



## **BY-LAWS**

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## **RULES AND BY-LAWS (ANNEXURE ONLY TO CONSTITUTION)**

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### **1. Safety Precautions**

In order to minimise the risk of serious accidents the following safety precautions must be observed when sailing:

- a) Children under the age of 18 years must wear life-jackets and must be accompanied by an experienced adult, unless exempted by the Sailing Committee.
- b) All persons who are unable to swim must wear life-jackets.
- c) All boats must be equipped with a sufficient number of life-jackets to provide for each member of the crew.
- d) Crews must always remain with their capsized yachts pending the arrival of the rescue launch, and, if requested to do so by the skipper of the rescue launch, must board the launch and leave their yachts until a more suitable time for salvage.
- e) The Duty Officer is authorised, should weather conditions make it desirable, to prohibit all sailing, or that of inexperienced yachtsmen, as he may deem necessary, or to order the wearing of life-jackets.

### **2. Securing of Boats**

All members are warned that very strong gusts of wind frequently arise at the Yacht Club. Iron loops and blocks have been provided for tying down boats and gear. Members are asked to use these and ensure that their boats are secure, to avoid damage to their own and other members' property.

### **3. Risks**

All sailing and boating of any description including rescue operations and storage are undertaken at the risk of the individual yachtsmen, and any accident involving damage to, or loss of life, or property can in no way be considered the responsibility of the Club.

### **4. Rescue Launch**

The Club rescue launch and/or engine may not be used by any person under any circumstances without the prior authority of a member of the Sailing Committee or the Club Manager.

### **5. Approved Classes of Yachts**

The following classes of yachts are approved by the Club in order to encourage class racing:

- a) OPTIMIST, DABCHICK, LASER, SONNET, CARIOCA, HOBIE, HALCAT, MIRROR
- b) Every yacht competing for a Club Trophy must conform to S.A.S. rules of its class.

### **6. Leasing and Hiring of Club Facilities**

Charges for certain Club services and/or facilities shall be decided by the General Committee from time to time and shall be posted on the Club notice board. These comprise the following:

- a) Hire of Club House only with the approval of the General Committee, and at a fee specified for each individual occasion.
- b) Boat-shed store and parking space shall be on a yearly basis and paid in advance.
- c) The lease of caravan sites, tent sites and cabins on an annual basis, and are also subject to the provisions contained in the lease agreement.
- d) The lease of the above contained in Para (c) on short term shall be on a daily basis, from noon to noon, and payable in advance by members.

- e) The lease of caravans and camping sites only (excludes cabins) to visiting members shall bear the same provisions contained in Para (d) except that special rates shall apply during December and January.
- f) At regattas and Class weekends, special rates are applicable to competitors, their wives and children (no charge is made for children under 5 years) for caravan and camping sites. These fees comprise the period of the regatta as well as one day on either side of the regatta. Costs and details are applicable to the specific regatta fees shall be posted on the Club notice board.

**7. Camping and Care of Club Premises** (updates introduced 24/05/2001)

- a) No dogs are allowed on the Club lawns or in Club buildings but may be kept, under control, in the immediate vicinity of cabins, caravans or campsites leased by members.
- b) Refuse and litter shall be deposited in the drums provided.
- c) The Club accepts no responsibility for accident or loss of members' property from any cause whatsoever.
- d) No cars are allowed to park on the lawns in front of the Club.
- e) No unauthorised persons are allowed on the bridge, in the galley or in any rescue craft.
- f) Launching gangways are to be kept clear at all times.

**8. Sites - General (BYLAW AS AMENDED APRIL 2012)**

**Definitions**

- a) Club Cabin – fixed structure owned by Hermanus Yacht Club and leased on an annual basis to ordinary members as defined in clause 4 (c) of the Constitution in good standing. Can also be used for short term rental by the CLUB to visiting sailors and regatta officials.
- b) Private Cabin – fixed structure owned by ordinary members as defined in clause 4 (c) of the Constitution in good standing, positioned on a site leased by the member from the Club on an annual basis.
- c) Mobile Cabin – mobile structure owned by ordinary members as defined in clause 4 (c) of the Constitution in good standing, positioned on a site leased by the member from the Club on an annual basis.
- d) Caravan / Plettenberg – mobile trailer owned by ordinary members as defined in clause 4 (c) of the Constitution in good standing, positioned on a site leased by the member from the Club on an annual basis.

