



# Hythe (Southampton) Sailing Club

## Mooring and Pound Byelaws 2016

NOTE: Within these bye-laws the word "Committee" refers only to the Moorings & Pound Sub Committee and not the General Committee.

### 1 Membership Qualification

1.1 To qualify for the allocation of a Club mooring/pound space, it is required that the applicant shall be a fully paid-up member of the Hythe (Southampton) Sailing Club.

### 2 Classes of Boats.

2.1 The allocation of moorings and pound spaces will be subject to the following limitations:

2.1.1 Cruisers (i.e. all boats occupying moorings and/or cruiser pound spaces) will be limited to one mooring and one pound space per membership.

2.1.2 Dinghies (i.e. all boats that occupy dinghy pound spaces) must be launched and recovered without vehicular assistance. Boats that require vehicular assistance must be allocated a mooring (unless pound space is allocated under Clause 4.3) and must be launched and recovered by club tractor, operated by an authorised tractor driver. Private vehicles are not permitted for this purpose.

Subject to training and authorisation, owners of dinghies and RIB's may use the club winch to assist in launch and recovery operations.

2.1.3 A limit of 10% of the total number of moorings may be allocated to power driven craft.

2.1.4 Boats will be accepted, subject to mooring and pound space availability, only at the discretion of the Committee. Applications must be made in writing to the Moorings and Pound Secretary to cover the initial application, and any changes of information.

2.1.5 Cruises will be subject to the following criteria for allocation of moorings:

For moorings in rows 1-10

- Maximum draught 1.6m (5' 3")
- Maximum manufactures displacement 6.5Tonnes (6.4 tons)
- Maximum hull length 10.668m (35' 00")
- Maximum width 4.2m (13' 9")

For moorings in Row Y:

- Maximum draft 1.68m (5' 6")
- Maximum manufactures displacement 8 Tonnes (7.87 tons)
- Maximum hull length 12.0m (39' 6")
- Maximum width 4.2m (13' 9")

For moorings on row X:

- Maximum draft 2.0m (6' 6 ½")
- Maximum manufactures displacement 8 Tonnes (7.87 tons)
- Maximum hull length 12.0m (39' 6")
- Maximum width 4.2m (13' 9")

Pound or haul out facilities will normally be available to all boats on rows 1 – 10. Space may be available to boats on rows X & Y providing they do not exceed a manufacturer's specified displacement 6.500 kg (6.4 tons) and a draft of 1.68 m (5' 6"). Boats new to the club may be allocated moorings on rows X or Y temporarily if no other suitable spaces are available. Where a boat is currently allocated a space in rows X & Y, and their boat fits the criteria for a mooring on rows 1-10, the owners may apply to be allocated one of those moorings (when one becomes available).

NOTE: The club pound can only accommodate a limited number of boats with dimensions close to the maxima.

2.1.6 Definitions related to haul out, launching, pound storage, and pound charges.

- Length. Overall length of hull plus total length of longitudinal projections that cannot be retracted, (such as bowsprits, pulpits, davits, wind vanes and trailer tow bars).
- Weight. Manufacturer's specified displacement.
- Width. Beam of boat or width of trailer/cradle, whichever is greater.

Footprint area. Length x width. (For the purpose of calculating pound charges)

If requested by the Committee, applicants shall supply a copy of the manufacturer's specification literature in relation to 2.1.5 and 2.1.6 above.

2.1.7 Successful applicants for pound space shall supply their own trailer or cradle which must be suitable for the boat, of adequate strength and in safe working condition (also see Clause 11.2.)

### **3 Launching and recovery**

3.1 Launching and recovery of vessels issued with moorings will be limited to 2 launchings and 2 haul outs per year. Additional launch and recoveries will attract a charge as laid out in the mooring and pound scale of charges.

### **4 Allocation of Moorings and Pound Space.**

4.1 Applications for mooring/pound space will be listed in order of date of commencement of current period of Club membership, but the Committee shall reserve the right to vary the order of precedence where the applicant's boat dimensions conflict with mooring/pound space availability.

4.2 In normal circumstances, each cruiser will be allocated one mooring and one pound space. No additional boat other than a tender shall be kept in a cruiser pound space.

