



**RESOLUTION OF THE MANAGEMENT COMMITTEE [BOARD OF DIRECTORS]
of
NORTH CHANNEL YACHT CLUB**

(the “Corporation”)

WHEREAS:

1. By Article 8.1 of the By-laws of the Corporation, the Management Committee [“MC”] may as needed, by resolution, pass, amend or repeal Rule, Regulations, Policies and Procedures [“RRPPs”] regarding the operation of the Club;
2. By Article 21.1.9 of the By-laws, the MC may pass By-laws regarding governance of the members and those utilizing Club facilities and equipment;
3. By Regulations under the Emergency Management and Civil Protection Act of Ontario, the Club was required to be closed, but can now open subject to continuing restrictions under that Act;
4. After consultation with members, health authorities, other clubs, and others, the MC considers it necessary to adopt new provisions to govern operation of the Club this year to reduce the risk of harm associated with the Covid-19 pandemic virus;

NOW THEREFORE IT IS RESOLVED THAT:

1. By-law #2 in the form attached hereto is hereby adopted as a By-law of the Corporation;
2. The Rules, Regulations, Policies and Procedures are amended by adding thereto the Pandemic Response Code of Conduct provisions set out in the form attached as amended;
3. By-law #2 and the RRPPs as amended hereby supercede the provisions of By-law #1 or the RRPPs to the extent that there is considered to be any inconsistency.

MOVED BY: Debra Maher

SECONDED BY: Ray Hortness

THE FOREGOING resolution was appropriately moved, seconded and passed at a general meeting of members of the Management Committee called for that purpose, this 19th day of May, 2020.

“Ray Hortness”
Ray Hortness - Commodore

NCYC BY-LAWS

NCYC BY-LAWS

By-Law No. 2 (Covid-19 Measures 2020)

WHEREAS:

1. By Article 21.1.9 of By-law #1, the Management Committee may pass By-laws regarding governance of the members and those utilizing Club facilities and equipment;
2. By Regulations under the Emergency Management and Civil Protection Act of Ontario, the Club was required to be closed, but can now open subject to continuing restrictions under that Act;
3. After consultation with members, health authorities, other clubs, and others, the MC considers it necessary to adopt new provisions to govern operation of the Club to reduce the risk of harm associated with the Covid-19 pandemic virus;

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as **By-Law #2** of the Corporation as follows:

A By-law relating to the governance of the members and those utilizing Club facilities and equipment.

ARTICLE 1 APPLICATION:

- 1.1 This By-law applies to all members, their guests or invitees, and generally all persons entering Club premises.
- 1.2 Terms used in this By-law, unless otherwise defined, have the meaning attributed to them under By-law #1.
- 1.3 This By-law #2 supercedes the provisions of By-law #1 or the Rules, Regulations, Policies and Procedures [“**RRPPs**”] to the extent that there is considered to be any inconsistency.

ARTICLE 2 INCORPORATION BY REFERENCE AS NEEDED

- 2.1 Members and all those utilizing Club facilities and equipment are governed by and are required to conduct themselves in accordance with the Rules, Regulations, Policies and Procedures adopted in the year 2020 by the Management Committee in response to the Covid-19 Pandemic and/or state of emergency declared under the Emergency Management and Civil Protection Act of Ontario.
- 2.2 In particular, but without limiting the generality of the foregoing, members and others are to be governed by the Resolution adopted by the MC on May 19, 2020 which amends the RRPPs in response to the Covid-19 Pandemic.



NCYC

Rules, Regulations, Policies and Procedures

Re Pandemic Response Code of Conduct

As of 2020-05-19, as amended

INTRODUCTION:

The following provisions are intended to respond to the need to reduce the risk of harm to any person attending NCYC premises and arising from the Covid-19 virus. It is recognized that the risk cannot be entirely eliminated. Members and other attending the Club assume and accept a risk of harm and if they are not prepared to do so, should not attend at the Club.

Where there is perceived to be a conflict between these provisions and another document, please draw such conflict to the attention of the Management Committee. However, until such conflict is addressed, the provisions of this document supercede any other provisions and are mandatory.

These provisions cannot perfectly address all possible situations. Circumstances may require that wisdom and common sense prevail over the written words, so that the spirit of these provisions prevails over artful interpretations or legalistic application.

Each member has the right and responsibility to remind others of these provisions when a member believes another is not adhering to them, but enforcement is a function of the Management Committee. The Management Committee always has the discretion to not specifically enforce or to allow minor variances as circumstances may present themselves. Such *ad hoc* decisions are not to be taken as creating a binding precedent for the future. Each case turns upon its own facts and what might have been an appropriate discretionary decision on one or more isolated occasions may not be appropriate for general application.

The terms of this Code of Conduct have been crafted after input from members, other clubs, the provincial government, the local and provincial health authority and are not arbitrary or capricious, but the product of much thought and debate as to what “best practices” should be adopted.

