

# **BRIGADOON GOLF AND COUNTRY ESTATE**

## **RESIDENTIAL RULES AND REGULATIONS**

**(Applicable to Home Owners, Residents &  
Tenants)**



## 1. Introduction

The prime objective of these rules and regulations are to preserve and enhance the security, aesthetics and environment. The intention of these guidelines is to protect this lifestyle, to present natural beauty, natural vegetation and the surroundings. It is also aimed at ensuring that all residents are aligned with the general rules and principles of the Estate, ensuring that we can all live in harmony with our neighbours.

- 1.1. The rules and regulations have been established in accordance with the Memorandum and Articles of Association of the Brigadoon Security / Country Golf Estate which are binding upon all owners / residents of the Estate.
- 1.2. Harmonious community living is achieved when residents use and enjoy their private property as well as the communal property areas of the Estate. General consideration of all residents by and for each other will greatly assist in assuring harmonious relations on the Estate.
- 1.3. The decision of the Directors is final and binding in respect of the interpretation of these rules.
- 1.4. These rules are subject to change from time to time at the discretion of the Trustees

Owners should refer to the **Contractor Code of Conduct** as well as the **Brigadoon Architectural Rules and Regulations**.

## 2. Definitions

- 2.1. **Owner** - A registered owner of a stand in the registered township of Wigwam.
- 2.2. **Residents** - Any person living on the Estate either as owner or tenant
- 2.3. **Trustees** - Directors who serve on the Management Committee of the Homeowners Association for Biz Africa 1710 Reg. No 2002/009587/08.
- 2.4. **Directors** – See Trustees (2.3)
- 2.5. **H.O.A.** - Members of Biz Africa 1710 Reg. No 2002/009587/08.
- 2.6. **Sub- Committee** - Any Sub Committee appointed by the Trustees.
- 2.7. **Homeowner** - A registered owner of a stand on which a dwelling has been erected.
- 2.8. **Architectural Sub Committee**- Sub Committee appointed by Trustees.

- 2.9. **Brigadoon** - Stands 1-150 of the proclaimed Wigwam township
- 2.10. **The "Footprint area"** – As seen on plan, all areas with a roof over and/or enclosed with a wall higher than 1,2m
- 2.11. **Developer** - ZELPY 1642 (PROPRIETARY) LIMITED, REGISTRATION NUMBER 2002/025957/07

### 3. Security

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

The security industry is not an easy industry and need to ensure that they keep up with ever-changing nature of crime. Security personnel have a difficult and often unrewarding role to fulfil. Please abide by these basic rules and principles:

- 3.1. Security personnel may not, under any circumstances, be abused.
- 3.2. Security Protocol at the gate must be adhered to at all times. Under no circumstances may any person other than the security personnel or members of the Trustees Committee be allowed into the Gatehouse.
- 3.3. All owners must request visitors to adhere to security protocol and residents are requested to always treat the security personnel in a co-operative manner.
- 3.4. All owners must ensure that contractors appointed in their employ adhere specifically to the security stipulations of the Contractor's Code of Conduct.
- 3.5. All attempts at burglary or instances of wall/fence jumping must be reported to a member of the security staff, and/or security sub-committee immediately.
- 3.6. Security is an attitude: be aware that you need to enforce and apply security to make it work. Do not hesitate to question suspicious persons not displaying formal ID cards.
- 3.7. The Estate will be manned by security twenty four (24) hours daily, and patrolled on a random basis.
- 3.8. The Security Centre at the Gate House should be advised in advance of pending arrival of visitors where possible; in particular details of vehicle registration numbers and the property to be visited should be provided.

- 3.9. New owners/residents must advise the Security Supervisor on duty of their home telephone /Cell numbers and address to enable Security to make telephone contact for permission to allow visitors to their residence.
- 3.10. No Residents may issue instructions to Security Personnel.
- 3.11. Access cards / tags may not be used by anyone other than the Homeowner and registered user, nor may they be loaned to other persons.

