



**Bluewater**  
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Kommetjie

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# Members and Residents Code of Conduct 2017

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## 1 Introduction

- 1.1 The most effective of all codes of conduct is the time-worn phrase: “do as you would have others do unto you”. If everybody living at Bluewater will show the same due care and consideration for their fellow residents which they themselves expect then there will be no need for the application of the rules or the issuing of warnings or fines.
- 1.2 Harmonious community living can only be achieved when residents use and enjoy both their own properties and the common area in a manner which respects and considers the rights of everybody else lawfully on the estate. Compliance with this Code of Conduct and general consideration by residents for each other will greatly assist in assuring a satisfied community.
- 1.3 The rules contained in this Code of Conduct, are binding on all members/residents and in fact everybody on the estate. Each member is responsible for ensuring that all persons residing on his/her erf and his/her guests, employees, contractors and agents comply with this Code of Conduct and shall personally be responsible for the actions or omissions of such persons.

## 2 General

- 2.1 Members/residents must acquaint themselves with the Memorandum of Incorporation, the Architectural and Landscaping Design Manual, the Builders Code of Conduct, this Code of Conduct and any other rule or regulation of the Association. Ignorance of such shall not constitute a reason for non-compliance.  
In particular none of the Bluewater Homeowners Association, the directors, or the manager nor any of their employees, servants or agents shall be responsible or liable in any way for any loss or damage to any building person or property anywhere on the estate howsoever and by whomsoever caused, and whether by any act or omission of any of the foregoing, and all members/residents on the estate hereby waive any claims which at any time might arise in consequence of any act or omission aforementioned.
- 2.2 Members must ensure that all persons granted rights of occupancy of their erven are acquainted with and comply with this Code of Conduct.
- 2.3 No business or trade may be conducted on any erf within the estate without the prior written consent of the directors. The grant or withdrawal of such consent and the conditions attaching thereto shall be entirely at the discretion of the trustees.
- 2.4 No sign, notice, board or advertisement of any kind whatsoever may be placed on the common area or on or in the vicinity of any erf within the estate with the exception of the standard building contractor’s signboard details of which are to be obtained from the manager.
- 2.5 No firearm, pellet gun, catapult, bow and arrow or any other weapon may be used on or in the vicinity of the estate.
- 2.6 Littering of any kind in the common area, including the disposal of cigarette stubs, is strictly forbidden.



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- 2.7 No fires of any kind are permitted anywhere on the estate except at an indoor fireplace or outside braai area.
- 2.8 No invasive alien vegetation is permitted anywhere on the estate. Where a member/resident fails to remove such vegetation the Association will be entitled to remove it at the cost of the member concerned, and the employees or agents of the Association will have free and unrestricted access to the erf concerned for this purpose.
- 2.9 All members/residents must maintain their erven (main dwelling, garages, outbuildings, boundary walls, site walls, driveways and gardens) in good condition and in a neat and tidy state at all times.
- 2.10 No fireworks of any description may be used anywhere on the estate without the prior written consent from the manager which he may decline in his absolute discretion.
- 2.11 No burglar alarm may be operated on the estate unless it is linked to an armed response service which has the ability to disarm it.
- 2.12 No domestic refuse, garden refuse or refuse containers may be left outside for collection other than on the scheduled day(s) for collection or the night before.
- 2.13 All damage caused within the estate by a vehicle effecting a delivery or transporting persons/equipment to or from an erf shall be the responsibility of the member/resident concerned.
- 2.14 No habitation of any mobile home or caravan on the estate will be permitted.
- 2.15 Member as well as their tenants, employees, servants or agents must follow instructions of office bearers of the Association and its management, staff and service providers issued within the bounds of their authority regarding any of the matters in this Code and any other matter set out in the rules and regulations and other binding documents of the Association.
- 2.16 No one may entice, coerce, threaten or otherwise cause or try to cause any office bearers of the Association, staff or service providers to neglect their contractual duties towards the Association or to contravene any of its instructions or rules and regulations or other binding documents of the Association. In particular no material advantage or monetary compensation may be offered to the guards for any favours.
- 2.17 No one may ask the guards for any private work, to leave their post at any time during their shift, to give access to any unauthorized persons or to non-permitted vehicles, or not to report such transgressions.

## 3 Motor Vehicle Regulations

- 3.1 The speed limit on the estate is 30 kph. This speed limit must be complied with at all times.
- 3.2 Any contractor, visitor, employee or agent of any member/resident who, in the sole opinion of the manager, habitually contravenes any of the provisions of this Code of Conduct may be banned from the estate.



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- 3.3 The use of vehicles, including motorcycles, which create excessive noise will not be permitted.
- 3.4 All vehicles must keep to the designated roads and drivers thereof shall observe all the road signs within the estate.
- 3.5 No vehicles shall be driven in any manner, which creates a nuisance or is considered by the directors or the manager to be unsafe.
- 3.6 No vehicles may be habitually parked in any part of the common area except in such places as are specifically approved and designated for that purpose and then only in such a way that the flow of traffic to and from erven and garages is not obstructed.
- 3.7 No commercial vehicle or truck (except for the purpose of effecting deliveries), caravan, trailer or boat may be parked in the common area at any time.
- 3.8 No vehicle may be parked on or in the vicinity of any entrance to an erf so that it protrudes over or onto the road reserve of the common area.
- 3.9 Garage doors should generally be kept closed unless occasional regular access to a garage is required.
- 3.10 Any vehicle parked or abandoned in the common area for a period exceeding fourteen days maybe removed or towed away at the risk and expense of the owner, unless prior written permission has been obtained from the manager.
- 3.11 No motorised vehicle of any description may be used in the estate unless the driver/rider thereof is in possession of a valid driver's licence for the vehicle concerned.
- 3.12 No motorised vehicle of any description not requiring the driver/rider thereof to be in possession of a valid driver's licence may be used in the estate.

