

# **BRACKENRIDGE ESTATE HOMEOWNER'S ASSOCIATION RULES AND PROCEDURES**

**Version 6 Date:1 May 2022**

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.

These 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 thereof.

The registered owners of the properties are responsible for ensuring that 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 thereof will carry the authority of the Trustees.

## **1. CONDUCT RULES**

### **Use of 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 kilometers per hour is to be maintained on the property at all times.
- Motor vehicles, including registered motorcycles, may not be driven anywhere except on the streets of the Estate. All private open space is off-limits.
- The use of scramblers and quad bikes are not permitted at all.
- Noisy exhaust systems are prohibited.
- Parking of visitor's vehicles should where possible be within the Homeowners property. Where this is not possible or practical it is encouraged, that vehicles be parked on the sidewalk and not on the road carriageway. In particular vehicles should not be parked on the road carriageway of the main thoroughfare (the road linking the front and back gates) or at circles and islands.
- All drivers within the estate must be alert at all times to the possible presence of young children suddenly running out onto the road or residents walking on the roads.
- Pedestrians and cyclists must show consideration for motorists and parents must act responsibly in ensuring the safety of their children, when playing on the streets

- These rules will be enforced by security and where necessary warnings followed by fines will be issued.

### **Consideration for Neighbors and Other Residents**

- No business activity or hobby, which causes aggravation or nuisance to fellow residents, may be conducted. (See also Section 7 Operation of Business from Home)
- 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.
- Excessive party and entertainment noise should not continue beyond 12 midnight.
- The lighting of fireworks and the slaughtering of animals as part of the celebration of cultural or religious events is prohibited.
- Noisy mechanical maintenance, and the use of power-saws, lawn mowers and the like, should only be undertaken between the following hours: Mondays-Saturdays: 08h00 – 18h00. Not at all on Sundays
- Approved Generators may only be operated between the hours of 7am and 10 pm and only during power outages.
- Drones are not permitted to be flown on the Estate.

### **Complaints Relating to Misconduct**

#### **Urgent Noise Complaints**

- Urgent noise complaints must be addressed by contacting Security (044 533 0953).
- Security will investigate and request the offending occupants to stop the noise. This will constitute a first warning to the occupants.
- If the disturbance continues the Security Manager will be contacted, who will issue a final warning. If the occupant is not the Homeowner, the Homeowner will be contacted and jointly issued the final warning.
- In the case of continued disturbance, or a repeated post final warning disturbance event, the General Manager may, at his discretion, issue a fine (disturbance levy) which will be payable by the Homeowner and debited to his monthly levy account.

#### **Other Complaints**

Other complaints should be addressed in writing by email to the Managing Agents, to [johann@seavalley.co.za](mailto:johann@seavalley.co.za)

## **2. ERF AND SIDEWALK DEVELOPMENT AND MAINTENANCE RESPONSIBILITIES**

### **Ensuring a Pleasant 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.

## **Sidewalks**

- Every owner has a responsibility to the Estate community and should maintain the area between the road kerb and the boundary of his/her property.
- Landscaping of sidewalks including the installation of sprinkler systems will be allowed subject to the permission of the HOA, but will be at the homeowners' s risk, with his due cognizance of the sidewalk parking requirements
- 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.
- Retaining features necessary to facilitate steep driveways, and planting/landscaping of sidewalks will be allowed subject to the approval of the HOA.
- Sidewalk features should not however interfere with pedestrian traffic or obscure the vision of motorists.
- Swimming-pool water may not be emptied onto sidewalks or common property but must be channeled into the stormwater system.
- No trees, plants or sidewalk lawn may be removed without permission.
- No advertisements or publicity material may be exhibited or distributed without the consent of the Trustees.

## **Home Maintenance and Screening**

- Garden fences and walls should be properly finished and maintained.
- Home repair and re-painting should be undertaken as and when necessary
- Caravans, trailers, and boats may not be parked on the sidewalks or common property.
- 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 necessary screened from neighboring properties
- Laundry and washing must be concealed from view in screened areas as designated on the approved plan.
- In cases where Homeowners persist in ignoring requests to fulfill maintenance responsibilities, Management reserves its right to remedy same at the homeowners' cost.

