

HERITAGE-SKYLINE SWIM CLUB BYLAWS

ARTICLE I: NAME

Section 1.1

The name of the Corporation is the HERITAGE-SKYLINE SWIM CLUB, hereinafter referred to as the Club.

ARTICLE II: OBJECT

Section 2.1

The object and purpose for which this Club is organized is to promote the health and general welfare of its membership, and in the pursuance thereof to construct, own, and operate a swimming pool and other recreational facilities, together with such incidental objects as are appropriate in the conduct of its activities in the County of New Castle and the State of Delaware.

ARTICLE III: GOVERNMENT

Section 3.1

The property, business, and affairs of the Club shall be managed by a Board of Directors who must be Active Members of the Club (Article VI, Section 6.5).

Section 3.2

Any question as to the meaning for proper interpretation of any of the provisions of these Bylaws shall be determined by the Board of Directors.

ARTICLE IV: BOARD OF DIRECTORS

Section 4.1

The Board of Directors shall be composed of nine board members, all of whom shall serve without compensation, with the exception of free guests. The Board of Directors shall be allowed a maximum of 6 free guests per day. Six members of the Board shall constitute a quorum.

Section 4.2

At each Annual Meeting of the Active Members of the Club, three Directors shall be elected to serve for a term of three years or until their successors have been duly elected and qualified.

Section 4.3

No member shall be eligible to serve two consecutive full (three year) terms as a Director.

Section 4.4

Any member of the Board of Directors who shall cease to be an Active Member of the Club shall automatically cease to be a member of the Board of Directors.

Section 4.5

Any member of the Board of Directors may be removed for cause from the Board and/or from such office as he may hold by a two-thirds vote of the full Board of Directors or by a majority vote of the Active Members.

Section 4.6

The Board of Directors, with the responsibility for the management of the Club property, business, and affairs, may in addition to the powers and authority of these bylaws expressly conferred upon them, exercise all such powers and do all such acts and things as may be exercised by the Club, but subject, nevertheless, to the provisions of the Statute, of the Charter, and of these bylaws, and to any regulations or amendments made from time to time; provided that no regulations nor amendments so made shall invalidate any prior act of the Directors which would have been valid if such regulations or amendment had not been made.

Without prejudice to the general powers conferred by the last preceding clause and other powers conferred by these bylaws, it is hereby expressly declared that the Board of Directors shall have the following powers:

A. To purchase or otherwise acquire property rights or privileges for the Club, which the Club has the power to take, at such prices and on such terms as the Board of Directors may deem proper.

B. To create, make, and issue mortgages, bonds, deeds of trust, trust agreements, and negotiable or transferable instruments and securities, secured by mortgages or otherwise, and to do every act and thing necessary to effectuate the same.

C. To elect from the Board a President, Vice President, Secretary, Financial Secretary, and Treasurer; all of whom shall serve without compensation.

D. To constitute, create, or disband committees and define their powers and duties. Standing Committees shall include:

- Finance and Legal
- Membership
- Rules
- Pool and Grounds

Chairman of the Standing Committees must be selected from the membership of the Board. The Board has the power to confirm or reject the Presidential appointments to committees (Article V, Section 5.2).

E. If the office of any Director, or of the President, Vice President, Secretary, Financial Secretary, or Treasurer, or other officer or agent, one or more, becomes vacant by reason of death, resignation, retirement, disqualification, removal from office, or otherwise, the Directors then in office, although possibly less than a quorum in number remaining, by a majority vote, shall have the power to choose a successor or successors from the qualified Active Members of the Club who shall hold office for the remainder of the unexpired term of which each such vacancy occurred.

F. To appoint, and at their discretion remove or suspend, such subordinate officers, clerks, agents, servants, or employees, permanently or temporarily, as they may from time to time think fit, and to determine their duties and compensation.

G. To designate an officer of the Club who shall be the sole authority in selecting, suspending, or discharging employees.

H. To fix, impose, and remit penalties for violations of these bylaws and the rules of the Club.

I. To suspend or expel any Member for violation of the bylaws, rules, or for non-payment of dues or other indebtedness or fees, or for conduct detrimental to the welfare of the Club, in accordance with the penalties set in Section 4.6 (H), by a two-thirds vote of the full Board of Directors (not just a quorum). Such action may be taken only when and after due notice and a hearing have been afforded to said Member.

J. To exercise the right to approve or disapprove applications for membership. All applications for membership must be approved by the Board of Directors for acceptance.

K. To elect a Nominating Committee of five (5) qualified Active Members to present nominations for Directors at the Annual Meeting of the Club.

L. To designate the bank or banks in which the funds of the Club shall be deposited and determine the manner in which checks, drafts, and other instruments for payment of funds of the Club shall be executed.

