



BERGHOF ESTATES

HOUSE RULES



2014
VERSION 1
BERGHOF ESTATES, ONRUSRIVIER, HERMANUS

BERGHOF HOME OWNERS ASSOCIATION

HOUSE RULES

INTRODUCTION

The object of the Association is to establish an aesthetically pleasing and attractive private estate in one of the finest and advantageous positions along our coast and to promote the well-being of the residents in a congenial secure atmosphere. These rules have been adopted in accordance with the Constitution to ensure a harmonious environment for everyone in its precincts and will apply to members, their households, tenants, visitors, employees, tradespersons and suppliers. Not only are they bound by these rules but they are also protected by them. The rules are administered and enforced by the Associations' elected Committee but it is the responsibility of every member to ensure that all parties with whom they have dealings on the property abide them.

1.ENFORCEMENT OF THE RULES

For the purposes of enforcement of any of the rules the Committee may, upon giving 24 hours written notice, take such steps as they may consider necessary to remedy the breach of the rules by the member, his guests or tenants and debit the cost of so doing to the member concerned which amount shall then be deemed to be owing by the member concerned to the Association. In the event that the member disputes the breach of the rules a committee of three members appointed by the chairman for that purpose, shall adjudicate upon the issue at such time and according to such procedure as the chairman may direct. Notwithstanding the foregoing, the Committee may institute proceedings in the name of the Association in terms of Clause 6.5.7 of the Constitution.

2. FINES AND PENALTIES

The Committee may investigate the conduct of any person if it relates to the contravention of these rules and may take such steps with regard thereto as it may deem fit. If any person contravenes or fails to comply with any of the provisions of these rules or any conditions imposed by or directives given in terms of these rules the Committee shall be entitled (without limiting other rights afforded to them)to impose appropriate penalties and/or fines up to

R1000,00(one thousand rand) on each occasion. In the event that the breach of the rule/s is ongoing the fine may be imposed in respect of each 24 hours that the transgression continues. If the person concerned is one of the member's household, a guest, tenant, invitee or employee that member will be liable for payment of such fine and it will be considered a debt due payable on demand

3. DOMESTIC ANIMALS

Only domestic animals posing no danger may be kept which shall be limited to two dogs and two cats per erf. Dogs shall not be allowed on common property unless on a leash and under direct control of the handler. If any dog digs holes and/or damages common property or defecates thereon its owner shall be required to repair or clean up the area. Members are required to tag their animals with the member's name and telephone number. The Association may remove straying animals from the Village and recover the costs from the relevant owner.

4. REFUSE (DOMESTIC OR GARDEN)

All refuse shall be kept in suitable containers which shall not be readily visible when placed in prescribed type bags for the purpose of collection on specific days. The bags should not be left outside the premises before or after collection day. It may be necessary for the association to notify members of varied arrangements time to time.

5. WASTE

No member shall be entitled to dump waste or any other material within the common area or on any erf and shall be liable for the payment of the cost of rectifying the damage or removal of material or goods.

6.SIGNS, ADVERTISEMENT, NOISE, ETC

No member shall be allowed to display any advertisement or sign on his erf which the Committee considers inappropriate, nor may the sign boards of Estate Agents be permitted. There shall not be allowed anything which, in opinion of the Committee, can be noisome, injurious, objectionable, detrimental, a public or a private nuisance or a source of damage or disturbance to any other owner, tenant or occupier of erven in the area. ***Loud music and other undue noise should be avoided and will not be permitted between 22:00 and 07:30 but very exceptionally until 23:30.Burglar alarms or any noisome activities must***

comply with any regulation which the association may make with regard thereto from time to time.

7. HEIGHT RESTRICTION

Since the erven are regarded as prime view sites no structures, vegetation, trees or objects of any nature exceeding the maximum height for residential buildings laid down by the appropriate local authority shall be permitted on any erf in the area (Clause 16.6 of the Constitution).

8. BOREHOLES

No boreholes may be sunk without the prior written consent of the Association.

9. DAMNS AND PONDS

Dams and ponds may not be used for boating, swimming, wading, washing or any activity not approved of writing by the Association. No domestic animals shall be allowed to enter any dam or pond and any form of pollution is strictly forbidden.

10. BUSINESSES AND GUESTHOUSES

Commercial activities, which must not impinge upon the residential character of the estate, must have prior written approval of the Association which is entitled to impose restrictions in this regard. ***Guesthouses and bed-and-breakfast establishments are not allowed.***

11. SIDEWALKS

All owners have the responsibility to maintain the areas between the road curb and their properties. A one metre level strip adjacent to the road must be maintained exclusively for the use of pedestrians. Private gardens, vehicles or any other form of obstruction thereon are prohibited and off-road parking for at least two cars must be provided.