4.3 At the discretion of the Committee, a temporary pound space may be allocated to a member who has not been allocated a club mooring but this is subject to the following conditions. Once allocated, a similar space will be offered in subsequent years if room is available, but this cannot be guaranteed. The boat must be launched and sailed during the summer. If the temporary allocation is withdrawn the boat must be removed. During the summer, the cradle or trailer may have to be folded / dismantled for compact storage, to the satisfaction of the Pound Master, and may have to be moved to a different location in the pound.

4.4 At the discretion of the Committee, a mooring may be allocated temporarily to a member who has not been allocated a pound space. This temporary allocation will be for no longer than one summer season and the member must submit a new application for any subsequent years.

4.5 With the exception of boats on rows X & Y where a pound space cannot be allocated, each cruiser must be removed from its mooring during the winter period, from 1<sup>st</sup> November until 31<sup>st</sup> March, unless the owner makes a specific request to use the mooring during that period and the request is approved by the Committee. Boats remaining on moorings will be required to move temporarily to allow servicing of the moorings.

4.6 Allocations of moorings and pound spaces may be changed from time to time. Each member is required to cooperate with the Committee to facilitate such changes by moving their boat and/or equipment to the new location.

4.7 Owners of boats and equipment at the club may be directed by the club to move them to different locations. If a boat and/or equipment have not been moved within one month of the owner being directed to do so, the club shall be entitled to move the boat and equipment without being liable for loss or damage however caused and the owner shall pay a charge to the club for that work. That charge shall be as published in the schedule of mooring and pound charges.

## **5 Payments of Charges and Fees**

5.1 To use or retain the use of a Club mooring and/or pound space all charges relating to membership fees and to mooring and/or pound space charges must be paid by the due dates as shown on the invoices.

5.2 The Committee shall publish a schedule of all mooring and pound charges.

5.3 Charges for pound spaces shall be calculated as follows.

5.3.1 General charges for Cruisers and Dinghies.

Pound charge = (Footprint area + shared area) x charge per square metre.

Where shared area = (boat pound area - total of footprint areas) divided by the estimated number of boats, and the charge per square metre is based on estimated boat pound costs, allowing for annual variations.

### **Charges for cruisers allocated temporary pound spaces under clause 5.3 above.**

1.7 X normal pound charge.

### **Ribs that occupy cruiser pound spaces but are uninsurable for moorings.**

Normal pound charge + supplement equivalent to Row 10 mooring charge.

### **Cruisers not launched for 2 years**

(Footprint area + shared area) x 'un-launched' charge per sq. m, in accordance with Clause 7.2.

### **Tenders stored in tender pound spaces**

Nominal tender footprint area x charge per sq. m.

5.3.2 Charges for moorings will be graduated according to depth and size of sinker.

5.3.3 If at any time any membership fee, or mooring, pound or storage charges payable to the Club by any member or former member shall be three or more months in arrears, the club may act to recover the debt in accordance with Clause 14 below.

## **6 Non-use of Mooring/Pound Space**

6.1 A mooring holder not intending to use his/her mooring or pound space during any year shall give notice in writing to the Committee, who will have the right to utilise such mooring or space for the benefit of another member without prejudice.

## **7 Occupation of Pound Space**

7.1 If any cruiser remains ashore, without being launched and sailed, for two consecutive summer seasons ending on 31<sup>st</sup> October of the second year, the specific mooring allocation will lapse. The owner shall continue to pay pound charges according to Clause 7.2 and must make arrangements to launch the boat, sell the boat or remove the boat from the club. Should the owner wish to launch the following year he must make a written undertaking to the Committee and apply for a new mooring allocation which will be granted when a suitable mooring is available.

7.2 Any cruiser subject to 7.1 above shall be charged the appropriate 'un-launched' rate, set at a value that is estimated to maintain the club's income.

7.3 No cruiser is authorised to remain ashore at the club if it has not been launched and sailed for three consecutive summer seasons ending on 31<sup>st</sup> October of the third year. In such cases the committee may take action in accordance with Clause 14 below. Alternatively, and subject to approval of the committee the owner may elect to pay an un-launched charge for a period not exceeding 12 months set at a rate comparable with local commercial boat storage facilities in order for him to sell, remove the boat from the club or otherwise dispose of the vessel within that period.