**8.1 General**

- a) The privilege of camping on Club grounds is strictly reserved for members and visiting members as defined in clause 4 of the constitution.
- b) No person may sleep on the Club premises unless allocated a cabin, caravan, or tent site for which the fee has been paid.
- c) No more than six (6) persons, including children may occupy a site at one time.
- d) The lessee may not cede, sublet or loan a cabin or campsite to any other person without the consent of the Committee or authorised representative.
- e) The lessee of a site may erect only one tent adjoining the cabin or caravan or one standard caravan canopy, neither to occupy more than 12 square meters.
- f) A lessee previously not having electricity and moving to a site with the facility will be liable for a once off electricity connection fee as stipulated by the Committee.
- g) When a lessee vacates a site or club cabin, the additions or improvements shall become the property of the Club, who will not be subject to any claims, costs, or compensation related to the improvements.
- h) Boats and trailers may not be stored on sites during the sailing season.

## 8.2 Sites – Allocations

- a) All available sites must be advertised on the Club Notice Board for at least 21 days before being allocated. The date placed on the board must be shown against each site.
- b) All site leases are annually renewable at the Committee's discretion.
- c) Only ordinary members as defined in clause 4 (c) of the Constitution in good standing may apply for a site lease or lease of a Club Cabin.
- d) No member may erect or buy a private cabin within the first two years of membership at HERMANUS YACHT CLUB.
- e) The provision for a "shared lease" on a site may only apply to direct family members and approval thereof remains at the discretion of the committee. The fee for a "shared lease" is 1.5 times the applicable site rental.
- f) Sites will be allocated at the sole discretion of the Committee and the following will be considered:
  - the applicants history with HERMANUS YACHT CLUB
  - contributions and willingness to get involved at the Club (Committee Member, Bridge, Rescue, maintenance etc.)
  - participation in all aspects of sailing
  - commitment to and future potential for the Club

## 8.3 Sites – Development

- a) No structure of any kind may be erected on Club premises without prior written approval from the Committee and/or the local Authority.
- b) Private Cabins or mobile cabins may be erected on a site exceeding ninety square meters (90sq.m) a site exceeding 75 square meters (75 sq. m) may be considered for a private Cabin or mobile cabin if adjacent to a communal area.
- c) Cabins or mobile cabins and/or caravans may not be less than 4 meters from each other for fire safety reasons and no less than 1 meter from any boundary fence.
- d) Private Cabins or mobile cabins must have a rustic appearance.
- e) All cabins must be removable, mobile cabins must be moveable and no concrete may be cast on site.
- f) All cabins must comply with Building Regulations SABS 082.
- g) A refundable non-interest bearing deposit of R10, 000-00 is required on submission of an application to construct a mobile cabin.
  - The applicant has 90 calendar days from the date construction commences to complete construction.
  - Once the cabin has been inspected and certified by the Committee (or its appointed representative) as complete and complying with the provisions of the Site By-laws, the deposit will be refunded subject to the provision of sub paragraph (iv) below.
  - For every 30 calendar days that construction runs over the 90 calendar day building period, R1000.00 of the deposit will be forfeited to the Club
- h) Cabin construction guidelines:
  - Timber Floors: may rest on cement blocks or treated poles which are not set into the ground with concrete.
  - To prevent subsidence, pole ends may rest on pre-cast cement blocks or paving slabs underground.
  - Timber Walls: lapped or log style, painted with Mahogany or Teakwood sealer.
  - Roof Finish: fibre cement, bitumen or zincalume, sheets or tiles, painted dark green, charcoal, or natural.
  - Windows & Doors: meranti or pine, painted white, green, or wood sealer. (Bronzed aluminium sliding doors may be acceptable)
  - Veranda: timber deck and covered roof. The sides may not be enclosed
- i) Mobile cabin construction guideline:
  - mobile cabin must conform to maximum 7m x 3m size or smaller
  - mobile cabin chassis must be of standard Hermanus Yacht Club specification or