Section 4.7

The Board shall cause the books of the Club to be audited annually by auditors selected by the Board. The auditors shall be neither officers nor directors of the Club. The Board shall present an unaudited report at the Annual Meeting of the Club and shall be available an audited report to the Members within 90 days of the end of the fiscal year. The fiscal year of the Club shall begin on the first day of November and terminate on the 31st day of October in the following calendar year.

The timing to present the annual audit requested by the auditor to allow more time to complete the annual audit.

Section 4.8

The Board of Directors shall prepare a budget for the ensuing year, a copy of which will be mailed to the Membership, together with a financial report, prior to each Annual Meeting.

Section 4.9

The Board of Directors shall maintain adequate insurance coverage for liability and property damage.

ARTICLE V: OFFICERS

Section 5.1

At their first meeting after their election, Directors under the leadership of the prior year's vice president, the current year's president, shall elect from among their own number, a vice president (who will become the subsequent year's President), a Secretary, a Membership Officer, a Financial Secretary, and an Assistant Treasurer (who will become the subsequent year's Treasurer) to hold office for one year and/or until others are elected and qualified in their stead. They shall not be subject to removal during their respective terms of office except for cause (Article IV, Section 4.5) nor shall their terms of office be diminished during their tenure.

Section 5.2

The President shall be the chief executive officer of the Club; he shall preside at all meetings of the Directors, and at all meetings of the Club Membership; he shall have general and active management of the business of the Club; he shall see that all orders and resolutions of the Board are carried into effect; he shall execute all contracts and agreements authorized by the Board; he shall keep in safe custody the official seal of the Club, and when authorized by the Board, affix the seal to any instrument requiring the same, and the seal when so affixed shall be attested by the signature of the Secretary.

He shall have general supervision and direction of all other officers of the Club and shall see that their duties are properly performed.

He shall submit a report of the operations of the Club for the fiscal year to the

Directors at their first regular meeting in each year and to the Members at their Annual Meeting, and from time to time shall report to the Directors all matters within his knowledge which the interests of the Club may require to be brought to their notice. He shall appoint, subject to confirmation by the Board, all standing Committees, designating the Chairman thereof, and all special committees, except the Nominating Committee, as he may be directed. He shall be an ex-officio member of all Standing Committees, without voting power.

Section 5.3

The Vice President, in the absence of, or disability of the President, shall be vested with all the powers and shall perform all the duties of the President in his stead. Unless otherwise designated by the Board in accordance with Article IV, Section 4.6, Paragraph G the Vice President shall be designated as the officer having sole authority to select, suspend or discharge Club employees. The Vice President shall also perform such other duties as defined and assigned by the Board of Directors. The Vice President shall be an ex-officio member of all committees, except the Standing Committees and the Nominating Committee, without voting power.

Section 5.4

The Secretary shall attend all sessions " of the Board of Directors and all meetings of the membership and act as the clerk thereof; and shall record all votes and minutes of such proceedings in a book kept for that purpose. The Secretary shall keep a file for record purposes of all committee reports. The Secretary shall also attend to the correspondence pertaining to his/her office. Additionally the Secretary shall prepare all Newsletters, pamphlets, etc. and send timely notices of all meetings of the Club Membership and of the Board of Directors.

Section 5.5

The Membership Officer shall serve as Chairman of the Membership Committee which shall investigate all applicants for membership in accordance with Article VI, Section 6.9. The Membership Officer shall present all applications, accompanied by the required non-refundable application fee, to the Board of Directors for approval. After approval, the Membership Officer shall notify said applicants that they have been approved for placement on the waiting list of applicants for membership and forward their non-refundable application fees to the Financial Secretary for Deposit, with notification to the Treasurer. The Membership Officer shall maintain and post an accurate waiting list of approved applicants for membership, notifying applicants in chronological order as bonds become available for issuance. The Membership Officer shall, upon an applicant's acceptance of a bond, collect the face value of the bond from such applicant and timely forward such monies to the Financial Secretary for deposit, with notification to the Treasurer as to both the name of the new bondholder and the name and number of the bond to be retired, if applicable.

The Membership Officer shall prepare all bonds for issue to new bondholders, which bonds shall bear the seal of the Corporation and the signatures of both the President and the Secretary. The Membership Officer shall also receive and verify the validity of all bonds for which redemption is requested and keep them with the permanent bond records. The Membership Officer shall keep a permanent record of all Bonds registered and redeemed by the Club in such form and manner and under such regulations as the Board of Directors may prescribe.

The Membership Officer shall maintain full and complete duplicate records of the Club's current Active Membership, one of which sets of records shall be kept in the Pool Office, in the custody of the Pool Manager during the swimming season.