1 GUIDING PRINCIPLES:

- 1.1 Reducing the risk of harm from Covid-19 is the shared responsibility of all members and other persons attending the Club.
- 1.2 The following are minimum requirements and everyone visiting the Club must act responsibly and in accordance with them.
- 1.3 All who attend the Club must recognize that NCYC cannot be held liable should anyone fall sick of COVID-19 or a related illness, after coming to the Club and by attending they voluntarily accept the risk of illness or harm arising from the virus.
- 1.4 Should a member observe that another person at the Club is not respecting a requirement of this code of conduct, it is acceptable to politely and respectfully ask that person to conform to our requirements. Should the issue not be resolved the member is asked to advise any member of the Management Committee who all have full authority to enforce compliance..
- 1.5 As these are not normal circumstances, all members are asked to be flexible and polite and to compromise when necessary.
- 1.6 These provisions are only intended to address the first phase of the reopening of the Club and preparing boats for launch. Revised versions which may follow, but these provisions remain in effect until otherwise notified.

Pandemic Response Code of Conduct

As of 2020-05-19

2 ASSUMPTION OF RISK & WAIVER OF LIABILITY AS A CONDITION OF ATTENDING:

- 2.1 Each member, invited guest, or any person attending NCYC premises, must first agree to comply with the provisions of this Code of Conduct and anyone not doing so does not have permission to be present.
- 2.2 Prior to first attending at the Club in 2020 or prior to next attending if a member has already attended, each member is required to sign the Assumption of Risk and Waiver of Liability form attached as Schedule A
- 2.3 Execution of Schedule A and adoption of this Code of Conduct may be evidenced in writing by any of the following means:
 - 2.3.1 Delivering a signed copy of Schedule A to the Secretary by electronic means [eg. Emailing a scanned copy to NCYCSec@gmail.com];
 - 2.3.2 Delivering a signed copy of Schedule A to any member of the Management Committee;
 - 2.3.3 Sending an email to the NCYC Secretary at NCYCSec@gmail.com agreeing to be bound by and comply with this Code of Conduct and the text of Schedule A..

3 OPEN AMENITIES:

- 3.1 From and after May 20, 2020 and until further notice only the following amenities are open to persons attending the Club:
 - 3.1.1 All outdoor areas generally, including the boat yards, docks, parking areas;
 - 3.1.2 Boat launch facilities including the winch, A-frame etc.
 - 3.1.3 Electrical and water outlets in the boat yard and on the docks;
 - 3.1.4 Pump-out facilities.
 - 3.1.5 The Shower Building – access to toilet and sink only [no showers] and provided that access to each of the male and female sides is limited to one person at a time and posted protocols must be followed.
 - 3.1.6 The repair shop attached to the Shower Building;
 - 3.1.7 The steel shipping container shed;
 - 3.1.8 Ice Freezer: Payment will be on an honour system basis subject to a protocol to be posted – members are requested to NOT post in the book and NOT to deposit cash on site;
 - 3.1.9 Club equipment in open amenity areas – provided that use of gloves and masks is mandatory and that any posted protocols are followed.
- 3.2 Members are cautioned that the use of any open amenity is on a voluntary assumption of risk basis as these are not necessarily sanitized on a regular basis, or perhaps at all, and members must sanitize such themselves before and after using.

4 CLOSED AMENITIES:

- 4.1 From and after May 20, 2020 and until further notice the following amenities are CLOSED to persons attending the Club:
 - 4.1.1 The clubhouse – including the washroom facilities;

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- 4.1.2 The “white house” [former Dock Master’s house];
 - 4.1.3 The water pump shed;
 - 4.1.4 The propane barbeque by the clubhouse and at the finger dock pier – provided that the normal rule that members are not allowed to barbeque on their boats at the finger docks is temporarily suspended while this limitation is in place.
 - 4.1.5 The electrical shed;
 - 4.1.6 Any area where coloured caution tape has been applied to demark a restricted area.
- 4.2 Persons needing access to closed amenities may be specifically authorized by a member of the Management Committee to enter or use them but then only a limited purpose and time period authorized:

5 SECURITY GATE:

- 5.1 The security gate at the entrance to the club is to remain closed and locked at all times except when entering or leaving the premises.
- 5.2 The gate and lock should be considered unsanitized and so precautions in the form of sanitizing wipes or gloves should be used in order to avoid contamination.

6 PPE, SANITIZATION/CONTAMINATION PRECAUTIONS:

- 6.1 Do not, under any circumstances, come to the Club if you have any symptoms of COVID-19 or if you are living with a person who has such symptoms.
- 6.2 If you are under a government mandated self-isolation period, you are required to complete it before coming to the Club. See the provincial provisions at <https://covid-19.ontario.ca/self-assessment>
- 6.3 If you are immuno-suppressed or have a chronic illness, you should consult your physician or public health resources to help you decide if you should come to the Club.
- 6.4 All government mandated physical distancing and sanitation measures must be fully complied with while at the Club. These include:
 - 6.4.1 Physical separation of at least 6 feet between people;
 - 6.4.2 No more than 5 people may gather in proximity to one another;
- 6.5 The Club is not able to provide, maintain, or provision hand washing stations and/or hand sanitizer and members are not to expect that such be provided. Members are requested and required to bring their own personal protective equipment [**PPE**] and supplies including masks, face shields, gloves, and hand sanitizer and to use them liberally.
- 6.6 **MASKS:** Everyone attending the Club must carry a mask or face covering and wear it over the nose and mouth when approaching another person to within 2 meters or 6 feet of another person who is not of the same household.
 - 6.6.1 This is to protect others should you unknowingly be a carrier of the virus.
 - 6.6.2 Wearing a mask while working on your boat is recommended, but is not mandatory.
 - 6.6.3 In areas where boats are stored close together [including at the finger docks], wearing a mask is recommended given the proximity of other boats and other people who may not be visible to you. This is of particular importance in windy conditions which could carry the virus beyond the 6 foot range.