- a certified equivalent designed by a structural engineer, and must have 4 jacking up points to enable the mobile cabin to be raised to mount removable dolly wheels for mobility
  - the steel chassis must be supported on pre-cast cement blocks or lintels and a system of anchoring the mobile cabin to the ground must be in place
  - wall finish to be timber lapped or log style or 'Nutec' ship lap, painted with mahogany or teak sealer
  - roof finish to be small box rib profile steel with green or charcoal paint finish
  - windows and doors: Meranti or pine varnished or bronze aluminium
  - verandas must be removable (bolt on) and may have timber deck and covered roof (The sides may not be enclosed)
- j) Maximum areas/dimensions of private Cabins or mobile cabins:
  - footprint of cabins 21.6 sq. m (e.g. 6.0x3.6 m)
  - footprint of mobile cabins 7x3 m
  - height 2.9 meters (from the finished floor to the roof apex)
- The roof footprint (area) may not exceed the footprint of the cabin with the eaves not exceeding 200mm while the roof must be dual pitch with a symmetrical profile from the side elevation. The highest point must therefore run the length of the cabin dead centre with gables on either end.
  - covered veranda/ afdak 21.0 sq. m (e.g. 7.0 x 3.0 m)
  - floor height 300mm (From the finished floor to the mean natural
  - ground level or established footprint level, whichever is the more restrictive)
  - cabins and mobile cabins may have a sink, basin, shower and a chemical toilet
- k) Pergolas may be erected, but may not exceed the width or height of the Caravan or Cabin / mobile cabin or extend more than 3.0 meters. The sides may not be enclosed. The area covered may not exceed 21sqm.
- l) A deck may be constructed not exceeding 35 sqm in extent including the veranda/ afdak.
- m) One storage box per site may be permitted. Maximum size (h) 1.0m, (w) 1.0m, 2.6m
- n) Electricity supply to all sites will be restricted to 5 amps
- o) Outside showers must be screened in material different than the external cabins walls and may not have a roof unless the roof forms part of the 21 sqm afdak area (sacrificed from this area with screen wall different as referred to above).
- p) No more cabins will be allowed on sites on the western boundary fence. W16 has been scrapped (decision at committee meeting 03 June 2012).
- q) Contractors are only allowed at the club Mondays to Friday lunchtime; labourers cannot overnight at the club without permission from the club manager/ if they do they will be charged full camping fee. No contractors allowed at the club on holidays or active weekends.

#### **8.4 Termination of Lease**

- a) The Committee may terminate the lease / or order the removal of any caravan or structure not maintained to a reasonable standard.
- b) Any lessee not complying with the site By Laws, or erecting an unauthorised structure will automatically lose his site, and will be required to remove from the structure at his own expense within 30 calendar days of Notice.
- c) If Lessee does not occupy his site on at least six (6) occasions during the season, an ordinary member as defined clause 4(c) may apply for the site. At the Committee's discretion, the lease may be terminated and the site re-advertised in accordance with clause 8.2 of the Site Bylaws. The onus to prove sufficient occupancy lies with the Lessee, extenuating circumstances may be considered by the Committee.
- d) Club cabins to be vacated within 30 calendar days of notice.
- e) Caravans to be removed from site/club property within 30 calendar days of notice.
- f) Private members cabins/mobile cabin and Plettenbergs may be sold to a member approved by the Committee, in accordance with clause 8.2 of the Site Bylaws. A five

percent (5%) commission on the selling price is payable by the seller to Hermanus Yacht Club within 7 days of the sale. If the owner does not wish to sell the structure in accordance with the terms indicated above, the structure must be removed within 30 calendar days of notice.

- g) The Committee reserves the right to terminate a club cabin or site lease if the facility or yacht club is abused in any way.
- h) The Lessee agrees that Hermanus Yacht Club will not be held liable for damages or any costs incurred when vacating a site or exercising forced removal.

## **9. Store Sheds**

- a) Members wishing to repair or to store boats in the Club sheds must first obtain permission from the Sailing Committee.
- b) No sails are to be hung up in the main shed.

## **10. Club Badges**

The following are obtainable from the Secretary:

Club Burgees, Ties, Cravats. Blazer Badges may be ordered through the Secretary.

## **11. Visiting Members and Members' Guests**

See Constitution – clause 4.

## **12. Moorings**

By-Law No: 01/99

The Control of Keelboat Moorings | General Adopted 24/04/99

- The Control and Administration of up to 30 moorings has been given by the Municipality of Hermanus to the Hermanus Yacht Club
- The Allocation of Moorings is at the discretion on the General Committee who will first consider the recommendation of the Sailing Committee, and may only be leased to HYC Club members in good standing.
- The initial allocation of Moorings will in all cases subject to a One off cost which may be determined by the General Committee from time to time.
- Moorings remain the property of the Hermanus Yacht Club.
- Should a boat with a mooring be sold the re-allocation to the new owner will be subject to the approval of the General Committee and the new owner will be liable for a new one off cost.
- An Annual Mooring Fee as determined by the General Committee and will be levied and this fee will include the Annual Mooring Inspection fee and parking for one tender.