Section 5.6

The Financial Secretary shall be responsible for the timely billing, collection and deposit of all dues, fees and monies except as otherwise provided herein.

The Financial Secretary shall timely prepare and issue dues statements as prescribed by the Board of Directors. Additionally the Financial Secretary shall follow-up and collect and timely deposit all such monies and provide the Treasurer with the retained copy of the deposit slip and a detailed schedule identifying by family and amount the dues making up the deposit.

The Financial Secretary shall issue annually to all Active Members the form of pool identification as prescribed for use by the Board of Directors. The Financial Secretary shall also be responsible for the timely deposit and notification of the Treasurer of all monies collected by the Club for whatever purpose (e.g. Guest Fees, Concessions, Social, etc.).

The Financial Secretary shall be bonded in an amount satisfactory to the Board of Directors and in a form which will assure the restoration to the Club in the case of his/her death, resignation, or removal from office, all books, papers, records, vouchers, money and other property of whatever kind in his/her possession and belonging to the Club. The Financial Secretary shall have no authority to sign checks or withdrawal or transfer funds from any of the Club's accounts or investments.

Section 5.7

The Treasurer shall keep full and accurate accounts and records in support of the Club's receipts and disbursements. The Treasurer is responsible for the disbursement of the Club's funds in accordance with the approved budget as modified by the Board of Directors, taking, maintaining and filing proper vouchers in support of all such disbursements.

The Treasurer is responsible for assuring the Club's timely compliance with all Federal and State record keeping, reporting, and deposit requirements related to corporate income taxes, payroll taxes including personal income tax withholding, and other matters of a financial nature.

The Treasurer is also responsible for the approval of the Club's Financial Report (Statement of Operating Revenues and Expenses, Balance Sheet, etc.) which is to be presented by the Treasurer at all regular meetings of the Board, the Membership, or upon special request.

The Treasurer is responsible for the coordination of the budget preparation process and for presenting the budget to both the Board of Directors at its October meeting and to the Active Membership for approval at the Annual Meeting.

He shall be bonded in an amount satisfactory to the Board and in a form which will assure the restoration to the Club in case of his death, resignation, or removal from office of all books, papers, records, vouchers, money and other property of whatever kind in his possession belonging to the Club.

At the discretion of the Board of Directors, an accountant may be employed to make journal and ledger portions on a monthly and/or quarterly basis, and to close the books at the end of the fiscal year.

Section 5.8

The Assistant Treasurer shall be responsible for certain record keeping and reconciliation aspects of the overall Treasurer's responsibility.

The Assistant Treasurer shall with endorsement of the current Treasurer become the Treasurer for the subsequent year.

The Assistant Treasurer shall have recordkeeping responsibilities only and shall have no authority to sign checks or withdrawal or transfer funds from any of the Club's accounts or investments.

The Assistant Treasurer shall be responsible for the timely reconciliation of the Club's checking accounts, bank account statements, etc. Any suspected irregularities shall be immediately reported to the President.

The Assistant Treasurer shall also prepare and review with the Treasurer the Club's monthly Financial Report. The Assistant Treasurer is also responsible for assisting the Treasurer in the performance of any of his/her recordkeeping responsibilities.

Section 5.9

In addition to the provisions of Section 5.3, in case of the temporary absence of an officer of the Club, the Board of Directors may delegate the powers or duties of such officer to any other officer or to any Director for the time being.

ARTICLE VI: MEMBERSHIP

Section 6.1

All individuals twenty-one years of age or older shall be eligible to apply for Principal Membership, subject to the conditions hereinafter provided.

Section 6.2

The number of Principal Memberships shall not exceed 370.

Section 6.3

A Principal Member shall be defined as a holder of a Bond which has been duly authorized by the Board of Directors, such Bond constituting the Principal Membership certificate.

Section 6.4

It is intended that the membership of the Club shall consist mainly of family units, and thus there shall be the following membership classifications:

Active Member, Junior Member, Associate Member, and Special Member.

Section 6.5

An Active Member shall be defined as a Principal Member, or spouse thereof, in good standing for whom dues have been paid, and thus shall be an adult (Section 6.1) and in turn may be an unmarried male or female, a husband and/or wife, or the head of a household (male or female).

Section 6.6

A Junior Member shall be defined as a dependent child, under twenty-one years of age, of an Active Member and for whom dues have been paid.

Section 6.7

An Associate Member shall be defined as an unmarried son, daughter, or ward of an Active Member and in his household, over twenty-one but under thirty years of age for whom dues have been paid.

