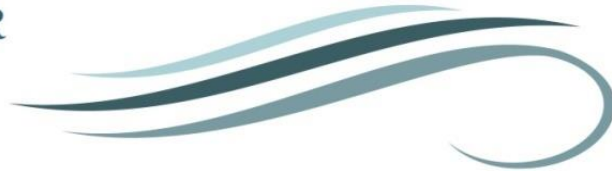


Brandwacht

AAN RIVIER



ESTATE RULES

Regulations governing conduct on the Estate made by the Trustee Committee of the Brandwacht on River Home Owners' Association under clause 79 of the Association's Constitution.

12 August 2012

Revised March 2014

Note on Cover Page revised Aug 2021

BRANDWACHT AAN RIVIER

DISCLAIMER

Any person entering the Estate does so at his or her own risk.

The Brandwacht on River Home Owners' Association shall not be liable for any injury, damage or loss suffered by such person arising from any cause whatsoever while on the Estate.

The Estate is surrounded by an electrified fence, which could cause injury if touched.

VRYWARING

Enige persoon wat die Landgoed betree, doen dit op sy of haar eie risiko.

Die Brandwacht aan Rivier Huiseienaarsvereniging is nie aanspreeklik vir enige besering, skade of verlies wat so 'n persoon weens enige oorsaak hoegenaamd opdoen of ly terwyl hy of sy op die Landgoed is nie.

Die Landgoed is omhein met 'n geëlektrifiseerde heining wat beserings kan veroorsaak indien daaraan geraak word.

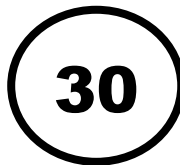
ISILANDULO

Nawuphi umntu ongena kwi-Estate uzifaka engozini ngobutyala bakhe.

I-Brandwacht on River Home Owners' Association ayisayi kubekwa tyala nakowuphi umonzakalo, umonakalo okanye ilahleko kumntu lowo ngexesha ekwi-Estate.

i-Estate ijikelezwe ngocingo lombane olunobungozi xa umntu elubambile.

SPEED RESTRICTION – SPOEDBEPERKING ISANTYA ESIMISELWEYO



GENERAL NOTES

- (1) Members must collect their electronic access tags from the office of the Estate Manager at the Entrance Gate.
- (2) Service providers who have regular engagements on the Estate, must contact the Office of the Managing Agent to arrange for access.
- (3) Persons requiring access for a single engagement on the Estate must complete the **Access Control Form** provided by Estate Security at the Entrance Gate.
- (4) The **Code of Conduct for Contractors** contains provisions aimed *inter alia* at regulating the conduct of contractors and their employees on the Estate.
- (5) The **Building Manual with Schedule of Finishes** contains provisions aimed *inter alia* at regulating architectural and other design features of, and colour specifications for, structures erected on the Estate.
- (6) These Rules are subject to the provisions of applicable regulations and by-laws made by a competent authority. It is the responsibility of the person concerned to familiarize himself with any such provisions.

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PREAMBLE

The primary objectives of the Brandwacht on River Home Owners' Association are, firstly, the promotion and enforcing of standards for community living for the Brandwacht on River Residential Development [hereafter 'the Estate'] so that residents may derive the maximum collective benefit therefrom, and, secondly, the maintenance of basic aesthetic standards to enhance property values in the Estate. It aims to provide residents with a superior quality lifestyle, offering safe and harmonious community living.

The Association's **Constitution** provides for the establishment of a Trustee Committee to exercise certain of its powers. To this end, the Trustee Committee has made these general rules to regulate the conduct of residents and other persons on the Estate.

The pride of the Estate depends on the extent of the contribution of every resident towards maintaining a pleasant and safe environment as well as a neat and attractive streetscape.

The security of the Estate is regarded as of paramount importance.

1. Definitions

In the interpretation of these Rules, unless the context indicates a contrary intention –

- 1.1. **Constitution** means the **Constitution of the Brandwacht on River Home Owners' Association**, as amended from time to time;
- 1.2. **Estate** means the **Brandwacht on River Residential Development** as defined in clause 2.1 of the **Constitution**;
- 1.3. **Estate Manager** means the person from time to time appointed by the Trustee Committee on its behalf *inter alia* to ensure compliance with rules and control measures regulating security, work and conduct on the Estate;
- 1.4. **Occupant** means any person who has the right to reside, or be present, in a property on the Estate in terms of a lease agreement or other arrangement, whether for consideration or not;
- 1.5. **Signage** means any sign, notice, billboard, advertisement, placard, or the like, irrespective of the material of which it is manufactured; and
- 1.6. **Vehicle** means any mode of transport, including, but not limited to, a motorcar, motorcycle, motor scooter, truck, caravan, trailer or boat.