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- 6.6.4 In an obstacle-free space that allows you to easily see and avoid someone approaching, wearing a mask is not mandatory but is recommended.
- 6.6.5 Wearing a mask is mandatory when entering any enclosed public space – eg the tool shed, shower building etc.
- 6.7 Members may stay over-night on their boat but as clubhouse and some washroom facilities are currently NOT open or available, members must bring their own food, cooking equipment and PPE and are encouraged to use toilet facilities on their boat or the public washrooms available at the adjacent public boat launch if any are provided by the municipality.
- 6.8 While the water in the yard and at the dock will be turned on and will be tested to ensure that it is potable, members are encouraged to bring their own drinking water as from time to time, the water may not be potable and signs will be posted to advise of this.
- 6.9 PPE must NOT be discarded or left on the ground, on the docks, in the water, or anywhere other than waste disposal receptacles or the member’s boat or motor vehicle.

7 VISITORS & GUESTS & LOGGING:

- 7.1 For the time being, to reduce the number of people present on the site and to reduce the risk of infection of yourself or others, a member is allowed to bring only one other person to assist with pre-launch maintenance and then launching.
- 7.2 Contractors or surveyors hired to work on your boat are permitted provided they are given a copy of these provisions, and agree to comply with them. The member is responsible for that person’s conduct at the Club.
- 7.3 Contact tracing may be required if someone attending the Club tests positive for Covid-19 or is required to self-isolate under provincial or health authority directives. Members are therefore required to keep a log of the dates and times of their attendances and those of their contractors, guests and visitors.

8 MC DIRECTIVES:

- 8.1 Members of the Management Committee and in particular, Members-at-large responsible for various parts of the Club, may from time to time post at appropriate places directives to respond to emerging issues. Everyone is required to comply with such directives. Any disagreement with such provisions can be brought to any member of the MC for consideration at a full meeting of the MC, but until varied, such provisions must be complied with.

Adoption and Amendments:

- 1. 2020-05-19: Adopted by the Management Committee May 19, 2020

NCYC
Pandemic Response Code of Conduct
As of 2020-05-19
Schedule A

Assumption of Risk & Waiver of Liability
Relating to Coronavirus/COVID-19

The Novel Coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization. COVID-19 is extremely contagious and is believed to spread mainly from person-to-person contact. As a result, federal, provincial, and local governments and federal and provincial health agencies recommend physical distancing and have, in many locations, prohibited the congregation of groups of people. North Channel Yacht Club (“the Club”) has adopted a Code of Conduct and other measures to reduce the spread of COVID-19; however, the Club cannot guarantee that you, your family or guest (invited or otherwise) will not become infected with COVID-19. Further, attending the Club could increase the risk of contracting COVID-19. By signing this agreement, I acknowledge the contagious nature of COVID-19 and voluntarily assume the risk that I may be exposed to or infected by COVID-19 by attending the Club and that such exposure or infection may result in personal injury, illness, permanent disability, and even death.

I understand that the risk of becoming exposed to or infected by COVID-19 at the Club may result from the actions, omissions, or negligence of myself and others, including, but not limited to, Club members, volunteers, Management Committee Members, volunteers, visitors, and their families. I voluntarily agree to assume all of the foregoing risks and accept sole responsibility for any injury to my family or myself (including, but not limited to, personal injury, disability, and death), illness, damage, loss, claim, liability, or expense, of any kind, that I or my family may experience or incur in connection with my attendance at the Club or participation in Club activity (“Claims”). On my behalf, and on behalf of my family, I hereby release, covenant not to sue, discharge, and hold harmless the Club, its Members, Officers and Directors, and Committees, of and from the Claims, including all liabilities, claims, actions, damages, costs or expenses of any kind arising out of or relating thereto. I understand and agree that this release includes any Claims based on the actions, omissions, or negligence of the Club, its members, employees, Officers, Directors, and Committees, whether a COVID-19 infection occurs before, during, or after participation in any Club event or attendance.

I acknowledge having read the NCYC Pandemic Response Code of Conduct and agree to comply with and be bound by it. I will ensure that my visitors, guests, contractors and any others I may have at the Club are provided with a copy of the Code of Conduct and that they sign and deliver a “Schedule A: Assumption of the Risk Waiver of Liability” form prior to their attending.

Member's Name Print): _____

Signature of Member: _____

Member Number: _____

Date: _____