

# BELVIDERE HOMEOWNER'S ASSOCIATION ("the Association")

## REGULATIONS

### 1. Introduction & Definitions

- 1.1. Every property owner within Belvidere Estate is automatically a Member of the Association in accordance with the specific condition(s) imposed on all owners by the Title Deed of their property. As such, Members are bound by the Constitution of the Association and these Regulations.
- 1.2. These Regulations are made in terms of the Constitution, and they exist for the equal benefit and protection of all Members to, *inter alia* protect and maximise the use, enjoyment, and benefit of the common property, and facilitate a harmonious communal living environment between all Members.
- 1.3. Every Member is bound by and undertakes to adhere to the Regulations in the utmost good faith in favour of and to benefit and protect themselves, the Association, and all fellow Members as their neighbours.
- 1.4. A Member is responsible to ensure that his or her tenants, family members, employees, contractors and/or guests respect and adhere to these Regulations and Members are at all times strictly liable for their conduct of and/or breach of these Regulations by any such aforementioned or like such person(s).
- 1.5. Every Member undertakes, in every instance where they let out their residential property, to provide a copy of these Regulations to the tenants (regardless of the duration of the let). Letting agents should also be notified of this regulation in the event of letting your residential property on your behalf. This is not applicable to the Belvidere Manor and Belvidere Manor cottages.
- 1.6. Every Member is, in every instance where they let out their residential property (regardless of the duration of the let), responsible to notify the Association of the name and full contact details of the tenant. This is not applicable to the Belvidere Manor and Belvidere Manor cottages.

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1.7. The definitions contained in the Constitution apply to these Regulations as well.

2. **Knysna Municipality Spatial Planning and Land-use Management By-law (2021)**

- 2.1. All properties within the Association are subject to the Knysna Municipality Zoning Scheme By-laws (2020) ("the ZS"). The ZS (as, if and when updated) *inter alia* describes the bundle of rights, restrictions and/or obligations in relation to Member's properties (Knysna Municipality Zoning Scheme (2020), [no 8258, Government Gazette])
- 2.2. As such, all Members, in addition to these Regulations, enjoy the rights arising from, and/or are subject to the restrictions appearing in, and/or obliged to adhere to, the Knysna Municipality Zoning Scheme By-laws (2020) insofar as such rights, restrictions and/or obligations apply to their properties. (Knysna Municipality Zoning Scheme By-law (2020), [no 8258, Government Gazette])
- 2.3. Erven 499, 331 and 501 Belvidere, being part of common property of the Association, is zoned in terms of the ZS as "Open Space Zone 1" and Erf 328 is zoned "Recreational Facilities".
- 2.4. Erven within the Association are zoned as residential erven. Exceptions to this is duly noted and approved.
- 2.5. A copy of the ZS is available from the Association upon request and/or it can be secured from Knysna Municipality.
- 2.6. Any breach by any Member of the ZS vis-à-vis their properties constitutes a breach by the Member of these Regulations.
- 2.7. Without derogating from the foregoing, the Association specifically highlights to all Members that the operating of a guest house, backpackers, bed, and breakfast establishment, or such like, requires a consent use, relaxation, departure and/or rezoning (or any combination, as the case may be) from the Knysna Municipality. The Belvidere Homeowners Association must be notified by any member making application in this regard to the Knysna Municipality.

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- 2.8. Without derogating from the foregoing and the application and/or requirements of the ZS, the Association does not prescribe any limitations on Members concerning the short or long term letting of their properties.

**3. Amenities**

- 3.1. The tennis courts can only be used as per the rules of the Tennis Club.
- 3.2. The sole use of the tennis courts is reserved entirely for playing, training and/or competing in tennis, and no other game or activity but tennis, without exception.

**4. Knysna Municipality By-Laws**

- 4.1. All properties within the Association fall within the Knysna Local Municipality and its authority and jurisdiction in respect of its By-Laws in force from time to time ("By-Laws").
- 4.2. As such, all Members, in addition to these Regulations, enjoy the rights arising from, and/or are subject to the restrictions appearing in, and/or obliged to adhere to, the By-Laws insofar as such rights, restrictions and/or obligations apply to them and/or to their properties.
- 4.3. The content of Regulations 5 to 10 (both inclusive) set out hereinbelow is extracted near verbatim from the existing By-Laws (as in force as of 1 October 2021). Any changes are solely grammatical in nature, for purposes of all Members ease of reference, understanding and compliance.
- 4.4. Any breach by any Member of the By-Laws specifically incorporated into these Regulations, and only those that are specifically incorporated, constitutes a breach by the Member of these Regulations.

**5. Fire Safety**

- 5.1. The provisions of this clause 5 have been formulated and/or extracted from the Knysna Municipality: By-law Relating to Community Fire Safety, 2016, and references to sections are to section in that said By-Law.