2. Words and Expressions

- 2.1. Words importing –
 - 2.1.1. a reference to the singular includes the plural, and the converse also applies;
 - 2.1.2. a reference to a gender includes the other genders; and
 - 2.1.3. a reference to natural persons includes legal persons, and the converse also applies.
- 2.2. Words and expressions to which a meaning is assigned in the **Constitution** shall bear the meaning so assigned to them, and in the event of any conflict between the **Constitution** and these Rules, the **Constitution** shall prevail, unless it is inconsistent with the context.

3. Calculation of Periods

When any number of days is prescribed in these Rules, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday, in which event the last day shall be the next succeeding day which is not a Saturday, Sunday or proclaimed public holiday.

4. Binding Nature of Rules

- 4.1. The provisions of these Rules and any condition determined or instruction given hereunder shall be binding on each member of the Association, and it shall be the duty of a member to ensure compliance with same by –
 - 4.1.1. any member of his family, his visitor, estate agent, service provider, employee and worker; and
 - 4.1.2. any occupant of his property, and any member of the occupant's family, his visitor, service provider, employee and worker.
- 4.2. The Trustee Committee may at any time apply to a court of competent jurisdiction for an order to compel the person or persons concerned to comply with these Rules and any condition determined or instruction given hereunder.

5. Relaxation of Rules

No indulgence or relaxation in respect of these Rules shall constitute a waiver or consent, or prevent their enforcement by the Trustee Committee at any time.

6. Risk and Indemnity

- 6.1. Any person present on the Estate is there and does so entirely at his own risk, and no person shall have any recourse or claim of whatever nature against the Association, its Trustees, employee, worker, agent or contractor arising from such presence, nor for anything that may befall him or his property, in the course of such presence, whether caused by human or animal agency, natural phenomenon or otherwise.
- 6.2. The Association shall not be liable for any injury, loss or damage of any description that any person may sustain, physically or to his property, directly or indirectly, in or about the streets or private open spaces, or for any act done by, or for any neglect on the part of, the Association, its Trustees, worker, employee, agent or contractor.

7. Member's Liability

- 7.1. The member concerned may be held liable for damages, fines, all legal costs (including costs between an attorney and client) and collection commission, expenses and charges incurred by the Trustee Committee in enforcing compliance by him, or any other person referred to in Rule 4, with these Rules or any condition determined or instruction given hereunder.
- 7.2. Damages, fines, all legal costs (including costs between an attorney and client) and collection commission, expenses and charges incurred by the Trustee Committee in enforcing compliance with these Rules and any condition determined or instruction given hereunder shall be deemed to be a levy contemplated in the **Constitution**, and may, if it is not paid within fourteen (14) days after the member has been notified thereof, be added to the member's levy statement and shall bear interest as a levy debt.

8. Member's Obligations

- 8.1. When concluding an agreement of sale with a prospective purchaser or an agreement granting rights of occupancy with a prospective occupant the member must include a provision in such agreement that the person concerned is obliged to comply with these Rules, and furnish him with a copy hereof.
- 8.2. A member may not use, or permit to be used, his erf or any structure erected or placed thereon, or a street or private open space, in a manner or for a purpose that will cause a nuisance or create a disturbance, or that will be injurious to the ambience of the Estate.

9. Business Activities

- 9.1. No person may conduct a business or practice a trade on or from an erf in the Estate without the prior written permission of the Trustee Committee and of the Stellenbosch Municipality.
- 9.2. If the applicant is not the owner of the erf concerned, the written permission of that owner for such an application must accompany the application to the Trustee Committee and the Stellenbosch Municipality.

10. Persons employed by Trustee Committee

No person referred to in Rule 4 may request a service provider, employee, worker or agent of the Trustee Committee to perform tasks for them during their work hours, or interfere with such persons in the performance of their duties, and must give them their full co-operation.

11. Unbecoming Conduct

No person who resides on, or enters, the Estate may indulge in conduct that, in the discretion of the Trustee Committee, is unbecoming, constitutes a nuisance or creates a disturbance.