Section 6.8

A Special Member shall be defined as a dependent person or other person in the household of the Active Member. Special Members shall require the recommendation of the Membership Committee and approval of the Board for each swimming season, and upon such approval, separate and additional dues must be paid.

Section 6.9

- A. Applicants for membership must be recommended by the Membership Committee and approved by the Board of Directors. Candidates for membership must be personally known and recommended by at least two Active Members. The recommending Active Members must represent more than one Principal Membership certificate (bond).
- B. Upon recommendation by the Membership Committee and payment of an application fee (if required), the applicant's name shall be entered on the posted waiting list. The Club shall issue a bond and required certificates of membership in consecutive chronological order to applicants as vacancies occur, subject to the required approval of the Board of Director and receipt of all required fees and dues.

Section 6.10

Members of all classifications and their guests:

- A. Shall not engage in indecent or otherwise offensive conduct, or use profane or vulgar language on the Club premises.
- B. Shall at all times adhere strictly to Club rules, and to pool, grounds, safety, and sanitary regulations.

All rules are to be posted, and in addition, copies of all rules are to be furnished to Principal Members by the Financial Secretary.

Section 6.11

Active Members in respect to Section 6.10 are responsible and will be held accountable for the conduct of their guests and for the conduct of their Junior, Associate, and/or Special Members, and in turn for the conduct of their guests.

Section 6.12

Pool privileges of a member of any classification may be summarily suspended for violation of Club rules and regulations:

- (a) for a period of not more than 24 hours by a responsible employee of the Club
- (b) for a period of not more than 7 days by either the President or the Chairman of the Rules Committee.

In the event of a suspension under the terms of this section, a written report of such suspension, containing the reasons therefore, shall be submitted by the person invoking the suspension to the President within 24 hours.

Punitive action beyond the scope of this section must be handled in accordance with Article IV, Section 4.6 (I).

Section 6.13

An Inactive Membership shall be defined as that in which the necessary Active Membership dues and fees have not been paid by the required date of the swimming year, and swimming privileges for the swimming year are forfeited. Any Junior, Associate, and/or Special Memberships and swimming privileges which would normally be available had the Active Membership not been delinquent are also forfeited for the swimming year.

Section 6.14

The Board of Directors at its discretion may extend privileges of the Club for a swimming year to families or persons on the waiting list in consecutive chronological order per Section 6.9, giving due consideration to the capacity of the Club facilities and to the number of memberships of all classifications for whom dues have been received.

ARTICLE VII: DUES AND FEES

Section 7.1

The Board of Directors, at its first meeting, shall establish dues for the ensuing swimming year, and the due date for payment.

Section 7.2

No dues nor part thereof shall be refunded in the event that the pool operation is required to be suspended for any period, or where membership privileges have been temporarily suspended for reasons stated in Article IV, Section 4.6 (I) or Article VI, Section 6.12.

Section 7.3

Application fees for persons being added to the posted waiting list will be set by the Board of Directors.

Section 7.4

Guest fees and quotas will be set by the Board of Directors.

Section 7.5

Memberships for which dues have not been paid in full by the due date of the fiscal year shall be considered delinquent. The Board of Directors shall establish penalty fees, payment of which, together with the unpaid dues or portion thereof, shall be required and must be received by the 30th day after the due date of the fiscal year in order to reinstate membership.

Section 7.6

In accordance with Article VI, Section 6.13, a delinquent Active Membership (Inactive Membership) on the 30th day after the due date of the swimming year results in forfeiture of swimming privileges for all memberships available through that Active Membership.

Section 7.7

Delinquent Junior, Associate, or Special Memberships may, upon written request, be reconsidered for reinstatement; such reinstatement shall be at the discretion of the Board of Directors and contingent upon full payment of dues and fees, and provided that the member meets all other requirements of a member in good standing.

Section 7.8

Any property of the Club which is broken or damaged by a Member of any classification or his guests except when such damage is the result of normal and expected deterioration, shall be promptly paid for by said Member. Until such payment is received, it shall be considered as an indebtedness of the responsible Active Member per Article VI, Section 6.11.

Section 7.9

Upon cessation of membership for any cause, all indebtedness owing the Club by the Member shall be a lien upon and charged against his bond. In the event of the Club being unable to obtain possession of the bond, it will be canceled on the books of the Club and a new bond issued thereof to a newly-elected Member.

In the case of the enforcement of a lien as above provided, neither the signature of the holder nor delivery of the bond shall be requisite to perfect the acquisition by the Club, and the Secretary of the Club is hereby authorized as Attorney of the holder of such bond, to make acquisition. Every bond issued is expressly subject to the provisions of this section.