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- 5.2. Member's may not permit vegetation to grow, or other combustible waste or refuse material to accumulate, in an area under their possession or control, or any manner likely to pose a fire hazard or other threatening danger to any person, animal or property.
- 5.3. The disposal of household and/or garden refuse or other combustible material by burning are prohibited.
- 5.4. Fires may not be left unattended and need to be extinguished properly after use.
- 5.5. The homeowner must not allow soot or any other combustible substance to accumulate in a chimney, flue, or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.
- 5.6. The use and discharge of any fireworks are not permitted.
- 5.7. If any fire hazard as contemplated in above arises, the owner or person in charge of the premises must without delay eliminate the hazard. If they fail to do so completely, after 14 days of date of written notice from the Association, the Association is authorised and empowered to take all reasonable steps in their sole and absolute discretion, to remove, reduce, mitigate and/or or prevent the fire hazard in question, and all associated costs in this regard must be debited to the Member in questions levies account.

## 6. Roads and Traffic

- 6.1. The provisions of this clause 6 have been formulated and/or extracted from the Knysna Municipality: Road and Traffic By-Law 2020, and references to sections are to section in that said By-Law.
- 6.2. No person may do anything in a street, which may endanger the life or safety of any person, animal, or thing, or create a nuisance, obstruction, or annoyance to the public.
- 6.3. No person may, for an extended period, except on places reserved for parking, park on a street or verge, any motor vehicle, trailer, boat, or caravan.

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- 6.4. Only roadworthy and licensed motor vehicles are permitted on the roads in the estate.
- 6.5. "Racing" and/or the making of excessive noise with motor vehicles, motorcycles, including motorized scooters and bicycles, or quad bikes are not permitted.
- 6.6. Driving without a valid driver's licence and/or mandatory protective gear is illegal.
- 6.7. Unauthorized use of any motorised vehicle on the common areas is strictly forbidden.
- 6.8. The speed limit in the estate is 40 km/h

**7. Nuisance**

- 7.1. The provisions of this clause 7 have been formulated and/or extracted from the Knysna Municipality: By-law for the prevention of public nuisances, and the keeping of animals, poultry, pigeons, and bees, 2014, and references to sections are to section in that said By-Law.
- 7.2. Members must not:

Generally

- 7.2.1. Do work on any premises or use any building or land for purposes calculated to depreciate or to disfigure such premises, or to interfere with the convenience or comfort of the neighbours, or to become a source of danger to any person;
- 7.2.2. At any time during the day or night disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling, or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent, or unseemly behaviour at any time of the day or night;

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- 7.2.3. cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of the occupiers of adjacent properties by the utilisation or use of electrical appliances, machinery or similar appliances or equipment;
- 7.2.4. in or upon any property or premises, disturb the public peace in the neighbourhood of such premises by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and which interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- 7.2.5. discharge any firearm, airgun or air pistol on any premises or in any street or public place;

Vegetation nuisance

- 7.2.6. permit such erf or any portion thereof to be overgrown with trees, bushes, weeds, grass, or any other vegetation to such an extent that it causes a public nuisance and/or is unkempt;
- 7.2.7. permit any erf or portion thereof whether with natural or cultivated vegetation to be so overgrown that it is aesthetically unacceptable;

Trade nuisance

- 7.2.8. carry on any trade, business, or profession on any premises in the estate which may, in the opinion of Knysna Municipality, be a source or become a source of discomfort or annoyance to the neighbourhood; and/or

Maintenance nuisance

- 7.2.9. allow any fencing of any premises or building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or

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unsightly state, or fail to maintain the exteriors roof-water disposal systems, pipes, sewers, drains, water fittings, wastewater fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair.

## **8 Recreational Use of Common Property**

- 8.1 The provisions of this clause 8 have been formulated and/or extracted from the Knysna Municipal By-Law for the Recreational use of beaches and baths, 2017, and references to sections are to section in that said By-Law.
- 8.2 The Association may refuse any person causing a nuisance admission to any common area or facility on the estate or direct any person causing a nuisance to leave any common area of the Association without delay.
- 8.3 No person must behave in a disorderly or improper manner, commit a nuisance, hinder, interfere with, obstruct or use insulting or obscene language towards other Members, any employee, agent or representative of the Association or the Knysna Municipality in the execution of their duty, or refuse or fail to obey a lawful order given by an employee of the Knysna Municipality in the execution of his duty.
- 8.4 The Association has the right to indicate by means of notices erected at designated points or other suitable sites, those areas where certain or any activities must be limited, allowed, controlled or prohibited on the estate.
- 8.5 In the common areas no weddings, parties, BBQ's, picnic's, or activities that poses a danger to the public, may be held without the permission of the BHOA.
- 8.6 No person must break, damage, destroy or disturb any egg or nest or remove any egg from a nest, or disturb or attempt to disturb any bird or the nesting site of such bird within the beach area, or allow such behaviour or action.
- 8.7 No person must injure, disturb, or feed or attempt to injure any wild animal on the estate or allow such behaviour or action.
- 8.8 No unauthorised person must at any time prick/or pick, uproot, fell or damage or

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attempt to prick/ or pick, uproot, fell or damage in any ways, any plant growing on the common areas.