12. Security Measures

- 12.1. Any person entering the Estate must comply with the systems and procedures relating to access control and other security measures that are from time to time implemented by the Trustee Committee, and must comply with the instructions of Estate Security and of the Estate Manager, and treat them in a co-operative and respectful manner.
- 12.2. A person who has been issued with an Estate access tag or card may not allow it to be used by another person and must, in the event that he –
 - 12.2.1. arrives at the entrance gate without it, comply with any instructions of Estate Security and of the Estate Manager in order to gain entry;
 - 12.2.2. loses it, forthwith report such loss to Estate Security, the Estate Manager or the Managing Agent for a replacement at the prescribed fee;
 - 12.2.3. no longer is entitled to or requires it, hand it over to Estate Security, the Estate Manager or the Managing Agent.

13. Traffic Control

NOTE

Speed humps constructed on streets as a traffic calming measure must be negotiated with utmost care to prevent damage to vehicles.

- 13.1. Unless specifically stated otherwise in these Rules, the normal statutory traffic laws apply on the Estate.
- 13.2. A speed limit of **30km/h** applies on the Estate.
- 13.3. A vehicle may not be operated on a street by a person who is not in possession of a valid driver's license.
- 13.4. A vehicle must at all times be operated with care and may not be operated anywhere other than on the streets.
- 13.5. The operator of a vehicle may not take a short cut over a traffic circle, a private open space or an undeveloped erf.
- 13.6. A vehicle that is not licensed, not roadworthy, produces excessive noise or smoke, or drips or spills lubricant or other fluid, or that in any other way may damage or deface the Association's property, may not be operated on a street or be parked or stood on a demarcated parking bay.

- 13.7. A vehicle may not be parked or stood on a street, but must be parked or stood on the erf of the member for whose purposes the vehicle is in the Estate, on the erf of another member with that member's explicit permission, or on a demarcated parking bay.
- 13.8. A vehicle may not be left unattended in such a manner that it may cause an obstruction to other street users or impede the flow of traffic, or occupies more than one demarcated parking bay.
- 13.9. No vehicle may be abandoned on the Estate: Provided that the Estate Manager may cause to be removed for the account of the owner or the person in control thereof a vehicle that in his discretion has been abandoned.

14. Maintenance of Communal Facility

- 14.1. A member who owns an erf that borders on the security fence and structures, or on which there are any pipes, wires, cables and ducts used, or capable of being used, in connection with any communal service, must at all reasonable times allow the Estate Manager or a person authorised thereto by him, to enter the erf to carry out inspections, repairs or maintenance of same.
- 14.2. If a person is obstructed from, or hindered in, the performance of his duties contemplated herein, the member who is the owner of the erf concerned may be liable for any additional costs incurred by the Trustee Committee in the performance of such duties.

15. Security Fence and Structures

- 15.1. A person may not damage, remove or make any attachments to any part of the security fence and structures, tamper with the security system or any of its components, or in any way obstruct it so as to prevent the proper functioning of the Estate security system.
- 15.2. Trees, shrubs or plants that in the discretion of the Trustee Committee are likely to interfere with the proper functioning of the Estate security system may not be planted in the close proximity of the security fence or structures.
- 15.3. No signage may be erected against or on top of the security fence and structures.

16. Maintenance of Properties and Streetscape

- 16.1. The external appearance of any structure erected or placed on an erf and which forms part of the streetscape must at all times be maintained in a state of good repair to the satisfaction of the Trustee Committee.
- 16.2. A garden and the area between the street boundary line of an erf and the kerb must at all times be kept in a neat and tidy state, free of rubble, refuse, litter, other material or unwanted articles.
- 16.3. Trees, shrubs or plants in a garden or in the area between the street boundary line of an erf and the kerb may not be allowed to impede traffic or to pose a safety hazard.
- 16.4. Only deciduous trees and evergreen trees* that will not grow taller than six (6) metres may be planted on an erf.
 * The planting of indigenous trees, such as the white stinkwood (*Celtis Africana*) and the coral tree (*Erythrina*), is encouraged.
- 16.5. Washing may not be hung so that it is visible from a street, a private open space or another erf.
- 16.6. An item, fluid or material that may cause a blockage may not be disposed into the sewerage system. In the event of a blockage that is shown to be the result such disposal, the member or occupant concerned must clear the sewerage system within twenty-four (24) hours after the occurrence of the blockage, failing which the Estate Manager may have the system cleared at the risk and for the account of the member concerned.
- 16.7. Refuse containers / bags must be kept on an erf in such a manner as to prevent foraging as far as possible and so that they are not visible from a street, a private open space or another erf.