Section 7.10

When the current maximum pool membership has been reached, a waiting list will be established. All applicants for membership, after paying a non-refundable application fee and being approved for the waiting list, will be subject to the following conditions:

- (a) Upon receipt of an offer from the Club of a bond purchase, the applicant must:
 - i) Accept or refuse the offer within seven (7) calendar days of the offered date;
 - ii) Pay the full bond fee plus current dues (when applicable) within fourteen (14) calendar days of the offered date
- b) If the applicant has swimming privileges (through the payment of dues) at the time of the offer of the bond purchase, said swimming privileges will be:
 - i) continued upon purchase of the bond; or
 - ii) terminated immediately, without rebate, upon refusal to purchase said bond within the required time period.

ARTICLE VIII: CAPITALIZATION

Section 8.1

The Club shall be capitalized initially by the sale of not more than 300 bonds with a face value of \$250.00. The bond face value shall be increased to \$290.00 effective February 5, 1970. All present bond-holders shall surrender their present bonds with a face value of \$250.00 and, upon payment of the difference of \$40.00, shall receive a new bond with a face value of \$290.00. If for any reason the sale of additional bonds is authorized, such additional bonds must also have a face value of \$290.00.

Section 8.2

Bonds shall be non-transferable. Bonds shall be redeemable at the request of the holder, subject to the conditions of Article VII, Section 7.9.

Bonds shall be callable at the discretion of the Board of Directors. Inactive Membership (Article VI, Section 6.13) for two consecutive years shall be sufficient cause to recall a bond.

Section 8.3

In the event of a loss or destruction of a bond certificate, another certificate can be issued by the Club upon submission of suitable proof of such loss or destruction and the giving of a satisfactory bond of indemnity, whereupon the new bond will be entered into the records. The lost or destroyed bond will be removed from the records with due notation of the loss or destruction, and record of the bond of indemnity.

ARTICLE IX: DISSOLUTION

Section 9.1

In the event of the dissolution of the Club in any manner for any cause, the bonds are a lien on the assets of the Club, after payment of bills having legal precedence.

After payment of all debts outstanding upon the effective date of dissolution of the Club, the surplus remaining shall be distributed prorata among the bond-holders in good standing.

ARTICLE X: MEETINGS

Section 10.1

A. The Annual Meeting of the Club shall be held during the month of November or December of each year at such place and at such time as the Board of Directors may determine. Notice of the Annual Meeting shall be given by mail to the Members at least fourteen (14) days prior thereto.

B. The Annual Meeting shall be for the purpose of electing Directors, presenting committee reports, presenting the annual Budget and the Financial Report of the Treasurer, amending the Bylaws, and for the transaction of such other business as may be indicated in the notice, or may be brought before it by written request of any Active Member submitted seven (7) days in advance of the meeting.

C. The notice of the Annual Meeting shall include:

- 1) The names of the candidates for Directors nominated by the Nominating Committee;
- 2) The names of the independent nominations for Directors submitted to the Secretary in accordance with Article XI, Section 11.2;
- 3) A copy of the proposed annual Budget;
- 4) A copy of the Financial Report of the Corporation; and
- 5) Proposed Bylaw amendments.

Section 10.2

Special Meetings of the Club may be called by the Board of Directors. Also, upon written request of ten percent of the Active Members to the Secretary stating the purpose therefore, a Special Meeting shall be called by the Secretary within thirty (30) days. Notice of Special Meetings shall be given to Members at least seven (7) days prior thereto. The notice shall state the purpose for which the Special Meeting is called, and no other business shall be transacted thereat.

Section 10.3

Only Active Members shall be entitled to vote at meetings of the Club, and there shall be only one (1) vote per bond. They may be represented by proxy if unable to attend in person. Voting may be by voice vote, but ten (10) Members (including those represented by proxy) shall have the right to demand voting by roll call. All proxies shall be filed with the Secretary before the meeting is called in order to be considered in voting issues.

Section 10.4

Six (6) members of the Board of Directors, plus ten (10) other Active Members qualified to vote, present in person or by proxy, shall constitute a quorum at all Club meetings.

Section 10.5

Whenever in these Bylaws notice to Active Members is required, the mailing of such notices to the last known address of these Members shall constitute notice.

Section 10.6

- A. The Board of Directors shall hold its first meeting within thirty (30) days following the Annual Meeting of the Members
- B. The Board of Directors may, by resolution, establish from time to time, a schedule of its other meetings and rules for the conduct thereof.
- C. Special Meetings of the Board of Directors may be called by the President, and shall be called by the Secretary upon the request of two (2) members of the Board.

ARTICLE XI: NOMINATIONS

Section 11.1

The Nominating Committee shall nominate at least one (1) candidate for each vacancy on the Board of Directors to be filled at the Annual Meeting and shall report such nominations to the Secretary not later than October 15, so that the Secretary can include notice thereof with the notice of the Annual Meeting mailed to the membership prior to each Annual Meeting.