## **Adherence to Architectural Guidelines**

All construction must be in accordance with the approved standards as set out in the Architectural Design Guidelines. No such construction may commence without plans approved by the Brackenridge Architectural Committee and the Bitou Municipality where appropriate.

This requirement applies to all new buildings, future additions and alterations, swimming pools, garden walls, fences and screens, arials, solar installations, etc.

## **Power Installations**

With effect from as from 1 July 2021 no new generator installations will be allowed.

Prior to installation of solar panels and other power related equipment with visual impact, plans must be submitted and approved by BARC.

## **Street Number**

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.

### **3. REFUSE PROCEDURES**

- Refuse may only be disposed of in Refuse Bags, placed in-Wheelie bins and placed on the sidewalk on a Monday Morning before 08h00 and/or other designated times to be advised during high seasons. No refuse bags may be left on the sidewalk other than green bags containing garden refuse only.
- Recycle refuse should be separated into yellow municipal plastic bags, obtainable from the security office.
- Building material may not be dumped on the sidewalks or vacant stands under any circumstances, without written permission of the Brackenridge Estate HOA-

### **4. PETS**

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

- The local authority by-laws relating to pets will be strictly enforced.
- No person may keep more than two dogs and two cats on their property without the written approval of the Brackenridge Estate HOA.
- 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. To assist with this matter "poo bags" and disposal containers have been placed at strategic positions in the common areas.
- Every pet should wear a collar with a tag indicating the name, telephone number and address of its owner.
- The Brackenridge Estate HOA reserves the right to request an owner to remove his/her pet should it become a nuisance within the Estate.

## 5. UNDEVELOPED ERVEN

Vacant erven must be maintained and if necessary, cleared to the satisfaction of the Brackenridge Estate HOA.

If such maintenance or clearance is not undertaken by the owner within 30 days of the request the Brackenridge Estate HOA reserves the right to do it at the owner's expense.

With effect from January 1st, 2022, a penalty levy will be applied on vacant stands, subject to the following conditions:

- A penalty levy will apply to all stands on which construction has not commenced by January 2022
- Once construction commences, the penalty levy will be suspended
- Owners of stands on which construction has commenced will have 12 months to complete construction, failing which the penalty levy will be re-applied.
- Likewise, stands on which construction has commenced in 2021 and where the 12 months construction period overruns in to 2022, will not attract a penalty unless the 12-month period is overrun.
- If a property affected by a penalty levy is sold, the buyer will have a 12-month moratorium from date of transfer, whereby penalties will not be applied in order for building to commence.
- The amount of the penalty will equate to double the monthly levy current at the time of billing. (Additional to the normal levy)
- In certain cases, where the same owner owns two adjacent stands one of which is undeveloped but has been improved for specific purpose (garden etc.) the following shall apply. On a written application from the owner the penalty levy may be relaxed at the discretion of the Trustees. If however at a future date the owner decides to sell the erf, the penalty levy will be applied retrospectively from January 1st 2022. Owners of these properties will be asked to sign an agreement to such conditions.

## 6. SECURITY

**SECURITY IS AN ATTITUDE –ALL HOMEOWNERS MUST COOPERATE TO ASSIST TO ENFORCE SECURITY TO RENDER IT WORKABLE**

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

### **Residents Responsibilities**

- All Residents are required to adhere to all security procedures
- All breaches or suspected breaches of security must be reported immediately
- Homeowners are responsible to ensure that all their visitors, contractors or tenants adhere to all security procedures
- Residents are requested to co-operate with security personnel and treat them with courtesy.
- Estate agents showhouses are not permitted.

### **Access Procedure:**

- Residents will automatically be granted access and egress by the vehicle number plate recognition system. Should a resident arrive in a vehicle with a non-registered vehicle, he/she will be granted access by guard recognition, or failing which, by signing in.
- Visitors will be granted access, following invitation by the At the Gate (ATG) App, and scanning on arrival, or by signing in on arrival, subject to telephonic approval by the Homeowner
- Domestic workers, authorized by the Homeowner, will be granted access by a signing in/access card process administered by security
- Building Contractors are granted access by a scanning/ number of personnel control process administered by security
- Management reserves the right to prevent residents or tenants from entering the Estate on foot after dark. (To protect the Estate against unruly behavior and avoid potential traffic dangers)
- Fast Food deliveries will not be allowed into the Estate

### **Visitors, Contractors and Domestic Workers**

- 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 Brackenridge Rules for Contractors.
- Homeowners are responsible for the transport of Domestic workers within the Estate, either by making use of the approved taxis, or by self-collection and drop off.