### *Clubs Responsibility:*

- To provide a concrete block, a shackle and ground chain attached to the block.
- To provide the necessary maintenance for the ground tackle.
- To commission the services of a qualified diver on an Annual basis and to submit a report to the Owner of the Mooring and the Sailing Committee.
- To provide a ferry service over the weekends during normal sailing hours subject to arrangements being made with the Duty Officer.
- Access to the hard is restricted and the boom will only be open at the weekends unless suitable prior arrangements have been made with the Club Manager.

### *Owners Responsibility:*

- To satisfy himself that the block and chain are adequate for the purpose for which he intends to use them.
- To provide adequate top chain/rope and swivel for attaching his craft to the riser chain.
- To adequately insure and indemnify the HYC against any cost which may arise out of his use of the mooring provided.

### **13. Rescue Boats**

By-Law No; 02/99

Control of Rescue Boats Adopted: 24/04/99

- From time to time the Sailing Committee will publish a list of an Authorised Rescue Boat Drivers by notice in the Newsletter and/or on the Notice Board.
- The Sailing Committee shall be the sole adjudicator and authority over the members included on this list.
- Only a member appearing on this list may be permitted to be in charge or drive any of the Clubs Rescue craft at any time.
- Additional names may only be added to the list by the Sailing Committee after satisfying themselves as to the competency of the member concerned.
- Members may approach the Sailing Committee to have their name included on the list of authorised drivers at any time.
- Authorised names may only be included on the Official List of Authorised drivers when the Sailing Committee is satisfied that the driver is competent and meets the standards set by the Sailing Committee.
- The Sailing Committee may request a practical test at any time to provide them with the necessary basis for deciding the particular member competency. Should any member breach the provisions of this By-Law the Sailing Committee shall have the right to carry out any investigation considered necessary and to make a recommendation to the General Committee for an appropriate sanction to be taken against the member concerned.

### **14. Boat Parking & Facilities (Bylaw amended September 2011)**

**14.1 Keelboats** will be levied an annual mooring/parking/facility fee on the 1<sup>st</sup> of September each year. This will permit the owner to be allocated a mooring block, to store his trailer/dolley on the upper terraces and to periodically use the car park area and gantry for maintenance purposes. The objective is to get all keelboats securely stored on the upper terraces when not on their moorings. When on moorings the trailers/ dollies must be parked on the allocated space on the terrace and not in the car park. If there is space in the winter they can park in the bottom car park as long as they are ONLY parked along the western fence line and NOT on the centre aisle. Furthermore they may only be parked there AFTER the AGM and must be removed BEFORE the Opening cruise. Keelboats undergoing maintenance in season may park in the car park provided the manager is kept informed. Each keelboat can have a tender registered (for ID purposes) and stored at the club in the designated area free of charge.

**14.2 Hobie Cats and other multihulls** will be levied an annual parking facility fee. This will permit the owners to occupy a berth on Hobie beach subject to availability (first come first served basis) if a member does not use this space it may be allocated to a more active sailor. In season, active boats not on Hobie Beach may park along the Western fence in the lower car park to allow easy sailing access. Hobies that are not regularly utilised must park on the upper terraces.

**14.3 Dinghies** will be levied an annual parking facility fee. This will permit the owners to occupy a berth on the concrete hard subject to availability (first come first served basis) if a member does not use this space it may be allocated to a more active sailor. In season, boats not on hard may park along the Western fence near the braai area to allow easy sailing access. Dinghies that are not regularly utilised must park on the upper terraces if there is no space on the hard.

**14.4 Wind surfers, paddle skis and canoes** that are stored inside cabins/caravans are not billed for parking however any such item stored under or around sites are to pay the relevant parking fees and display the appropriate stickers.