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- 16.8. Refuse containers / bags must on the morning of the day scheduled for refuse collection be placed where a slot joins River Avenue in such a way that traffic flow is not impeded. If refuse is not collected on the scheduled day, the container / bag must returned to the erf concerned.
 - 16.9. A dog kennel or a covered facility for a caravan, boat or trailer, etc may not be erected or placed on an erf so that it is visible from a street, a private open space or another erf.
 - 16.10. No structure or item which in the discretion of the Trustee Committee is unsightly, aesthetically displeasing or undesirable or detrimental to the general appearance of the Estate when viewed from a street, a private open space or another erf may be erected or placed on an erf.
 - 16.11. Signage may not without the written permission of the Estate Manager be erected or placed on any part of an erf so that it is visible from a street, a private open space or another erf.
 - 16.12. A garden / tool shed, a shade cloth structure or a Wendy type house may not be erected or placed on an erf.
 - 16.13. A member must at all times maintain his undeveloped erf in a neat and tidy state, free of rubble, refuse, litter, other material and unwanted articles.

17. Streets and Private Open Spaces

- 17.1. A person who makes use of a street or private open space must at all times be considerate and exercise proper care.
- 17.2. A person may not in any way damage or deface a street or private open space or any structure or item erected or placed thereon.
- 17.3. Building rubble, refuse, litter, unwanted articles or other material may not be deposited, thrown, placed, stored or dumped, or permitted, or allowed, to be deposited, thrown, placed, stored or dumped, on a street, a private open space or an undeveloped erf.
- 17.4. Trapping, shooting, harassing or in any way harming the fauna in the Estate is prohibited.
- 17.5. Trees, shrubs or plants may not be removed from, or planted on, a private open space without the prior written permission of the Estate Manager.
- 17.6. Open fires or braais are not permitted on a street or private open space except in the case of a gathering of members arranged by, or with the permission of, the Trustee Committee.

18. Pets

- 18.1. No more than two dogs and two cats may be kept on any one erf without the written permission of the Trustee Committee.
- 18.2. A poisonous, exotic or other undomesticated pet, poultry, pigeons, aviaries or livestock may not be kept on an erf or in any structure erected or placed thereon.
- 18.3. A pet must be neutered, spayed or similar and must be regularly inoculated.
- 18.4. The Trustee Committee may on written application in its sole discretion give written permission on such conditions as it may determine for the keeping of a pet, or a number of pets, that would otherwise not be permitted: Provided that should such conditions not be met, the Trustee Committee may in writing withdraw their approval to keep such pet(s) and instruct the member or occupant concerned forthwith to remove the pet(s) from the Estate.
- 18.5. A pet must wear a collar fitted with a tag indicating the contact details of its owner.
- 18.6. A pet may not roam the Estate, and must at all times be kept on leash when not on the erf of its owner.
- 18.7. A pet may not be allowed to create a nuisance or cause a disturbance to residents on the Estate.

- 18.8. A pet may not be neglected by, for example, leaving it to fend for itself or failing to provide it with sufficient shelter, nutrition or veterinary attention.
- 18.9. No person may inflict physical cruelty on a pet or subject it to violence.
- 18.10. The excrement of a pet deposited inside the erf on which it is kept must be removed at least once a day, and must be removed immediately when it is deposited on a street, a private open space or another erf.

19. **Service Providers**

- 19.1. A service provider may not display any signage or distribute any advertisement on the Estate.
- 19.2. A service provider may work only on days and during hours as follows:
- Monday to Thursday → 07:00 to 18:00
 - Friday → 07:00 to 17:00
- 19.3. A service provider may not work on Saturdays*, Sundays or proclaimed public holidays.
- * The Trustees Committee has as a temporary concession agreed to allow work on Saturdays from 07:00 to 15:00. It must be noted, however, that this concession may be withdrawn at any time.
- 19.4. The Estate Manager may on good cause shown, and subject to such conditions as he may determine, in a particular instance allow a deviation from the work days and hours: Provided that if it can be reasonably expected that an intended deviation may cause undue inconvenience or disturbance, the Estate Manager must in advance consult with neighbours who may be directly affected.