'Un-launched' rates shall be published in the schedule of mooring and pound charges. The Committee may, at its discretion, waive or relax the provisions of clauses 7.1, 7.2 and 7.3, if notified in writing of special circumstances that prevent the owner launching the boat.

## **8 Sub-letting of Mooring/Pound Space**

8.1 A mooring and/or pound space holder is not permitted to sub-let these facilities, or permit them to be used by another person including club members without the authority of the Committee

## **9 Joint or Shared Ownership**

9.1 All persons having a joint or shared ownership in a boat occupying a Club mooring and/or pound space must be full voting members of the Club, but only one shall be named as the mooring/pound space holder and he/she will be responsible for the payment of all charges and fees. Avoidance of full membership by utilising a Crew or Guest facility may result in disciplinary action by the Club.

9.2 The transfer of mooring/pound space by the holder to any other member having a joint or shared interest will not be permitted unless the conditions relative to the allocation of mooring/pound space are met and authority is obtained from the Committee.

## **10 Sale or Transfer of Ownership. (Please also refer to the Club's protocol on selling a boat).**

10.1 A member offering/advertising his/her boat for sale will not be permitted to occupy pound space beyond the limitations imposed by section 7 above.

10.2 "For Sale" signs may be displayed on boats in the pound.

10.3 When a member's boat is sold to a non-member the purchaser will not be permitted to occupy a pound space or mooring unless temporary membership is obtained. Temporary membership will be available for a period not exceeding 3 calendar months. An administration charge will be levied for issue of a gate card and Club key. If the boat has not been removed from the club within one calendar month a temporary membership fee will be charged for a period not exceeding a further 2 calendar months at the rate shown in the scale of charges. If the purchaser not removed the boat from the club by the end of the temporary membership period the committee will refer the matter to the Hon. Membership Secretary whereupon full membership will be required and the appropriate fee payable. Boats that are sold may be required to be moved to a different mooring or pound space.

## **11 Acquiring or Changing Boats**

11.1 No boat may be brought to the club moorings or pound until its owner has submitted a mooring / pound application form and the Mooring Secretary has allocated a mooring and/or pound space. Members who intend to purchase or change boats must establish, from the Mooring Secretary, that a suitable mooring and pound space is likely to be available.

11.2 No trailer or cradle to be used for launching or recovery operations may be brought into the club until its owner has submitted the dimensions to the committee and obtained written approval.

## **12 Responsibilities for Mooring/Pound Space**

12.1 The Committee reserves the right to levy mooring holders for all charges associated with the laying, lifting, inspection and repair of moorings and may, at its discretion, employ a contractor to carry out any one or all such tasks.

12.2 No mooring may be altered, dismantled and re assembled, or additions made in any way without permission from the committee. All vessels must be attached to the mooring by the supplied chain or large rope strop with the anti-chafe sleeve tied or fixed in the stem head fitting. The rope attached to the pickup buoy must not be used to secure any vessel including tenders.

12.3 The Club accepts no responsibility for damage caused to any vehicle, boat or other property, howsoever it is caused, whilst using Club facilities.

12.4 Pound space holders are responsible for the upkeep and tidiness of their allocated spaces, they are not permitted to store any boat, tender, cradle, trailer or other equipment elsewhere unless separate provision is made and fees paid. Where a pound space is considered untidy or unsafe, the Committee shall require the member to tidy their space or be charged for having the space tidied for them. Nothing shall be stored against or within 1 metre of the perimeter fence that may compromise the security of the club. Pound holders may have one bin or box for the storage of materials. All other equipment must be kept on the trailer or cradle or stacked tidily so as not to cause an inconvenience or danger to other members and trailer steering arms are to be removed to facilitate access to utility points and spaces between boats kept clear.

12.5 The grinding, disc cutting and welding of metals and similar work within a cruiser pound space is prohibited and is to be carried out in the area near the tractor sheds. In exceptional circumstances, if a trailer or cradle cannot be moved until such work is carried out, the committee may give permission on receipt of a written proposal detailing suitable measures to protect adjacent vessels or other property.