Section 11.2

Independent nominations of candidates for election at the Annual Meeting may be made by a letter, signed by fifteen (15) Active Members, including a statement of willingness of said nominee to be a candidate, and delivered to the Secretary not later than October 15, so that the Secretary can include notice thereof with the notice of the Annual Meeting mailed to the members entitled to vote.

Section 11.3

Candidates for nomination must qualify for the office for which they are presented by meeting the provisions heretofore stated in these bylaws, and in addition, it is further stipulated that only one Active Member representing any bond may serve on the Board of Directors at any time.

ARTICLE XII: COMMITTEES

Section 12.1

The Standing Committees shall be:

Finance and Legal

Membership

Rules

Pool and Grounds

All committees shall keep regular minutes of meetings and transactions and shall turn them over to the Secretary for permanent filing after such meetings and transactions have been reported to the Board of Directors.

Section 12.2

The Finance and Legal Committee shall review the financial policy of the Club and make appropriate recommendations to the Board of Directors. They shall prepare the annual budget for submission and approval of the Board of Directors for presentation at the Annual Meeting of the Club. They shall, after the annual audit and in cooperation with the Treasurer, prepare a financial report, a copy of which will be mailed to the membership with the notice of the Annual Meeting prior to each Annual Meeting. They shall be responsible for securing any legal assistance required by the Board of Directors in the operation of the Club.

Section 12.3

The Membership Committee, in accordance with Article VI, Section 6.9, shall investigate and recommend for approval to the Board of Directors applicants for membership. The Chairman of this committee shall be the Financial Secretary.

Section 12.4

The Rules Committee shall recommend Club rules, bylaws, amendments, and guest policy to the Board of Directors and shall have the authority to enforce these rules and regulations. It will investigate reported infractions of the rules or bylaws and recommend action to the Board per Article IV, Sections 4.6 (H) and 4.6 (I). Actions decided upon by the Board of Directors will be carried out by the Rules Committee.

Section 12.5

The Pool and Grounds Committee shall exercise supervision over the pool and grounds of the Club and shall attend to the improvement and maintenance of the pool, buildings, operating equipment, other property of the Club, and the grounds.

Section 12.6

In their expenditure of Club funds, the committees are specifically limited to the items and the amounts specified in the approved annual Budget. Expenditures in excess of these amounts, or for other items, must be approved by the Board of Directors.

ARTICLE XIII: MISCELLANEOUS

Section 13.1

Each person who acts as a Director or officer of the Club shall be indemnified by the Club against expenses actually and necessarily incurred by him in connection with the defense of any action, suit, or proceedings to which he is made a party by reason of his being or having been a Director or officer of the Club, except in relation to matters as to which he shall be adjudged in such action, suit, or proceedings to be liable for gross negligence or willful misconduct, and except any sum paid for the Club in settlement or an action, suit, or proceeding based on gross negligence or willful misconduct in the performance of his duties. The right of indemnification provided herein will insure to each Director or officer referred to above whether or not he is such Director or officer at the time such costs or expenses are imposed or incurred, and in the event of his death, shall extend to his legal representatives.

ARTICLE XIV: AMENDMENTS

Section 14.1

The bylaws can be amended only by a two-thirds vote of the qualified Active Members in good standing represented in person or by proxy, provided at least seven (7) days notice of such amendment shall be given by mail to these members by the Secretary.

Adopted 3/27/67; Revised 11/27/68; Revised 11/20/69; Revised 11/18/71; Revised 11/29/79; Revised 12/09/86; Revised 12/87; Revised 12/88; Revised 12/89; Revised 12/06 (Article IV, Section 4.1, 4.2 and Article VI, Section 6.2)

HERITAGE-SKYLINE SWIM CLUB RULES AND REGULATIONS

PLEASE READ THESE RULES AND REGULATIONS CAREFULLY; they have been formulated to provide for the safe use and enjoyment of Club facilities. It is the Principal Member's responsibility to know and abide by these Rules and Regulations and to ensure the same of their family members and their guests. Violations may result in disciplinary action, including ejection from the premises and suspension of Club privileges. The Club Manager has the responsibility for the operation of the Club facilities under the direction of the Board of Directors. The Club Manager and his Staff have the authority to enforce all Rules and Regulations. Violations should be reported to the Club Manager, any member of the Club Staff, or any current member of the Board of Directors. Final action, when punitive measures are required, rests with the Board of Directors.