#### **4. Use of the Streets**

- 4.1. The streets of Brigadoon are for the use of all residents, whether it be on foot, roller-skate, bicycle, motor cycle, Golf cart, trucks, delivery vans, busses or cars. Please note that cars are considered to be part of the street environment, but not necessarily the dominating factor. Joy ride by mountain motorcycles and quad bikes will not be allowed on the roads of Brigadoon.
- 4.2. All roads on the Estate are public roads and are subjected to the relevant road traffic Ordinances or by-laws.
- 4.3. The speed limit is restricted to 40km per hour throughout the Estate.
- 4.4. Parents are responsible for ensuring that their children are made aware of the dangers relating to the use of streets and must take responsibility for their children's safety. The H.O.A. will not be held liable and indemnifies itself from all accidents on the Estate.
- 4.5. Engine powered vehicles e.g. Cars, motorcycles etc. are permitted to drive on the street of the Estate only. Pavements and the Golf course are off-limits.
- 4.6. Unlicensed drivers will not be allowed on the roads of the Estate.

#### **5. Good Neighbourliness**

- 5.1. Any business activity or hobby, which could cause aggravation or nuisance to fellow residents, may not be conducted from any property. This includes auctions and jumble sales.
- 5.2. No business may be conducted from home without the written consent of the H.O.A. All owners/tenants wishing to conduct business from home have to apply to the H.O.A. in writing. Such business operations must adhere to the criteria and conditions as specified by the H.O.A. and to local municipal by-laws and regulations.

- 5.3. The volume of music or electronic instruments, partying and the activities of domestic help should be kept at a level so as not to create a nuisance to neighbours.
- 5.4. Maintenance and the use of power saws, lawn mowers should only be undertaken between the following hours:

May – August	Monday - Saturday	07h30 – 18h00
	Sunday	No activities
September – April	Monday - Saturday	07h00 – 19h00
	Sunday	No activities

- 5.5. Washing lines must be suitably screened from neighbouring properties (Court yard to be used).
- 5.6. Refuse bins, including garden refuse may not be placed on pavements or in the street except on official collection day. Refuse bins to be kept in court yards until collection day.
- 5.7. Both domestic- and garden refuse will be disposed off through the services of an authorised Waste Management Service Provider.
  - 5.7.1. All residents to ensure that domestic- and garden refuse are placed in separate refuse bags of high quality to prevent littering due to the tearing of bags.
- 5.8. Advertisements or publicity material may not be exhibited or distributed unless prior consent of the H.O.A. has been obtained.
- 5.9. Owners must ensure that domestic workers and other employees do not loiter on the Estate and specifically not at any prominent places such as the gates, road circles, streets, etc.
- 5.10. Garden workers are required to wear green overalls. Failing this, the resident will be subject to a fine.
- 5.11. In the event of annoyance or complaints the parties involved should settle the matter between themselves. Where a dispute cannot be resolved and in particular a dispute between neighbours the procedure should be the following:
  - 5.11.1. Written submissions will be made by the parties involved in the dispute, addressed to the Trustees and managing agent;

5.11.2. The Trustees may, at their discretion, decide as to whether the Trustees will arbitrate on the matter or not.

5.11.3. All home owners and –residents are subject to the rules and fines as set out in Appendix A. Also refer to point 9.6 in this document.

5.12. Each stand owner is responsible for maintaining the area between the Curb and the boundary of his property in a clean and pleasing Condition. The H.O.A. Can compel the Owner or tenants to improve the aesthetic appearance of this area when deemed necessary at the Cost of the owner.

## **6. Environmental Management**

“The degree of environmental care exercised by a community says much for the level of Culture and refinement attained by the said community.”