8.9 No person must in or on any common areas and the waterfront discard, dump or leave or cause to be discarded, dumped, or left any litter except in a container or at a place provided for that purpose.

## 9 Dogs and other animals

9.1 The provisions of this clause 10 have been formulated and/or extracted from the Knysna Municipality By-Law relating to the keeping of dogs, 2015, and references to sections are to section in that said By-Law.

9.2 Members:

9.2.1 may not cause or allow an animal to interfere with the comfort, convenience or peace of other people;

9.2.2 must provide such animal with shelter, water and proper food and must maintain the premises on which an animal is kept in good repair and in neat condition in order to prevent the occurrence of a public nuisance; and

9.2.3 must exercise control over his or her animals in order to prevent nuisance, and or damage to property or gardens.

9.3 Members must not:

9.3.1 cause or permit any dog belonging to him/her or in his charge, while in an area in which dogs are not prohibited in terms of the Knysna by-law, to constitute a source of danger or to inconvenience, annoy or materially interfere with the ordinary comfort or convenience of other persons.

9.3.2 keep any dog which incessantly barks, yelps, howls, or whines.

9.3.3 cause or permit any dog belonging to him/her to be in or on any beach or common area except on a leash;

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9.3.4 subject to the provisions of section 5, keep more than the prescribed number of dogs on any premises without the prior written consent of the Knysna Municipality.

9.4 All structures in which animals, poultry and pigeons are kept must be suitably screened from any street to the satisfaction of the Architecture Committee.

9.5 If any dog defecates in any common area or public place, any person in charge of such dog must forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

## 10 Keeping of verges and trees

10.1 The provisions of this clause 11 have been formulated and/or extracted from the Knysna Municipality: Road and Traffic By-Law, and references to sections are to section in that said By-Law.

### Verges

10.2 No person may:

10.2.1 make, construct, reconstruct, or alter a street, sidewalk, or the common area except with the written permission of the Association and the Knysna Municipality and in accordance with the requirements prescribed by the Knysna Municipality; or

10.2.2 deposit or leave any goods or articles on a verge or in a street or other than for a reasonable period during the course of the loading, off-loading or removal thereof; or

10.2.3 dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish, or any other waste products, without permission of the Association and the Knysna, on any verge other than for a reasonable period during the course of the loading, off-loading or removal thereof.

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## Trees

- 10.3 No person may in the common areas and verges:
- 10.3.1 plant, cut down or remove a tree or shrub in or from, except with the written permission the Knysna Municipality;
  - 10.3.2 climb, break, or damage a tree; or
  - 10.3.3 mark or paint any tree or attach any advertisement thereto.
- 10.4 Any tree or shrub planted in the common areas and/or on the verges is the property of the Knysna Municipality.

## 11 Breach of Regulations

- 11.1 In the event of any breach of these Regulations by any Member the Association must notify that Member, in writing (and email must suffice), of at least:
- 11.1.1 the breach and/or behaviour complained of;
  - 11.1.2 which Regulation has been breached;
  - 11.1.3 the remedial action required; and
  - 11.1.4 a reasonable time period, not less than but not necessarily always 7 days, within which the breach must be remedied.
- 11.2 Should the Member fail to remedy its breach in terms of the foregoing then upon expiry of the deadline in the notice in 11.1.4 above, the Association must proceed in terms of the provisions of Clause 12 (Mediation).

## 12 Mediation

- 12.1 In the event of there being any dispute, difference, or claim (each case a "Dispute") arising out of or relating to these Regulations or their interpretation, including between the Association and the Members and/or the Members themselves, the said Dispute must, on written demand by any Party on notice to the other, be

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attempted to be resolved by mediation in terms of this clause.

12.2 The mediation must be informal and may be telephonic or via video conference and must be conducted by:

12.2.1 the Chairperson of the Association or another member of the Executive Committee delegated by him for this purpose; or

12.2.2 if the Member in question objects to the Chairperson, a duly qualified and experienced attorney, nominated by the Association in their sole discretion and at the Association's costs.

12.3 Failing resolution by mediation after 20 (twenty) business days calculated from the date of the first demand for mediation:

12.3.1 the Association must, where the breach in question constitutes a breach of any Knysna Municipality By-Law, report the said violation to the Knysna Municipality; and/or

12.3.2 either Party must be entitled by written notice to the other to claim that all or any of the matters which were under discussion and/or were to be discussed at the mediation be submitted to and decided by the Community Schemes Ombud Service ("CSOS").

12.4 Where CSOS does not enjoy jurisdiction to adjudicate upon the Dispute in terms of section 39 of the CSOS Act, or there is also a dispute concerning their jurisdiction, then such Dispute, including any dispute about the aforesaid jurisdiction, must at the written demand of either Party be submitted to and decided by arbitration in terms of the Constitution.

**\*Adopted on** 19 May 2022

**Signed – Niekie Lamprecht**



**\*Last Amended on** \_\_\_\_\_

**\*Last Reviewed on** \_\_\_\_\_

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