1. SECTION I: HOURS

1.1. Club facilities will be open from 12:00 p.m. to 9:00 p.m. daily during the season.

1.2. Exceptions:

- The Club will close at 4:00 p.m. on Wednesday nights when there is a home swim meet. The Club will also close early the day of a Swim League Time Trial hosted at Skyline.
- The Club will open at 1:00 p.m. on Saturdays when there is a home swim meet.
- If needed, the Club will close 30-60 minutes prior to Special Events in order to allow the Staff time for preparations.
- The pool will close 5 minutes prior to the Club's closing time. All members and guests must vacate the Club by the closing time.
- The pool may be temporarily closed by the Club Manager or the Pool & Grounds Director for maintenance purposes, or at any time deemed necessary in the interests of health, safety, or general welfare.

2. SECTION II: ADMISSION

2.1. Only qualified members in good standing and their guests (as defined under Guest Regulations and Fees herein) will be admitted.

2.2. Member Identification

- The Club Staff will only admit members of the club upon verification of their active status. Members should have their picture on file with the club for identification and verification. If the member does not have a current picture on file, then they are to provide the office staff with their full name or membership number and address and date of birth.
- Any non-member found to be using a member's name or membership number will be banned from the club. Any member that is found to be providing membership information to a non-member so that admittance to the club can be obtained, will be fined by the Board of Directors. Any repeated attempt will result in loss of club privileges for one year.

2.3. Admission of Children

- Parents/Guardians, not lifeguards, are responsible for their children's conduct. Supervision of children is the parents/guardians responsibility at all times.
- Admission of children is regulated by both Age and Swimming Status ("Non-Swimmer" or "Qualified Swimmer").
- All children under ten years of age must be accompanied at the Club by a responsible person 14 years of age or older and must be under their supervision when in the pool.
- A "Qualified Swimmer" is defined as a person who can swim the length of the pool, and jump off the diving board, tread water for 15 seconds and swim to the side of the pool.
- A "Non-Swimmer" is defined as a person who either cannot or has not successfully completed the above test to become a Qualified Swimmer.
- All Qualified Swimmers under ten years of age must be accompanied at the Club by a responsible person 14 years of age or older.

- All Qualified Swimmers ten years of age or older will be admitted to the Club unaccompanied.
- All Non-Swimmers under 14 years of age must be accompanied at the Club by a responsible person 14 years of age or older and must be under their supervision when in the pool. For the purpose of these Rules and Regulations, ages are considered to be as of May 31 of the current year. A lifeguard will administer the test for “Qualified Swimmer”.

2.4. Guest Policy:

- All guests must be signed-in by a sponsoring member, and the appropriate guest fee must be paid.
- Each family may bring a maximum of six guests per day. Larger parties can be arranged with a Party Request Form available at the Pool Office.
- Guests are entitled to full club privileges for the day as long as the sponsoring member remains at the club; once the member leaves the club, the guest must leave also.
- Guests must adhere to all Skyline Swim Club rules. Members are responsible to ensure that their guests understand and abide by these rules.
- In the event of disregard of the rules, or uncontrollable behavior by a guest, the pool manager, lifeguard or any board member may terminate privileges for the day, in which case the sponsoring members and their guests must leave the club immediately and there shall be no refund of fees.
- Members assume full responsibility for the conduct of their guests and will be held liable for any damage caused by their guests.

3. SECTION III: GENERAL RULES AND REGULATIONS

- 3.1. All members and guests using Club facilities or the parking area of the Club do so at their own risk. The Club assumes no responsibility for anyone using the facilities or parking area, and will not be responsible for accidents in connection with such use.
- 3.2. Applicable rules and regulations of the Delaware State Department of Health are posted at the pool site and are in effect to the same extent as if they were included herein.
- 3.3. Anyone participating in athletic events (other than swimming) must soap shower before re-entering the pool.
- 3.4. Anyone with sand, grass or dirt on their feet, after walking on the club grounds, must rinse their feet before entering the pool.
- 3.5. No person having a communicable or contagious illness or infection, or when wearing a bandage, etc. will be permitted the use of the pool.
- 3.6. Toilet facilities and trash containers are provided and should be used.
- 3.7. Spitting, blowing or clearing one’s nose, etc., while in the pool, is strictly forbidden.
- 3.8. No one is permitted to enter any part of the pool at any time unless a Lifeguard is on duty in the pool area.
- 3.9. Unnecessary conversation with the Lifeguards, while on duty, is prohibited.
- 3.10. Lifesaving equipment may not be handled by other than a qualified Lifeguard.
- 3.11. Pushing, running, dunking, or other horseplay is strictly prohibited.
- 3.12. No glass containers of any type may be brought into the pool area or change houses.
- 3.13. No pets will be permitted on the Club premises at any time.
- 3.14. For health reasons, the Lifeguard or the Club Manager may order anyone from the pool if, in their opinion, the individual shows signs of fatigue.
- 3.15. Members or guests in street clothes (generally also with shoes on) are required to stay at least ten feet from the edges of the pools.
- 3.16. No food of any description may be eaten on the pool apron (the concrete area surrounding the pools). Canned drinks may be consumed on the pool apron so long as they are kept at least four feet from the pool edge and disposed of in trash containers immediately. Special events, Parties and Swim Meets are exempt from this rule.