- 6.1. No rubble or refuse should be dumped or discarded in any public area, including the golf course, streets, sidewalks, lakes, dams or vacant stands etc.
- 6.2. Flora may not be damaged or removed from any public area or from the golf course.
- 6.3. Fauna of any nature may not be chased, trapped or harmed in any way in any area of the Estate. Brigadoon and its surrounding areas is the natural habitat for monkeys, baboons and shall under no circumstances be fed. For your own safety kindly co-operate.
- 6.4. Residents shall maintain a high standard of garden, golf course frontage and pavement maintenance.
- 6.5. Residents should ensure that declared alien flora are not planted or allowed to grow in their gardens.
- 6.6. Splash Pools / Swimming Pool water may not be emptied onto the golf course but must be channelled into the storm water drainage system.
- 6.7. Vacant stands must be kept clean to the satisfaction of the H.O.A. Failing, which the H.O.A. Reserves the right to clean the stand at the owner’s expense.
- 6.8. The residents use of any open space areas, including golf course is entirely at their own risk at all times. The H.O.A. will not entertain any claims for damages whatever

nature or from whatsoever cause arising.

## **7. Use of the Golf course by Non-golfers**

- 7.1. Residents have right of access to the Golf Course only when the Golf Course is not being utilized for golfing activities, and may only be used for the purpose of walking and jogging.
- 7.2. Golfers shall at all times have priority to use golf course.
- 7.3. The playing of games or sports or any other pastime entertainment other than golf is prohibited on the golf course.
- 7.4. Dogs are to be exercised on a leash, in areas known as common property to be designated by the H.O.A.
- 7.5. Non-golfers shall at all times be responsible for their own safety, including that of guests and children when walking or jogging on or near the golf course and liability for injury sustained and any consequences there of shall rest with these persons.
- 7.6. The golf course was designed and laid out before any homes were erected and it is incumbent on the Architects and Home Owners to situate their properties on their stands in positions that would avoid any possible damage to their property or person by Golf balls as a result of a badly hit golf shot. Owners should insure their property against this type of damage. It is also incumbent on the owner of the property to disclose this hazard when selling or letting the property.
- 7.7. No water may be tapped from the water system used for golf course purposes.

## **8. Pets**

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

- 8.1. Residents may not keep more than two dogs or two cats on their property.
- 8.2. Poultry, pigeons, aviaries, wild animals or livestock may not be kept on the Estate.
- 8.3. Pets are not permitted to roam the streets or Golf Course area. They must be kept on a leash and controlled at all times.
- 8.4. Should animal excrement be deposited in a public area the pet owner shall be responsible for the immediate removal thereof.

- 8.5. Stray pets will be apprehended and handed to the S.P.C.A.
- 8.6. The H.O.A. Reserves the right to request an owner to remove his pet should it become a nuisance on the Estate.

## **9. Administration**

- 9.1. All levies are due and payable IN ADVANCE on the first day of each month.
- 9.2. Interest will be raised on all arrear accounts at the maximum rate allowed by the Act.
- 9.3. Penalties or legal action will be imposed on owners with accounts in arrears. The H.O.A. shall be entitled to recover all legal costs incurred.
- 9.4. The Trustees have the right to fine transgressors where any of the rules as stipulated by the H.O.A. have been broken or infringed upon. Such fines will form part of the levy and shall become due and payable on the due date of payment of the levy. (Such fines will be utilised at Trustees Discretion)
- 9.5. Water meter readers will be available to owners from the Developers at a nominal rate. Electricity on a pre-paid card system and to be installed by the owner is obtainable from Local Municipality.
- 9.6. All home owners and –tenants are subject to the rules as provided by the Home Owners' Association Directors. The Directors have the right to issue any home owner or –tenant with a fine in the event that rule are not adhered to. These fines are at the discretion of the Directors and the managing agent will issue the fine and particulars as and when required (refer to Appendix A).

## **10. Letting and re-selling of property**

The concept of this Estate imposes certain restrictions on the manner in which Estate Agents may operate therein in order to ensure that the rules applicable to Brigadoon which regulate property ownership and occupation of the premises on the Estate are made known to new residents, the following rules relating to the re-sale or letting of property shall apply:

- 10.1. Should an owner want to sell or lease his property only an accredited Estate Agent may be selected to manage the sale or lease.
- 10.2. The accredited agent and the new owner must ensure that the buyer and or tenant



is informed of and receives a copy of these rules so that these rules are attached as an annexure to any deed of sale or lease agreement. The owner is still responsible for the adherence to the rules and regulations of the Estate.