### **External Alarm Monitoring**

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.

## **7. OPERATION OF BUSINESS FROM HOME**

“The operation of businesses from home will be acceptable, provided compliant with the by-laws of the Bitou Municipality and those of the estate.

- Homeowners wishing to operate new or existing businesses from home, where daily staff are required to be in attendance, or where business related visits will occur, must firstly apply to the trustees for permission to operate the intended style of business, and if approved, agree to comply by the Regulations below:
- Security

Under no circumstances may staff or visitors gain access to the estate via the Number Plate Recognition system or any similar access system which may be introduced for

residents from time to time. They will be required to make use of either the contractor's entrance or sign in as a visitor.

- Parking of staff vehicles
- Parking of staff and business-related visitor's vehicles on the verges will not be permissible.
- Parking must either be in the driveway or staff must be collected at either entrance by the business operator.
- No business will be allowed which causes noise or inconvenience to neighbors
- The requirement to apply for permission to operate a business is not applicable to "working from home" circumstances which do not generate noise or attract staff or regular visitors, i.e., "one man and a computer".

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

### **RESPONSIBILITY FOR ENFORCING THE RULES, RESTS WITH THE OWNER**

#### **Homeowner's Responsibility**

- The Homeowner must ensure that at all times that the highest practical security standards are given due diligence
- The Homeowner remains responsible as provided in our Constitution for the behavior of guests, whether they are family or friends and for tenants, whether they rent long-term or stay one night or more.
- The Homeowner/Letting Agent /Estate agent must ensure that each guest is provided with the "Brackenridge House Rules for Short- and Long-Term Tenants". In the case of homes being rented, a copy must be placed in a prominent place in the house.
- The Homeowner must ensure that contractors in their employment abide by the Brackenridge Rules for Contractors

#### **Rental Procedures**

In the case of both short- and long-term rentals, prior to their arrival, the Homeowner or Agent must submit in writing to Security, and copy the Front Office at [info@brackenridge.co.za](mailto:info@brackenridge.co.za)

The following:

- ID numbers and contact numbers of the arriving tenants and the duration of their stay.
- The name and contact number of the Homeowner/Agent for purpose of contact, if necessary, in connection with any matter relating to the rental.
- For holiday and long- term rentals, the Homeowner/ Agent must submit to the Front Office the Brackenridge Homeowners Rules and Procedures Compliance Declaration, signed by both the Tenant and The Homeowner/Agent prior to occupation.
- For short term rentals the above applies plus signing the Brackenridge short term document -as available on the website
- Note, short term rental shall not be for less than two nights and a R50 admin fee will apply.

## **Fines for Non- Compliance**

In unfortunate cases of non-compliance to the rules by tenants, in accordance with the procedures for all Homeowners, fines following warnings will be payable by the Homeowner and debited to their monthly levy account. In such cases the Homeowner/Agent will be notified immediately a warning or fine is issued.

## **9. RESALE OF PROPERTY**

- Homeowners intending to sell their property and their Agents must comply with the Brackenridge Property Sale Procedures.
- A Purchaser of property in Brackenridge is required to acknowledge that he or she, upon registration of transfer of ownership, becomes a Member of the Brackenridge Estate Homeowners' Association and is subject to the Rules of the Association and will be required to sign an acknowledgement declaration.
- Appointed Estate Agents will be required to submit accreditation credentials and confirm that buyers have been advised of their obligations with respect to the Rules
- A clearance certificate must be obtained from the Brackenridge Estate HOA prior to any transfer of ownership. 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, and on receipt of the above documentation

## **10. 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.
- **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.

## **11. REFERENCE DOCUMENTS**

For reference documents, refer to Website at <https://brackenridge.co.za>

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