12.6 Power washing, grit blasting and similar operations within a cruiser pound space will only be permitted if the boat owner ensures that suitable screening is erected to protect other property from dirt or damage. All debris must be cleared.

12.7 All hosepipes must be used with a shut off device at the users end and removed from taps when not in use.

### **13 Identification of Property**

13.1 All boats, including dinghies, tenders, cradles, trailers and other equipment must bear the boat or holders name and/or sail number.

### **14 Abandoned and unauthorised boats and equipment.**

14.1 The club shall be entitled to treat any of the following as abandoned or unauthorised. A boat or equipment located on the club premises or moorings for which a pound space and/or mooring has not been allocated. A boat and/or equipment for which payment of the mooring, pound or storage charges are in arrears by 3 months or more, or belonging to an owner whose membership has terminated. A boat and/or equipment when the boat has not been launched for 3 years or more (also see Clause 7.3 above).

14.2 In compliance with the Torts (Interference with Goods) Act 1977 the club may take the following actions in removing, selling or otherwise disposing of abandoned or unauthorised boats and equipment.

- Upon giving one month's notice, require the member or former member to collect and remove the boat, and/or equipment.
- Upon giving three months' notice, in writing by registered post to the member or former member at his/her last known place of abode as shown in the register of members, sell the boat and/or equipment and deduct any monies due to the club (whether arrears of subscription or facility fees or pound or mooring fees or otherwise.
- If the boat and/or equipment is unsaleable (in the opinion of the committee), after giving notice in writing as aforesaid, dispose of the boat and/or equipment in any manner the Committee may think fit and deem the cost of doing and any arrears as aforesaid to be a debt owing to the Club by the member or former member.
- Charge for storage of the boat and/or equipment until such time as the owner collects it or until notice has been served under clauses a) and b) above.

PROVIDED THAT in each case the proper evidence is available to show that all reasonable steps have been taken by the Committee to trace a member or former member, and that when and if the boat and/or equipment is sold, the proceeds of the sale (where these exceed the amount of any indebtedness by the member or former member to the Club) shall be placed in a bank deposit account and retained against the eventuality of a claim by the owner (whether he be the said member or former member) for a period of six years.

Further, the club shall, at all times, have a lien over members' or former members' boats and equipment on the club's premises or moorings in respect of all monies due to the club, whether in respect of arrears of mooring and pound charges or subscriptions or otherwise. Approved by General Committee on 5.1.2015

### **15 Club Equipment Damage**

15.1 Damage to Club equipment e.g. pressure washers, jacks, trailers etc., must be reported to the Committee immediately. If in doubt as to the correct and proper use, members must seek advice as damage caused by neglect or misuse may result in a charge for repair.

### **16 Club Trailers - Restrictions**

16.1 On the 3-wheel club trailer the maximum applied load is 5 tonnes (boat plus cradle). On the 4wheel club trailer the maximum applied load is 4.5 tonnes and the maximum boat length is 30ft (9.15 metres).

### **17 Club Vehicles**

17.1 In compliance with insurance restrictions, only approved members of the Club are permitted to drive the Club vehicles. If any tractor driver is considered unsafe by the Moorings & Pound Sub Committee he/she will be asked to return their key.

## **18 240 v Electrical power.**

18.1 Any electrical lead from a power socket to a boat shall be disconnected when the owner is not on the club premises.

## **19 Insurance**

19.1 Every boat owned by a member must be covered by third party insurance to the extent of not less than three million pounds.

## **20 Waste Disposal**

20.1 To comply with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulation 2003, and the Club's own waste management policy, The Club gives notice that no facilities exist for members or visitors to dispose of any waste or rubbish brought ashore from any vessel, brought in by any vehicle or produced on site. All such waste shall be taken away for disposal either at the person's home address or to the local authority amenity site at Marchwood.

Failure to comply with this bye-law may result in the person being required to appear before the General Committee to explain their actions.

## **21 Nothing in these rules shall contradict the provisions of the main Club Rules.**

**Approved by the Mooring and Pound Committee June 2016.**