

# **BRACKENRIDGE ESTATE HOME OWNERS ASSOCIATION**

## **RULES**

The main objective of the development of Brackenridge Estate is to provide a high quality lifestyle for residents, and the purpose of these Rules is to protect this lifestyle.

The Rules have been established in terms of the Constitution of the Brackenridge Estate Homeowners Association (Brackenridge Estate HOA) created under section 29 of the Land Use Ordinance, 15/1985. They are binding on all occupants of the estate, as is any decision taken by the Trustees in the interpretation of these rules.

The registered owners of the properties are responsible for ensuring members of their families, tenants, visitors, friends and their employees abide by these rules.

Harmonious community living is achieved when residents use and enjoy their private property as well as the common areas and amenities of the Estate, whilst being generally considerate to all occupants of the Estate.

In the event of annoyances or complaints, the parties involved should attempt to settle the matter between themselves, exercising tolerance and consideration. In instances where problems cannot be resolved, the matter should be brought to the attention of the Trustees for arbitration and settlement.

These Rules are subject to change from time to time.

The Managing Agent as the appointed representative of the Trustees has the authority of the Trustees in applying these Rules. Any instructions issued by the Managing Agent regarding the application of the Rules will carry the authority of the Trustees.

## **CONDUCT RULES**

### **1. USING THE STREETS**

Motorists should drive with caution and around traffic circles keeping to the left and yielding to traffic entering the circle from the right.

A speed limit of 30 kilometres per hour is to be maintained on the property at all times.

Vehicles may not be driven anywhere except on the streets of the Estate. All private open space is off-limits.

Parking on sidewalks and on the street opposite traffic islands is prohibited.

The use of registered motorcycles are permitted only if these vehicles are driven on the roads, within the speed limit, and are used from point to point. The said use will always be at the discretion of the Trustees.

**The use of off-road motorcycles and quad bikes are not permitted at all.**

**Noisy exhaust systems are prohibited.**

Security will enforce this Rule where necessary.

**2. GOOD NEIGHBOURLINESS**

No business activity or hobby, which causes aggravation or nuisance to fellow residents, may be conducted. Auctions or jumble sales are prohibited except where the Trustees have approved of such in writing.

The volume of music or electronic instruments, partying and the activities of employees, tenants and guests should be kept at a generally acceptable level.

**Where noise and disturbance is excessive**

1. Complaints must be addressed to Security (044 533 0953).
2. Security will investigate and issue a first warning to the Occupants.
3. If the disturbance continues the Security Manager will be contacted, a second warning issued and the Homeowner will be contacted.
4. In case of a repeated disturbance, the General Manager may issue a fine (disturbance levy) of three thousand Rands (R 3.000) which will be payable by the Homeowner and debited to his monthly levy account.

Noisy mechanical maintenance, and the use of power-saws, lawn mowers and the like (electric mowers are preferred), should only be undertaken between the following hours:

Mondays-Saturdays: 08h00 – 18h00

Laundry and washing must be concealed from view in areas designated on the approved plan.

Refuse may only be placed in **Refuse Bags** to be deposited into Wheelie bins and placed on the sidewalk on a **Monday Morning before 08h00** and/or other designated times to be advised during high seasons, which will be advised. No black refuse bags may be left on the sidewalk other than green garden refuse bags.

No advertisements or publicity material may be exhibited or distributed without the consent of the Trustees.

Please note the **Estate Generator policy** and that in particular generators must be connected properly, only run when power outages occur and not after the hour of **22:00**.

### **3. ENSURING A PLEASING STREETScape**

The collective pride of our Estate depends to a great extent on all owners contributing towards the creation and maintenance of a neat and pleasing streetscape.

Every owner has a responsibility to the Estate community and should maintain the area between the road curb and the boundary of his/her property.

Garden fences, walls and outbuildings, which form part of the streetscape, or public open spaces should be properly finished and maintained. Failure to comply will result in repairs or maintenance being effected at the owner's expense.

Caravans, trailers, boats, Wendy houses, tool sheds, equipment, tools, engine and vehicle parts as well as accommodation for pets should be sited out of view of the street and where required/necessary screened from neighbouring properties.

Building material may not be dumped on the sidewalks or vacant stands under any circumstances.

