2. MUST BE NUMBERED AND TIED AT THE PROPERLY ASSIGNED SPOT.
3. MUST BE EQUIPPED WITH PROTECTIVE RUB RAILS. RUB RAILS MUST BE SUFFICIENT OR ADEQUATE TO PROTECT ADJACENT BOATS FROM DAMAGE.
4. MAXIMUM OVERALL SIZE OF TENDER SHALL BE 12' X 5'.
5. MUST BE PUMPED OUT WITHIN A REASONABLE TIME AFTER A RAINSTORM.

### **CLUB FLOATS**

1. NO PAINTING, VARNISHING, SCRAPING, PUTTYING OR FIBERGLASSING SHOULD BE DONE AT THE FLOATS.
2. NO SWIMMING ALLOWED AT THE FLOATS.
3. THE PUMPS MUST BE RETURNED TO THEIR PROPER STORAGE PLACE AND HOSES AND POWER CABLE PROPERLY COILED ON THE PUMP.
4. NO TENDERS ARE TO BE STORED ON THE CLUB FLOATS.
5. CHILDREN UNDER TWELVE (12) YEARS OF AGE MUST WEAR A LIFE JACKET WHILE ON THE FLOATS.

### **BOATS**

1. THE TIME LIMIT AT THE FLOAT SHALL BE TWENTY (20) MINUTES.
2. ANY TIME OVER TWENTY (20) MINUTES IS ALLOWABLE AT THE DISCRETION OF THE DOCKMASTER.

### **MOORING RULES**

1. EVERY BOAT OWNER MOORING IN THE BASIN WILL SUPPLY HIS OWN MOORING, CHAIN AND ROPE, AND HAVE IT COMPLY WITH THE RULES OF THE BEVERLY HARBORMASTER.

### **MEMBER FLOATS**

1. STORAGE OF FLOATS WILL BE ON A SPACE-AVAILABLE BASIS.
2. NO FLOATS WILL BE ALLOWED TO TIE UP ALONG THE BULKHEAD DURING THE WINTER.

3. FLOATS MAY BE STORED IN THE YARD AT ½ THE REGULAR STORAGE FEES, FROM AFTER NOVEMBER 1 TO APRIL 15.