12. LAUNDRY

No garments, household linen or washing of any nature, may be hung out or placed anywhere to dry except in a 1,8m high (minimum) screened area where it will not easily be seen from the street or the R43 highway.

13. ELECTRICITY

No person may in any way cause interference or malfunctioning of the electrical or security system of the Estate or of their neighbours.

14. LETTING

Members must give the Association prior written notice of any tenants or guests who are to occupy the members residence in their absence. Prior to residing the tenant must be introduced to the site manager and be required to register at the offices of the managing agent within (1) one working day of arrival to sign a declaration that he is acquired with these rules and that they are binding on him and his guests, non-compliance hereof will entitle the Association to deny access to the person/s concerned.

15. DOMESTIC

Residents must not allow the domestic workers free access but must personally identify them on each occasion before admitting them. Their arrival and departure must be controlled by the member at all times.

16. UPKEEP OF PROPERTY

Members must ensure that their premises are generally of good appearance. Gardens, pools, fences or any structures or appurtenances forming part thereof must be kept in a state of good and sound repair.

17. NUMBER OF HOUSE OCCUPANTS

The low density residential character of the Estate must be preserved and members should ensure that occupancy by permanent residents/tenants is kept to a reasonable number per dwelling:

<u>Bedrooms</u>	<u>Number of persons</u>
1. (one)	3(three)
2. (two)	6(six)
3. (three)	8(eight)
4. (four)	10(ten)
5. (five)	12(twelve)

18. SECURITY AND ACCESS CONTROL

Remote control transmitters must not be available to domestics or anyone else unless expressly authorised thereto in writing by the HOA.

In the interests of providing effective security the system, which includes access control, will be improved and procedures varied from time to time. The Rules will be updated as expeditiously as possible but in the interim the advices of the site manager or property administrator should be adhered to at all times. It is expected of residents that they shall be co-operative and patient regarding the security system at all times. Estate security is designed to provide controlled and selective access. The safety of the owners private property and the occupants are the responsibility of the owner and/or tenants.

19. HAZARDOUS SUBSTANCES

May not be kept or brought onto the property without the Committee's written approval.

20. HAWKERS

May not enter the Associations premises without the Committee's written approval.

21. TRAFFIC AND VEHICLES

No person may drive in the Estate at a speed in excess of 30 km per hour. Heavy vehicles are not permitted before 07:00 and after 18:00 on normal weekdays nor between 08:00 and 13:30 on Saturday and not at all on Sundays or public holidays. No vehicles exceeding the following maximum specifications may enter unless special written arrangements have been made with the Association:

Length 9.1m

Width 2.6

Gross mass 20,000 kg

Axle weight 8,000 kg

No vehicle, machine or equipment may be stored or parked excessively on the road or common property. Vehicles may not be cleansed or wash in the streets.

22. BUILDING PLANS

Procedures are set out in the Fundamental Design Guidelines. The Association requires a refundable Building Fee (see Annexure D) before building operations may begin. The amounts to be advised in the Committee's Minutes from time to time.

23. CONTROL OF BUILDING ACTIVITIES

Building activity is only allowed during the following hours:

Normal weekdays 07:30 to 17:00

No work is permitted on Saturday, Sunday or public holidays or during the annual Builder's Break

Application for special permission for extension of these times should be lodged two weeks before with the Managing Agent together with the approval of all adjacent neighbours. Owners and their contractors are expected to exercise thorough environmental control and adhere to the disciplines stipulated in the Contractor's Agreement.

24. COMPLETION CERTIFICATE

Prior to occupation of the building the Municipal Completion Certificate must be exhibited to the Committee, upon which an inspection will be carried out by the Site Manager. If the building/s are in accordance with the approved plans and there are no monies owing to the Association by the owner, for whatever reason, payment of the refundable portion of the building deposit will upon authorisation, upon authorisation, be made by the Managing agents.

25. CONTRACT AGREEMENT –Annexure C

It will be required of contractors, sub-contractors and owner builders to sign an agreement in respect of qualification and code of conduct as per the attached form before commencing.

CERTAIN PERTINENT HOUSE RULES

(2) FINES AND PENALTIES.

Up to R1000 per occasion

(6) SIGNS AND ADVERTISEMENTS

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(12) LAUNDRY

No garments, household linen or washing of any nature, may be hung out or placed anywhere to dry except in a screened area where it will not easily be seen from a street, highway or through-route.

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