- 10.3. A clearance certificate must be obtained from the H.O.A. at a cost prior to any transfer of the property.
- 10.4. No property may be let or utilized for the purpose of a commune. A house shall not be occupied by more than one family to a maximum occupancy of two persons per bedroom in the house as shown on the building plan approved by the HOA.
- 10.5. Agents may only operate on a "by appointment" basis and must personally accompany a prospective purchaser or lessee. Agents are not permitted to erect any "For Sale" or "Show House" or "To Let" signage boards without the permission of the H.O.A.
- 10.6. The purchaser acknowledges that he is obliged upon registration of the property into his name to become a member of Brigadoon H.O.A. and agrees by virtue to his directorship of Biz. Africa to adhere to the memo of the Articles of Association.

**Appendix A**

**Schedule of Transgressions and Penalties**

(This Schedule is a guideline, amended from time to time, with additions and deletions as deemed necessary by the Trustees)

<b>DESCRIPTION OF TRANSGRESSION</b>	<b>Rule Ref:</b>	<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>
<b>ROAD/TRAFFIC</b>				
Speeding, reckless and negligent driving, drunken driving.	5.3.3	See note below		
Skipping stop signs and the disobeying the Road Traffic Ordinance.	5.3.3	See note below		
Driving without a license: any engine powered vehicle (cars, two and four wheel motor cycles, golf carts).	5.3.8.1 & 5.3.9	See note below		
Driving of quad bikes anywhere in the Township.	5.3.10	See note below		
Driving a vehicle in an off-limit area. Driving on the golf course, in parks and on pavements with any type of engine powered vehicle (except with a registered golf cart on the golf course, when authorized) driven by a licensed driver.	5.3.7 + 5.3.11	See note below		
Driving golf carts in the Township without lights and reflectors after sunset.	5.3.12	See note below		
<b>DISTURBING THE PEACE</b>				

Comment [HE1]: (revise numbering once document is finalized)

Creating a public nuisance.	5.1.21,			
Noise generated by music, electronic instruments and/or electrical equipment, partying and the activities of residents and their employees.	5.2.1, 5.2.2 & 5.2.3	R300	R500	R1 000
Noisy vehicles.		R300	R500	R1 000
Use of vehicles and motor cycles with noisy exhaust systems.	5.3.14			
<b>SECURITY</b>				
Unauthorized use of access cards by any person.	7.3 & 7.5	See note below		
Unauthorized entry into the Township by any person.	7.3	See note below		
Treating the security personnel in an abusive manner.	7.1	R300	R500	R1 000
Residents illegally bringing any form of labour into the Township without following the correct procedures in terms of permits etc.	7.3	R1 000pp		
Residents allowing anybody into the Township without following correct procedures.	7.3	R500pp		
Tailgating and gaining unauthorized access into the Township by slipping under the boom which was raised to allow access to previous person.	7.3	R300 pp		
Loitering in the Township.	5.2.5	R300	R500	R1 000
Gardeners and domestics not visibly displaying security access tags.	7.4	R300	R500	R1 000
False Alarms.	7.20	Free	Free	R 500
<b>PETS</b>				
Barking dogs.	5.5.7	R50	R100	R150
Pets becoming a nuisance in the Township.				

Pets roaming the streets.	5.5.6 & 5.5.7	R50	R100	R150
Dogs not on a leash.	5.5.4	R50	R100	R150
Keeping more than two dogs or cats without written approval from the Association or any pet contrary to the Rules.	5.5.2, 5.5.6 & 5.12.1	R 100 per pet pm		
Not removing pet excrement.	5.5.5	R50	R100	R150
<b>CONTRACTORS</b>				
Contractors working outside permitted times.	5.10.4.1 & 5.10.4.3	R1 000	R3 000	R4 000
Contractors may not leave their specified building area. Contractor workers shall be transported to and from building sites by main contractor.	5.10.4.6	R300	R500	R1 000
Contractors not having a chemical toilet on site and skip.	5.10.3.5 & 5.10.4.7	R1 000	R3 000	R4 000
Contractors not keeping their sites clean, tidy & screened.	5.10.4.8	R1 000	R3 000	R4 000
Lighting of fires including gas braais anywhere in the Township for any purpose whatsoever except by owners/residents who have take occupation of the property with specific provision for such amenities.	5.10.4.19	R2 000	R3 000	R4 000
<b>ENVIRONMENT</b>				
Illegal dumping by residents and contractors.  No rubble, refuse or building material shall be dumped or discarded anywhere in the Township	5.1.1 & 5.10.4.7	See note below		

