



# KERSBOSEEN HOME OWNERS ASSOCIATION

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## **KERSBOSEEN HOME OWNERS ASSOCIATION RULES AND REGULATIONS FOR KERSBOSPARK**

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## **KERSBOSEEN HOME OWNERS ASSOCIATION RULES AND REGULATIONS FOR KERSBOSPARK**

### **1. GENERAL**

- 1.1 The rules and regulations (rules) are established in terms of paragraphs 5 and 9 of the Constitution of Kersboseen Home Owners Association (HOA), as approved by the Bergriver Municipality on 10 October 2006. These rules are approved by the EXCOM of the HOA (EXCOM) and these rules for KERSBOSPARK, will be enforced from 15 NOVEMBER 2019. All previous rules and/or regulations of KERSBOSEEN and or KERSBOSPARK are hereby cancelled and replaced by this document.
- 1.2 The objective of these rules are to promote and enforce high standards for high quality living in the KERSBOSPARK development (KERSBOSPARK) in such a way that members may derive the maximum collective benefit and to determine the appropriate standards for community living, maintenance of the properties in the development and to promote and enforce acceptable aesthetic and environmental criteria to achieve harmonious living and maintain and enhance the value of the complex.
- 1.3 These rules are binding upon all owners, occupants and visitors of/to KERSBOSPARK as per any decision taken by the EXCOM.
- 1.4 The Kersbos Strand Architectural Guidelines shall be deemed to be incorporated in and to form part of these rules. This is available on request.
- 1.5 It is the responsibility of all the REGISTERED owners of erven or houses in KERSBOSPARK to ensure that members of their families, as well as tenants, visitors, friends, invitees, contractors and employees abide by these rules.
- 1.6 Harmonious community living is achieved when residents use and enjoy their private property, as well as the public use area of KERSBOSPARK. General consideration of all occupants by and for each other will assure harmonious relations in KERSBOSPARK.
- 1.7 In the event of disturbances, complaints or misbehaviour, the REGISTERED owner shall be contacted to immediately settle the matter. The parties involved should attempt to settle the matter between themselves exercising tolerance, consideration and be reasonable.
- 1.8 All such complaints should be reported in writing to the Chairman with the applicable house number. These complaints will be discussed by the EXCOM and acted upon forthwith. The decision of the EXCOM will be final and binding in respect of the interpretation of these rules.



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1.9 In the event of unresolved disputes, a written submission can be made to the EXCOM which may decide at their discretion if they will arbitrate in the matter or not. If the matter is arbitrated, the decision of the EXCOM will be final and binding in respect of the dispute. If the EXCOM does not arbitrate the dispute, the parties to this dispute will be informed of such decision.

1.10 These rules are subject to change at the discretion of the EXCOM.

1.11 No advertisement boards for the sale of a house or erf, will be allowed within KERSBOSPARK. Agent boards will be allowed outside the complex on the right hand side of the entrance, ONLY.

## 2. USE OF STREETS

- 2.1 No driving of any vehicle is permitted on any HOA common property nor on any unbuilt erven, except for the owner of that erf.
- 2.2 Speed limit on all roads is restricted to 30 km/h. Please consider that children's safety is non-negotiable. Parents should make the children aware of the dangers relating to the use of the streets.
- 2.3 Pedestrians ALWAYS have right of way. Cyclists need to adhere to normal rules of the road.
- 2.4 Only licensed drivers may operate and drive engine powered vehicles in the streets of KERSBOSPARK.
- 2.5 Permanent parking of vehicles on common parking bays are prohibited. Existing approval by EXCOM for permanent parking, will only be allowed until the suspensive conditions take effect.
- 2.6 Parking is only permitted in the areas designated for that purposes and owners need to ensure that visitors adhere to this and do not park in the streets of KERSBOSPARK. Oil or any other mess by guests or member's vehicles, must be cleaned immediately.
- 2.7 The use of motor cycles and cars with noisy exhaust systems, as well as the revving of any vehicle in KERSBOSPARK is prohibited.
- 2.8 The use of the streets by motor cycles and quad bikes for leisure driving is prohibited – especially by children.
- 2.9 Any EXCOM member has the authority to apprehend and issue a PENALTY to anyone who disregards the rules as contained herein. Penalties to be levied, will be decided by the EXCOM from time to time and is presently set at a minimum of R300.00 for a first offence.