## 4 Control of Pets

- 4.1 The local authority by-laws relating to pets shall apply to members/ residents and they will be enforced.
- 4.2 Dogs and cats may be kept on any erf within the estate provided that:
  - 4.2.1 no more than two dogs may be kept without prior written consent from the trustees. The grant or withdrawal of such consent and the conditions attaching thereto shall be entirely at the discretion of the trustees.
  - 4.2.2 dogs shall not be allowed to roam in the common area of the estate.
  - 4.2.3 members/residents may walk their dogs in the common area provided they are under leash and/or effective personal control.



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- 4.2.4 no member/resident shall permit their dogs to foul the common area unless the excrement is immediately removed by the person accompanying the dogs.
- 4.2.5 members/residents shall not allow barking by their dogs at any time which results or which may result in a nuisance or disturbance to any other resident. It is recommended that dogs be kept inside between the hours of 20h00 and 06h00.
- 4.2.6 Screening or other adequate preventative measures must be taken to ensure that dogs do not bark at passersby.
- 4.3 Members/residents shall ensure that their pets do not cause a nuisance or disturbance within the common area or on or in the vicinity of the erf of any other resident.
- 4.4 No caged wild birds or animals other than dogs and cats shall be permitted on the estate.
- 4.5 The directors shall have the right to prohibit, restrict, control the keeping of, or remove any pet which they regard as dangerous or a nuisance to other occupants of the estate.

## 5 Common Area / Road verge

- 5.1 No member/resident, visitor, employee, contractor or agent may collect or remove anything from the common area including but not limited to wood, stones, flora or fauna. In particular no person may pick up or uproot any indigenous plant, or approach, disturb or kill any animal or bird.
- 5.2 Walkers are requested keep to the footpaths so far as possible.
- 5.3 No member/resident shall remove, damage or prune any tree in the road verge or in a common area.
- 5.4 All members/residents must maintain the road verge (road reserve directly alongside their erf boundaries) in a neat and tidy state at all times.

## 6 Nuisance, Disturbance, Noise and Light Pollution

- 6.1 Members/residents and their guests may not engage in any activity, occupation or hobby that causes or is likely to cause a nuisance or disturbance to any other resident. This includes flying of drones over the Estate, except in the case of an emergency as requested by the Association. Owners who are prepared to offer the use of their drones to the Estate in emergency situations are requested to notify the Estate Manager.
- 6.2 No member/resident or their employees or contractors shall be permitted to use any noisy machinery including but not limited to lawnmowers, chainsaws, lathes and woodworking machinery after 16h00 on Saturdays, or before 09h00 or after 12h00 on Sundays or public holidays; and on all other days not before 07h00 or after 20h00.



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- 6.3 No exterior speakers are permitted and the level of any music played shall be limited so as not to cause or be likely to cause a nuisance or disturbance to any other resident.
- 6.4 No outside lights which shine directly into a neighbouring erf or are otherwise intrusive or reasonably likely to be intrusive to any other resident shall be permitted.

## 7 Letting

- 7.1 Members are permitted to let their houses provided that the member ensures that the tenant is acquainted with this Code of Conduct and the Memorandum of Incorporation and procures that the tenant, or rental agent where applicable, notifies the manager in writing of the tenants intention to take occupation, no less than one week prior to occupation, and that everybody residing on the erf and all his/her guests, employees, contractors and agents shall comply with the provisions there of for the duration of his/her tenancy. The owner or rental agent must submit a completed residents form to the Estate Manager noting the tenants details. Tenants will not be permitted entry to the Estate unless the Estate Manager has been notified and the relevant information has been received.
- 7.2 Notwithstanding the provisions of clause 8.1 members shall not let their properties for use as a commune.
- 7.3 Should a tenant breach the provisions of clause 8.1 the directors or manager may deny the member concerned the right to continue to let his/her house, and may take such action as they deem necessary or expedient at the cost of the member concerned to evict the tenant and all those claiming through or under the tenant from the property concerned.

## 8 Non – Compliance

- 8.1 For the enforcement of the provisions of this Code of Conduct or the provisions of the Memorandum of Incorporation generally the directors or the manager may;
  - 8.1.1 give notice to the member/resident concerned to remedy any breach within such period as they may determine;
  - 8.1.2 take or cause to be taken such action as they deem fit to remedy the breach of which the member/resident concerned may be guilty and debit the cost thereof, which shall be a debt due to the Association, to his/her levy account, and which shall be payable as part of his/her levy on the first day of the following month and
  - 8.1.3 impose a fine in an amount determined by the trustees or the manager in their sole discretion on the member/resident concerned, which amount shall be a debt due to the Association, shall be debited to his/her levy account and shall be payable as part of his/her levy on the first day of the following month.



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- 8.2 Should the directors or manager institute legal proceedings against any member/resident for the enforcement of any of the rights of the Association, the Association shall be entitled to recover all legal costs so incurred from the member/resident concerned, calculated as between attorney and client, including tracing fees and collection commission.
- 8.3 In the event of any breach of this Code of Conduct or of any of the provisions of the Memorandum of Incorporation by any person residing on a members' erf or his guests, employees, contractors or agents, such breach shall be deemed to have been committed by the member himself; but without prejudice to the a foregoing, the trustees or manager may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit, in addition to any action which might be taken against the member concerned.
- 8.4 Complaints relating to the behaviour of another resident are to be lodged with the manager in writing, provided that the complainant has first attempted to settle the matter amicably with the other party. In the case of a serious contravention of the Memorandum of Incorporation, the Architectural and Landscaping Design Manual, or the Builders Code of Conduct the manager may be approached without prior attempts at settlement between the parties.