No trees, plants or sidewalk lawn may be removed without permission of the Brackenridge Estate HOA. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.

Gardens must be kept neat and tidy at all times, failing which the Brackenridge Estate HOA will maintain the garden at the owner's expense.

### **4. ADHERING TO ARCHITECTURAL STANDARDS**

Construction according to approved standards as set out in the **Architectural Design Guide Lines** will make it unnecessary to make costly changes at a later stage.

The Consulting Architects appointed by the Brackenridge Estate HOA will have to approve all building plans. This also applies to future additions or alterations to existing structures, which will have to fit in with the architectural style of the development.

All garden walls and fencing must be designed in accordance with the provisions of the Rules and be approved by the Brackenridge Estate HOA, with regard to both material and dimensions. Particular attention will be paid to high walls screening the entire frontage of properties.

The position, size and location of aerials and/or satellite dishes must take into account the effect on the view from neighbouring properties. No ham radio aerials are permitted.

### **5. ENVIRONMENTAL MANAGEMENT**

Residents are responsible for maintaining trees, plants and shrubs planted on their sidewalks by the Local Authority or Brackenridge Estate HOA.

The sidewalks remain the property of the H.O.A. and as such any demarcation by way of rocks, concrete balls, plastic pipes and the like are not allowed. Permission needs to be obtained from the H.O.A. for any deviation in this regard.

In instances where the entrance to the stand is difficult it may be permitted that retaining or landscape features be allowed to encroach onto the sidewalk but provision for pedestrians must be maintained.

Swimming-pool water may not be emptied onto common property, but must be channeled into the storm water system.

Vacant erven must be cleared as required/request to the satisfaction of the Brackenridge Estate HOA. If building operations do not commence within 6 months of transfer, then it is the responsibility of the owner to have the erven maintained to the satisfaction of the HOA. If not maintained, the Brackenridge Estate HOA reserves the right to clear and maintain the Erf at the owner's expense.

For emergency and convenience reasons, residents are requested to place their street number, not erf number, on their garage or other easily identifiable place such as the driveway entrance. Your street number is available from the Brackenridge Management office.

## **6. SECURITY**

"Every time you *break* security protocol and regulations, you are making it easier for criminals to do the same".

All residents, visitors and contractors are required to adhere to access control procedures. Details of access control procedures can be obtained from the HOA.

Residents are requested to co-operate with security personnel and treat them with courtesy.

Every owner must strictly apply the permit system for permanent or temporary employees and contractors and their employees when such is introduced

When applying for permits all employees and visitors to the Estate are required to sign acceptance of the security rules of the Estate. The property owner remains responsible for the conduct of visitors to his/her property. An express condition of admittance to the Estate is that should a visitor/employee be found to be in contravention of the Rules of the Estate, the Trustees reserve the right to refuse access to such person.

Every owner must ensure that contractors, in their employ, adhere in all respects to the security stipulations of the Contractors Code of Conduct.

All attempts at burglary or instances of fence jumping must be reported to the HOA.

SECURITY IS AN ATTITUDE: be aware that you need to enforce and apply security to make it work. Do not hesitate to question suspicious persons.

Should residents purchase burglar alarms linked to a monitoring system, they are requested to advise the monitoring service to contact the Estate Security in the event of a break-in.

Vehicle registration numbers and the property to be visited may be recorded at the entrance to the estate. Unexpected visitors arriving after 20h00 will be granted access only after telephonic confirmation is received from the resident to be visited. Whenever possible the security centre at the gatehouse should be advised in advance of the pending arrival of visitors.

## **7. TENANTS, LETTING, VISITORS, CONTRACTORS AND EMPLOYEES**

(IN THE FINAL ANALYSIS, RESPONSIBILITY FOR ENFORCING THE RULES, RESTS WITH THE OWNER)

Should any owner let his property, he must inform the Lessee of all Rules and bind the Lessee to adhere to such Rules.

The lessor will ensure that the lessee receives a copy of the Rules and any other regulations applicable at the time.

Upon occupation of the premises, the lessee acknowledges that his family, visitors and employees are to comply with the Rules of Brackenridge Estate HOA.