## 3. NOISE

- 3.1 The volume of any electric and/or musical instrument should be played at a level so as not to create a nuisance to neighbours or other occupants of KERSBOSPARK.
- 3.2 No noise, be that of music or voices shall be heard beyond the boundaries of any erven between the hours of 22h00 and 07h00 on any day.



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3.3 The DIY repairs on any vehicle within the boundary of an owner's erf, may never result in any disturbance or be intrusive to neighbours or any other residents. It may also not be an eyesore to any owner/tenant in the complex.

3.4 The use of power tools, including lawn mowers, will be limited to:

Monday to Friday – all year: 08h00 – 18h00

Saturday all year: 08h30 – 13h00

**All Sundays and public holidays are excluded from any form of use of power tools, including lawnmowers.**

3.5 Contravention of these provisions shall be punishable by a penalty of R300.00 for a first offence.

## 4 FIREWORKS

4.1 NO fireworks may be set off within the boundaries of KERBOSPARK. Due to the fact that there are a lot of thatched roofs in KERSBOSPARK and the neighbouring area, we advise strongly not to set off any fireworks in the close vicinity of these buildings.

4.2 Contravention of this provision may lead to criminal charges and an internal penalty of at least R500.00 will be levied.

## 5 CONDUCTING BUSINESS

5.1 No business may be conducted from any property without the written consent of EXCOM of the HOA.

5.2 All owners need to apply in writing to the EXCOM should they wish to apply for exemption to this rule. The application will be dealt with at the first EXCOM meeting following the application.

5.3 The following, among others will be considered:

5.3.1 Will this enhance or reduce the desirability of investors for KERSBOSPARK?

5.3.2 What will the effect be on the general value of units?

5.3.3 Do the neighbours of such applicant support the application?

5.3.4 Will there be an influx of vehicles, people and an increase in noise?

5.3.5 Will there be onsite advertisements and is additional parking necessary.

5.4 All by-laws and regulations of the Bergriver Municipality must be adhered to and details thereof must accompany any written application.

## 6 PETS

6.1 The Bergriver Municipality by-laws with regards to pets, will be strictly enforced.

6.2 Residents may not keep more than 2 dogs and 1 cat without the written consent of the EXCOM.

6.3 No poultry, pigeons or livestock may be kept within KERSBOSPARK.



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- 6.4 All excrement of an owner's pet deposited on roads or common areas of the HOA, needs to be removed immediately. A penalty of R300.00 will be imposed if the owner of the pet neglects to comply with this rule.
- 6.5 No dogs are allowed to roam the streets. Dogs must be kept inside the boundaries of the occupant's erven.
- 6.6 All dogs must be kept quiet at all times and not be a nuisance for any occupant. It so happens that dogs get noisy when owners leave the property and it is the owner's responsibility to act upon reports/complaints if this is the case.
- 6.7 The EXCOM reserves the right to request an owner to remove a pet if it becomes a nuisance.

### **7 MAINTENANCE AND APPEAL OF PROPERTY**

- 7.1 Each erf owner is responsible for maintaining his/her property in a clean and pleasing condition. Please keep gardens in the front of houses neat and tidy.
- 7.2 Please be informed of water restrictions and means of watering gardens and washing cars. The use of water must be in line with the Bergriver Municipality rules in this regard.
- 7.3 The washing of boats are restricted to no more than twice per week.
- 7.4 Owners that want to install water tanks must seek approval from the EXCOM before installation.
- 7.5 The EXCOM can compel the owner and/or tenant to improve the aesthetic appearance of their property where deemed necessary, at the cost of the owner.
- 7.6 Walls (including boundary walls to the inside of the owner's property) should be regularly cleaned/painted to create a neat and pleasing condition. Only WHITE paint is approved and it is advisable to add an anti-fungal additive to the paint.
- 7.7 The EXCOM has the right to effect repairs to the boundary walls on unbuilt erven, at the cost of the owners should it be considered necessary.
- 7.8 All APPROVED fencing needs to be painted regularly with either varnish or white paint.
- 7.9 NO gates or fences will be allowed to be erected without the approval of the EXCOM. Examples per photo and the exact placement of any gate or fence must be furnished to the EXCOM for approval BEFORE being erected on the erven on any part of the house. Only picket fencing either in wood or PVC will be allowed. No temporary structures or lattice fencing will be allowed. Should any unapproved structures be erected, the EXCOM can have it removed at the owner's cost.
- 7.10 No unused implements, equipment, or any building material shall be stored in open carports or in front of any house or on any open erf in KERSBOSPARK. This INCLUDES dog houses, bakkie canopies or any tools (garden and/or other).
- 7.11 No caravans, mobile campers, camping trailers or tents are allowed to be used in KERSBOSPARK. None of the aforementioned vehicles may be parked in the streets of KERSBOSPARK.
- 7.12 Gardens should be kept tidy and pavers should be kept free of weeds. The EXCOM has the right to control weeds on driveways at the owner's cost, should the owner fail to do so.
- 7.13 No wendy houses, sink houses, or tool sheds may be erected. During the building of a house, the written approval of the EXCOM will be necessary and will only be granted for a limited period. Unapproved structures will be removed from the property at the owner's cost.
- 7.14 NO WASHING OR TOWELS will be allowed to be hang to dry over balcony railings, boundary walls or in front of houses. Washing lines must be suitably screened from neighbouring properties.