Littering (By any person in the Township).	5.1.1, 5.2.2 & 5.12.3	R1 000	R2 000	R3 000
Burning of rubbish in the Township.	5.1.26 & 5.10.4.7	R2 000	R3 000	R4 000
Fauna and flora may not be trapped, harmed, removed or interfered with or harassed in anyway.	5.1.6 & 5.1.7	See note below.		
Advertising the sale of any goods on the Township.	5.1.24, 5.4.7 & 10.2	R300	R500	R1 000
Dwelling unoccupied for more than one month where property security, pool safety and maintenance not complied with (per month with effect from month 2 to month 5)	5.1.22	R1 000 pm	R5 000 from month 6	
Incomplete properties where property safety, security and maintenance not complied with (per month with effect from month 2 to month 5).	5.1.23	R1 000 pm	R5 000 from month 6	
Illegal connections of storm water resulting in surcharging of the sewerage system.	5.1.11, 5.8.3.13 & 5.9.1.2	R5 000		
Refusal to permit access for inspection to effluent compliance with sewerage and storm water Rules.	5.9.1.7	R2 000	R3 000	R4 000
<b>GENERAL</b>				
Unauthorized swimming or boating in the dams.	5.1.13 &	R300	R500	R1 000

	5.12.11			
Appearing drunk and causing a nuisance in natural/communal areas.	5.1.3	R300	R500	R1 000
Neglected gardens and/or sidewalks.	5.1.9	R300	R500	R1 000
Depositing of water on golf course, estate gardens, communal areas and/or neighbouring properties and/or excessive depositing on Township roads.	5.1.11, 5.3.17 & 5.9.1.6	R300	R500	R1 000
Parked and/or stored trailers, boats, caravans, equipment, vehicle parts as well as industrial/commercial vehicles etc. visible from the street, golf course and/or nature reserve, without permission from Board	5.4.10	R300	R500	R1 000
Use of fireworks anywhere in the Township.	5.1.16	R300	See note below	
Vandalism of any private and/or public property.	5.1.27	See note below		
Subletting of Units in contravention of Rules.	5.6.6 & 5.8.6.4	R2 000 pm		
Walking on the Golf Course during times of play disturbing golfers.	5.1.20	R 750	R1 500	R2 500
Failure to cease business operations from home on instruction from the Association.	5.11.7	R 750	See note below	
<b>BUILDING WORK</b>				
Exceeding building time limits (per month).	5.8.2.13	R1 000	R5 000 from 3 <sup>rd</sup> month onwards	
Non compliance with building and architectural guidelines (per month).	5.8	R1 000	R5 000 from 3 <sup>rd</sup> month onwards	
Building without approved plans (per month).	5.8.1.1 & 5.8.2.16	R2 000	R5 000 from 3 <sup>rd</sup> month onwards	
Illegal wendy houses (per month).	5.8.3.21 &	R2 000	R5 000 from 3 <sup>rd</sup> month onwards	

	5.8.3.22		
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Notes

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**Road/Traffic Transgressions:**

The Association has the right to introduce and enforce payment of penalties against transgressors and/or, to report transgressors to the authorities. Any transgression whether indicated as carrying a penalty or fine or not may also be subject to the imposition of a penalty by the Association of at least R300.

**Other Transgressions:**

The Association has the right to introduce and enforce the payment of penalties against transgressors, and any transgression whether indicated as carrying a penalty or not will be subject to the imposition of a penalty by the Association of at least R300.

**Persistent Transgressions:**

Persistent transgressions may result in higher penalties and/or legal action.