Policy on Short term accommodation:

1. Security: Our task is to ensure at all times that the highest practical security standards are in place.
2. The Home Owner remains responsible as provided in our Constitution and House Rules, for the behaviour of guests, whether they are family or friends and for tenants, whether they rent longterm or stay one night or more.
3. The Home Owner/agent who rents out accommodation or has guests staying is responsible for informing the Front Office ([brackenridge@telkomsa.net](mailto:brackenridge@telkomsa.net)) and Security (044 533 0953) in writing of the names, ID numbers of arriving visitors or guests and the duration of their stay.
4. The Home Owner/agents must make sure that each guest is provided with the Brackenridge House Rules. A copy should also be placed in a prominent place in the house.
5. Upon arrival Guests must sign an Entry Document, every guest must complete an Entry Document with his or her particulars and contact details and every guest must confirm in writing (by signing the Entry Form) that he/she will abide by the Brackenridge House Rules.

The owner/occupiers of any property within the Estate are liable for the conduct of their visitors, contractors and employees, and must ensure that such parties abide by all rules.

Owners must ensure that contractors in their employment have agreed to the Contractors' Code of conduct.

## **8. RESELLING PROPERTY**

The Brackenridge Estate HOA imposes certain rules to be followed by estate agents. In order to ensure that the Rules of Brackenridge Estate HOA are made known to new residents, the following rules relating to the selling of property apply:

The accredited agent must ensure that the buyer is informed about and receives a copy of the Rules and any other administrative regulations applicable at the time.

A clearance certificate must be obtained from the Brackenridge Estate HOA prior to any transfer of ownership. The cost of this certificate will be for the account of the purchaser. The clearance certificate will only be issued to a member whose levy is fully paid, and who is not in breach of any Rules of the Brackenridge Estate HOA.

The seller of a property in the Estate must ensure that the sale agreement contains the following clauses:

Homeowners Association - The Purchaser acknowledges that he or she, upon registration of transfer of ownership, becomes a Member of the Brackenridge Estate Home Owners' Association and is subject to the Rules of the Association.

The Seller of an Erf, will not be entitled to transfer the Erf without a clearance certificate from the Brackenridge Estate HOA. The Clearance Certificate is a prerequisite for the registration of transfer and will be issued only if the owner is in good standing as regards levies and all other rules of the Brackenridge Estate HOA.

## **9. ACCREDITATION OF ESTATE AGENTS**

Agents may operate on a "by appointment" basis only, and must personally accompany a prospective buyer. Owners will not be allowed to have "For Sale" signs to be erected on their property within the Estate.

By exception show days will be allowed, by prior approval, under strict rules. Direction signs are to be erected and removed on the show day.

## **10. PETS**

*"Let your pet not be a bone of contention between you and your neighbours".*

The local authority by-laws relating to pets will be strictly enforced.

Without the written approval of the Brackenridge Estate HOA, no person may keep more than two dogs and two cats on their property.

No poultry, pigeons, aviaries, wild animals or livestock may be kept on the estate.

Dogs are not permitted to roam the streets.

Dogs must be walked on a leash at all times.

Should any excrement be deposited on any private open space area, the immediate removal thereof is the sole responsibility of the owner of the pet.

Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags will be caught and handed to the Municipal Pound.

The Brackenridge Estate HOA reserves the right to request an owner to remove his/her pet should it become a nuisance within the Estate.

## **11. ADMINISTRATION**

All levies are due and payable in advance by the 7th day of each month.

Interest as determined by the Trustees will be raised on all overdue accounts.

Any account 60 days overdue will be handed over for legal process without any further correspondence.

The trustees may amend or add to the Conduct Rules from time to time, as deemed necessary to ensure the happy and orderly co-existence of residents.

The Trustees reserve the right to impose penalties/fines for those continuing to transgress the conduct rules. Such fines will be debited to the levy account and be payable immediately.

## **12. LEGAL STATUS AND LIMITED LIABILITY**

The Association is a common law corporate body and as such:

Its assets, liabilities, rights and obligations vest in it independently of its members;

It may not distribute any of its profits and gains to any person and it will use its funds solely for the objects for which it has been established and for investment;

It will have perpetual succession;

It may sue or be sued in its own name.

The members and Trustees will not by reason of their membership be liable for the liabilities and obligations of the Association.