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- 7.15 All fire equipment is the property of the HOA and no person is allowed to tamper, use or block free access to this equipment. Owners of houses where the fire hoses are situated must please inform the EXCOM if there are any issues with the equipment being abused, missing or tampered with.
- 7.16 Residents within KERSBOSPARK must please ensure that children do not tampering with the fire equipment.
- 7.17 All driveways on erven are the responsibility of the owners and must be kept in a decent condition and repairs must be undertaken if necessary. Paving should be unified and fit in with the general pattern in the complex when repaired or replaced.
- 7.18 REFUSE may only be placed in the refuse area at the front gate.
- 7.19 All refuse must be sorted and placed in the correct colour bags being, GREEN bags for garden -, CLEAR bags for recycling - and BLACK bags for other household refuse. The bags are available at retail stores.
- 7.20 No loose refuse may be put in the refuse area.
- 7.21 Residents and guests are friendly requested to pick up any litter that the wind may blow into the complex from outside.

### 8 SECURITY AND ENTRANCE

- 8.1 Entrance to KERSBOSPARK is only from the main entrance. The back gate is only for vehicles too big to enter at the main gate. Arrangements to enter at the back gate can be made with the EXCOM.
- 8.2 No gate remotes may be given to contractors for an indefinite period. All remotes MUST be retrieved after the work has been completed. If contractors who have completed the work are found on the premises, the owner can be fined.
- 8.3 It is advisable that the cell phone system to open the gates, be used. Application for access to the system can be made to the EXCOM. No new remotes will be put into operation. Contact any member of the EXCOM for the details of adding cellphone numbers on the system.
- 8.4 No tail gating at the gate is permissible.
- 8.5 Owners need to inform all visitors, tenants and contractors, that NOBODY is allowed to climb over the gates. If anyone is caught for this offense, a penalty of R1 000.00 will be imposed on the owner of the property. The constant repairs of the gates due to abuse will no longer tolerated.
- 8.6 Although KERSBOSPARK is a walled complex, all residents, their visitors and tenants must still be security conscious and alert at all times.
- 8.7 No additional fencing, such as barbed wire or any other method, may be constructed on any boundary wall. The EXCOM has the right to make a decision about additional security should the need arise.
- 8.8 No security gates at the front entrances may be installed without the approval of the EXCOM.
- 8.9 Clear burglar proofing may be installed at any time. ANY other type of burglar proofing needs to be approved by the EXCOM.
- 8.10 Alarms may be installed. However, take note that if a response vehicle needs access to KERSBOSPARK, it will be an issue. Alarms may also not be left unattended when triggered as this will be a nuisance to other residents.