20. **Estate Agents**

NOTE

A platform for the advertising of available erven and / or dwellings will be provided on the Estate website (www.brandwachtaanrivier.co.za). Members who wish to make use of this facility must forward their information to estate@brandwachtaanrivier.co.za.

- 20.1. No estate agent's or private seller signage, or other type of advertisement may be displayed or distributed on the Estate.
- 20.2. An Estate Agent may show a property that is being marketed only by appointment with the member concerned and must personally accompany his clients.

21. **Breach of Rules**

- 21.1. If in the discretion of the Estate Manager the operator of a vehicle contravenes, or a vehicle does not comply with, any provision of Rule 13: Traffic Control, he may –
- 21.1.1. instruct such person to comply with such provision; or
 - 21.1.2. refuse such vehicle entry into the Estate; or
 - 21.1.3. instruct the owner or the person in control thereof to remove the vehicle from the Estate; or
 - 21.1.4. impose the prescribed fine*; or
 - 21.1.5. apply more than one of the options mentioned.
- * See attached **Schedule of Fines**.
- 21.2. If a person on whom these Rules, other than Rule 13: Traffic Control, are binding, is in breach of any of these Rules or any condition determined or instruction given hereunder, or if the conduct of such person is unbecoming, constitutes a nuisance or creates a disturbance, the Estate Manager may, or the Trustee Committee may order the Estate Manager to –

- 21.2.1. instruct such person to remedy such breach within the indicated period; or
- 21.2.2. instruct such person forthwith to desist from such conduct; or
- 21.2.3. impose the prescribed fine*; or
- 21.2.4. apply more than one of the options mentioned.

* See attached **Schedule of Fines**

22. Failure to comply with Instruction / pay Fine

If an instruction is not complied with, and / or a fine is not paid, within the indicated period, the member concerned will be issued with a written notice giving an adequate description of the instruction and intimating that –

- 22.1. the instruction must be complied with within the indicated period, and that if it is not so complied with, the Trustee Committee may remedy the breach in question for his account;
- 22.2. the fine imposed, if not paid within the indicated period, may be added to his levy statement as contemplated in Rule 7;
- 22.3. a court of competent jurisdiction may be approached for an order to compel him to comply with the instruction and / or pay the fine.

23. Appeal lodged with Trustee Committee

- 23.1. A member who is aggrieved by any condition, instruction or action by the Trustee Committee or its agent under these Rules, may in writing lodge an appeal with the Trustee Committee: Provided that if the grievance concerns an instruction to desist from certain conduct and / or to stop any work, such referral shall not absolve the person concerned from complying with the instruction.
 - 23.1.1. The appeal must give a full explanation of the circumstances of the matter and clearly indicate the relief sought.
- 23.2. The Trustee Committee, or a Subcommittee of its members designated by it, must then convene a meeting to consider the appeal.
- 23.3. A written notice must be sent to the member and, where applicable, the other person concerned, at least seven (7) days before the meeting is held informing him or them of the meeting and inviting him or them to attend: Provided that if the member and, where applicable, the other person concerned, fails to attend the meeting, the Committee may proceed with the meeting and dispose of the appeal.
- 23.4. At the meeting the member and, where applicable, the other person concerned, must be given the opportunity to present his or their case, but except in so far as may be permitted by the chairperson, he or they may not participate in the affairs of, or voting at, the meeting.
- 23.5. After the member and, where applicable, the other person concerned, has been given the opportunity to present his or their case, the Committee may by way of an ordinary majority resolution, with a minimum of three (3) trustees present and voting, resolve to –
 - 23.5.1. confirm, vary or revoke the condition or instruction; and / or
 - 23.5.2. confirm, reduce or revoke the fine.

24. Complaints

- 24.1. The Trustee Committee must investigate in such manner as it deems fit a written complaint received from a member relating to the behaviour and / or conduct of a resident and / or another person on the Estate, and may take such steps with regard thereto as it may deem fit.
- 24.2. The Trustee Committee may on its own initiative, and irrespective of whether a complaint has been received, investigate in such manner as it deems fit the behaviour and / or conduct of a resident and / or another person on the Estate, and may take such steps with regard thereto as it may deem fit.

25. Short-term letting

No owner of a property within the Brandwacht Aan Rivier Estate may lease his/her/its property to any third party for a period of less than 90 days unless prior written permission is given by the Trustee Committee.