- 3.17. Smoking is prohibited on the pool apron and in the bathrooms.
- 3.18. No abusive or profane language shall be permitted on the Club premises.
- 3.19. No running, wrestling, ball playing, or undue disturbances will be tolerated in the change houses, picnic areas, or pool areas. There are areas designated for approved games.
- 3.20. All personal injuries, regardless of how slight or minor, must be reported to the Lifeguard on duty.
- 3.21. Beach furniture or chairs may be brought to the Club for use, but must be removed from the Club premises each evening.
- 3.22. The Equipment Rooms and the Club Office are to be entered by authorized persons only. The Club Office is for the use of the Club Staff only and loitering there is prohibited.
- 3.23. No skateboards, bicycles, or the like are permitted on the pool apron.

4. SECTION IV: SLIDE AND DIVING BOARD RULES

- 4.1. Only adults and children who can swim ("Qualified Swimmers") will be permitted to use the slide and diving board.
- 4.2. No flotation devices will be permitted on the slide or diving board.
- 4.3. Those not following rules may be asked to "sit out" for a period.
- 4.4. Slide
 - Only one person at a time may enter the slide.
 - Adults may not "catch" children in the water below the slide.
 - Do not attempt to stop while inside the slide.
 - Form a line at the bottom of the slide, advancing up with only one person per platform.
 - Wait until the previous person has reached the ladder before entering the slide.
- 4.5. Diving Board
 - Only one person on the diving board at a time.
 - Dive or jump straight out and swim away from the board after each dive as quickly as possible.
 - No double bouncing.
 - No diving from the side of the pool is permitted while the diving board is in use.

5. SECTION V: ADDITIONAL RULES FOR YOUNG CHILDREN

- 5.1. The use of the Toddler Pool is limited to preschool children. Parents are requested to help the Staff by directing children to the proper area. Children in the Toddler Pool are solely the responsibility of their parents, and must be supervised at all times. A Lifeguard does not supervise the Toddler Pool.
- 5.2. All children who wear diapers are required to wear a "Swim Diaper" at all times when they are in the pool, including the toddler pool. Regular disposable diapers are not permitted.

6. SECTION VI: FLOTATION DEVICES AND POOL TOYS

- 6.1. No flotation devices (including inner tubes) will be permitted in the Main Pool, except as approved by the Club Manager. If allowed, they may be ordered out of the pool at the discretion of the Club Manager or Lifeguards.
- 6.2. Use of underwater equipment (except approved diving masks) is prohibited.
- 6.3. Small inflatable rubber or plastic toys will be permitted in the Toddler's Pool, but no sharp, hard, or plastic objects will be allowed.

7. SECTION VII: LOST AND FOUND

- 7.1. The Club will not be responsible for any articles lost or stolen on Club premises. Theft will not be tolerated and offenders will be subject to severe punitive action.
- 7.2. A "Lost and Found" bin will be maintained.
- 7.3. Unclaimed articles will be disposed of after one week.

8. SECTION IV: STAFF AUTHORITY

- 8.1. Pool privileges of a member of any classification may be summarily suspended for violation of Club Rules and Regulations:
 - For a period of 24 hours by the Club Manager, Assistant Club Manager or Head Lifeguard.
 - For a period of seven days by either the Board President or the Chairman of the Rules Committee.
- 8.2. In the event of a suspension under the terms of this Section, a written report of such suspension, containing the reasons therefore, shall be submitted by the person invoking the suspension to the President within 24 hours. Punitive action beyond the scope of this section must be handled in accordance with Article IV of the Club Bylaws.
- 8.3. The Club Manager will keep a record of all violations of these Rules and Regulations. Repeated violations will be reported to the Board President.
- 8.4. Anyone caught in the pool area during non-pool hours will be reported to the police and arrested. If they are members, their club privileges will be terminated for the remainder of the season. If a nonmember, they cannot come as a guest for one calendar year. Restitution must be made for any damages.

9. SECTION V. REVISION OF RULES AND REGULATIONS

- 9.1. These Rules and Regulations may be amended or supplemented at any time by the Board of Directors. Amendments or supplements to these Rules and Regulations will be posted on the bulletin board in the Club office.