Committee: G Robbertze, A Joffe, M Roelofse, R van der Walt, D Vorster



## 9 OCCUPANCY AND RENTALS

- 9.1 Per the Annual General Meeting, it was decided that occupancy per house is limited to 2 adults per bedroom. The maximum number of children per bedroom are restricted to one child under the age of 12 years. This will mean a 3-bedroom house may at any given time, house only 9 people and a 2-bedroom house, only 6 people.
- 9.2 The head count is not the responsibility of EXCOM, but a contravention of the limit per room will be dealt with.
- 9.3 No additional visitors may stay overnight.
- 9.4 Short term rentals will only be allowed if an application of the rental of an owner's property is approved by the EXCOM, as per the terms of the KERSBOSEEN Constitution.
- 9.5 If approval is given by the EXCOM, the owner will permanently display a full set of rules in the property for the perusal of the occupants. Furthermore, a set of rules will be supplied to the rental agent and must be forwarded to renters before any short term lease starts. Failure to comply with these rules will lead to the approval by the EXCOM be cancelled.
- 9.6 Short term rentals need to sign an acknowledgement that the rules have been read and will be adhered, with the owner or agent. The signed agreement will be made available to the EXCOM, on request. Failure to do so may lead to the approval in terms of par 9.3 be withdrawn.

## 10 SWIMMING POOL

- 10.1 The use of the swimming pool is for the enjoyment of all occupants of KERBOSPARK but with the consideration also of all occupants of KERSBOSPARK. No noisy parties are allowed in the pool area and screaming during swimming is prohibited.
- 10.2 All rules with regards to the use of the swimming pool must be adhered to and the safety of all users is non-negotiable. Children may only use the pool under supervision by an adult and all gates need to be closed and on lock at all times.
- 10.3 No glassware, i.e plates, bottles and glasses are allowed in the enclosure of the pool.
- 10.4 Any pool equipment, i.e pool cover, cleaning machines, pumps, etc., may not be tampered with or damaged in any way. If it is found that the latter happened and the visitors to the pool can be identified, the visitors and/or owner of the property in KERBOSPARK will be held accountable for the costs of repairs or replacement of the damaged equipment.
- 10.5 Please be considerate and remember that the pool is not for anyone's exclusive use and all occupants can use the pool at any given time – within the allowed hours.

**POOL TIMES ARE: 08H00 TO 21H30.**

**THE POOL MAY BE LOCKED AT ANY GIVEN TIME FOR CLEANING PURPOSES.**

- 10.6 No games will be played in the pool area that will be a nuisance to other visitors in the pool area, e.g. ball games.
- 10.7 Please consider that water is a scarce resource and diving and bombing are discouraged as this wastes a lot of water.



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10.8 Please be considerate that the pool needs to be cleaned during peak seasons and for that reason it will be closed for that process.

### 11 BUILDING REGULATIONS

- 11.1 According to par 10 of the KERSBOSEEN Constitution, all planned building or alterations shall be approved by the EXCOM PRIOR to the submission of detailed plans to the Bergriver Municipality.
- 11.2 All building plans must adhere to the KERSBOS STRAND Architectural guidelines which are available on request from the EXCOM.
- 11.3 NO alterations to existing houses will be done without PRIOR approval of the proposed alterations, by the EXCOM. This approval is not sufficient approval and official approval must also be obtained from the Bergriver Municipality building department and supplied to EXCOM, before commencement of any building activities can start.
- 11.4 No carports can be enclosed without the EXCOM and the Bergriver Municipality approvals.
- 11.5 No sink houses or wendy houses or any other temporary or permanent structures may be erected during the building process without prior approval from the EXCOM.
- 11.6 No person shall be allowed to stay in any unfinished house for whatever reason.
- 11.7 No building rubble may be dumped or placed on any street or unbuilt erven. Contractors are required to provide skips for any rubble that has to be removed.

### 12 LEVIES

- 12.1 According to par 7 of the KERSBOSEEN Constitution, levies shall be determined by the EXCOM and approved at the Annual General Meeting. Levies are payable on a monthly basis. However, an annual levy can also be paid to the HOA.
- 12.2 Members are obliged to pay pay levies strictly per month. All levies are payable in advance on or before the first (1) day of a month. **Late or non-payment will lead to a monthly admin fee of R50.00 and the EXCOM reserves the right to increase this admin fee.**
- 12.3 Failure to pay levies can lead to further actions to recover outstanding levies, which will add costs to member's accounts. All collection fees will be for the account of the owners.
- 12.4 No owner will be able to transfer a property of KERSBOSPARK unless his account with the HOA is paid up in full. Only after full payment will the Clearance certificate be released to a transferring attorney. Any contravention of this process will lead to an unlawfull transfer that may result in the cancellation of the sale.

  
CHAIRMAN: KERSBOSEEN HOME OWNERS ASSOCIATION

15 November 2019

Committee: G Robbertze, A Joffe, M Roelofse, R van der Walt, D Vorster