**14.5 Power Boats:**

- a) There will be an annual levy for registering and launching power boats at the club. This does not include long term parking. The craft needs to be taken away after use at the club at the end of each stay of the member. If it is left for extended periods then the member will be billed for long term parking unless an arrangement has been made with Club Manager. Registration fee R100 and will be amended from time to time by the general committee. See registration process below.
- b) Annual power boat parking / facility fee is R500.00 for long term parking and launching (this is over and above the registration fee), no parking is allowed at/on caravan / cabin sites and parking will be available on upper terraces as allocated by the manager.
- c) Periodically parking bays in car park may be allocated to power boat owners who make their craft available during regattas and training sessions. This would only apply during the season. It has to be noted that the car park will be used as an overflow sailing boat parking area in summer as a priority over power boats.
- d) Use of Hobie Beach during high water periods for power boat parking is limited to non-daylight hours only and craft must be removed early in the morning to allow Hobie sailors unrestricted use of the beach for sailing. (this applies particularly on weekends when the Hobies are racing).
- e) All skippers /operators of power boats must have valid SAS or SAMSA skippers tickets, annual safety certificate (COF) and boat registration which must be shown at time of receiving boat parking sticker and placed on record at the club. Non-qualified persons are not allowed to operate any power boat outside of these regulations.
- f) Power boat parking and launching at the club will be limited to 30 boats on a first come first served basis. The registration fee and parking fee (if applicable) must be paid on registration.
- g) Any skipper found to be under the influence of alcohol or operating recklessly whilst in control of a power boat will have his right of use at the club removed for the duration of the season.
- h) All power boat trailers must be suitably marked with owners name, boat name and contactable phone number in line with SAMSA regulations.

**14.6 HYC POWER BOAT REGISTRATION PROCESS:** each year at the beginning of the season 1<sup>st</sup> September power boat owners must register their craft with the club manager. The boats will be recorded on the register (restricted to 30 power boats) and proof of a valid COF (seaworthiness) and skipper's ticket must be given to the manager. See attached SAMSA guidelines.

**14.7 CRAFT / ITEM & TRAILER ID REGISTRATION:** All craft, trailers and sailing equipment that is stored at the club apart from inside a member's cabin/ caravan must have an ID disc on it and, if a parking fee is applicable, the relevant season disc indicating the fee has been paid. This allows management to identify any damaged craft or items and contact owners and also to ensure that fees are paid. Any craft without ID discs will be put aside for auction and any identifiable craft that have not paid the current season fees may also be set aside for auction. The onus is on owners to notify the club what craft they have and pay the fees.

**IN SUMMARY** the club is under real pressure for space and members are investing in beautifying their sites. It is inconsiderate to store boats and trailers amongst the sites (it is not permissible in the season as per current bylaws). The Club has made the investment into parking as mandated by the members who attended the AGM in May 2011.



Please understand the reason for putting in these controls;

- to ensure member's safety from powered craft
- to generate revenue on space allocated,
- to strongly discourage members from storing derelict rubbish at the club,
- to keep the accommodation parts of the grounds looking attractive.

**15. Dogs & Pets (Bylaw added August 2012)**

The purpose of this by-law is to manage the dogs and / or pets at Hermanus Yacht Club so that the usage of this facility of any member is not unduly or negatively impacted due to dog and / or pet behaviour which will include but is not limited to barking, excrement on the ground, aggression, etc. The intention of the by-law is for all members to respect one another in the usage of this facility and in the event of potential conflict same be resolved in an amicable and friendly manner.

**15.1** Pets or dogs will be allowed at the Hermanus Yacht Club subject to the following conditions:

1.1 No pet or dog will be allowed on the front lawn area except where a member is taking his or her dog sailing in which event the dog must be on a leach under control of the owner for the purpose of accessing a boat.

1.2 Any dogs on the Yacht club's premises will at all times be under the owner's control and on a leach, subject to 1.2.1 and 1.2.2 underneath.

1.2.1 Dogs will be allowed to run freely on the boat parking terrace area above the road behind the top ablution block (henceforth known as the dog road)

1.2.2 On the demarcated site area of a specific member.

**15.2** In the event of any specific member transgressing the aforesaid by-law or allows their pet or dog to inconvenience any other member, a club member witnessing such transgression may take the following action:

2.1 Preferably address the matter directly with such member concerned; alternatively

2.2 Report the matter to the dog committee if such committee member is present at the club;

2.3 If no dog committee member is present at the club, report the matter to the Club Manager.

**15.3** In the event of club members not being able to resolve a transgression in accordance with 1.3 above, such complaining member may in writing submit a complaint signed by the complaining member to the dog sub-committee. The sub-committee will in such an event investigate the complaint and issue a sanction appropriate to the circumstances which sanction may include a written warning to the offending member and in extreme circumstances may result in banning of the members' pets from the club for a defined period of time.

**15.4** All dog owners accept responsibility to at all times pick up any excrement irrespective of whether this was caused by their own dogs or not.

Non-members or visitors to the club are not permitted to bring their pets to the club.