



## Home Owners Association Rules and Regulations

Issue Dec 2006

### Contractors / Owner builders standard code of conduct

#### 1. INTRODUCTION

Certain rules relating to building contractor and / or activity on the Estate have been adopted by the Boardwalk Meander Estate Home Owners Association (HOA), the legal representative of residents and property owners at Boardwalk Meander Estate.

The primary intention of these rules is to ensure that all building activity at Boardwalk Meander Estate is conducted with the minimum of inconvenience and disruption to residents.

In the event of any queries in this respect, residents and / or their contractors are most welcome to contact the HOA appointed Estate Manager.

#### 2. LEGAL STATUS

The rules and regulations governing building activity as set out in this document are binding on all residents, their contractors and sub-contractors. Furthermore, all Owners / Residents are obliged to ensure that their building contractors and sub-contractors are made aware of these rules and that they are strictly complied with. Owners / Residents are accordingly required to include these rules in their entirety in any building contracts concluded in respect of any property on the Estate. Such contracts may be required to be submitted to the HOA for prior approval. The HOA has the right to suspend any building activity in contravention of any of the conditions and does not accept any losses sustained by a resident or contractor or sub-contractor as a result thereof, or any claims for damages of whatsoever nature.

#### 3. SITE PREPARATION

Before any physical construction may commence, the HOA may request, that the property has to be screened on all sides with shade cloth. The owner must carry all costs for the screening. If the property is not screened and construction commences, the HOA can prohibit such a contractor from entering the Estate.

Note: No construction may commence unless:

- a) the water connection is installed on site.
- b) an approved chemical site toilet has been installed in a position as approved by the Estate Manager. (Entrance to the toilet to be screened.)
- c) The Building Performance Deposit of R 12,000, 00 (Twelve Thousand Rand) has been paid with the Estate Manager or Administrator into the trust account of the HOA, (which will be held interest free in trust.) Cheques must be made out to Pretor Estate (Pty) Ltd.
- d) All outstanding levies are paid. e) A builder's board has been erected. (No other boards, e.g. subcontractor boards etc. will be allowed.)
- e) The contractor has entered into an agreement with the HOA agreeing to comply with the estate rules and regulations

#### 4. BUILDING PERFORMANCE DEPOSIT

The building performance deposit shall be released, subject to the HOA having issued certificate confirming that the construction is in accordance with the estate design manual and submission to the HOA / Administrator of a Local Authority's Certificate of Completion and Occupancy and shall only be refunded once these documents are correctly completed and submitted.

The building performance deposit will be used in the event, if there is a breach on non performance to remove rubble or make good any damage caused by the contractor or his sub-contractors or suppliers, including kerbing, landscaping, community services, roads, irrigation etc. and for any outstanding spot **finishes**.

The HOA reserve the right to prevent the occupation of any houses if the above is not fully adhered with.

-1

#### 5. CONDITIONS REGARDING BUILDING CONTRACTORS and/or OWNER BUILDERS ACTIVITY

Unless otherwise agreed by the HOA or its appointed representative,

- 5.1. Owner Builders, Contractors, Sub-Contractors and / or their Workers must enter the Estate at the Contractors Gate only. (See attached amendment "A" governing access through the contractor's gate)

Please note: The Main gate can not be used by Owner Builders, Contractors, or Sub-Contractors for the transport of any workers, building material/equipment/tools etc. into or out of the estate. The Main gate is reserved for Owners, Visitors and Emergency-Vehicles only. (E.g. Police, Fire brigade, Ambulances etc.)

- 5.2. Construction hours are restricted from: Monday to Friday: 07:00 to 18:00 Saturdays: No construction activity is to take place \*see note Public Holidays No construction activity is to take place \*see note Sundays: No construction activity is to take place \*(Note: On request and under special circumstances, permission may be granted. Please contact the Estate Manager for details)

- 5.3. Deliveries: >Mondays to Fridays starting from 7:00 and must be completed at 18:00 hrs< Supplies must be scheduled for these official working hours. The driver and any helping workers must be in the possession of a legal valid South African ID Document.

- 5.4. Only single unit delivery trucks up to a maximum weight of 30 tons may come into the Estate

- 5.5. No articulated trucks will be allowed to deliver any material on the site. In the unlikely instance where longer/bigger trucks need to come onto site, (e.g. long roof trusses) special arrangements must be made with the Estate Manager.

- 5.6. The Main-Contractor / Owner Builder shall provide facilities for rubbish disposal and ensure that the workers use the facility provided. Rubbish and / rubble shall be removed weekly and not burnt or disposed of on the Estate. No rubble dumping on adjacent stands or pavement is permitted.

- 5.7. The contract site is to be kept clean and properly screened as prescribed. If the contractor fails to keep the site clean and tidy, (within reason), such a contractor may be prohibited from entering the Estate until such a time that the site is properly cleaned.

- 5.8. Materials off-loaded by a supplier which encroach onto the sidewalk or roadway, must be moved onto the site by the Contractor / Owner Builder. Material and / or rubble must not be allowed to remain on the roadway or sidewalk and it is the Contractors and Owners responsibility to clear these areas of all such materials and / or rubble daily. The same

- 5.9. Building boards are to be erected on the site not on sidewalks. Sub-Contractor's boards are not permitted. All boards must be removed after completion of construction.
- 5.10. **Fines** can be levied by the HOA for Contractors / Owner Builder and Delivery vehicles, which spill material en-route, damage roadways, kerbs, plants, sidewalks and /or private or estate property, stain tarmac and generally create nuisance within the estate and / or not adhering to any of the rules as prescribed by the HOA.
- 5.11. Should the HOA have any reservations with regard to the conduct of the Contractor / Owner Builder and / or sub-contractor, the HOA reserves the right to suspend all building activity until such conduct is rectified, which it may do at any time and without notice, and free of recourse from the owners and / or contractor.

## **6. Access Control for Contractors Entrance Gate**

- 6.1. The Main contractor has the responsibility, to apply for permits, for all his workers, inclusive subcontractors and subcontractors' workers, before the beginning of any building activity.
- 6.2. A certified copy of a valid South African ID Document per worker has to be submitted for each permit applied for.
- 6.2.1. Permits are valid from 1 month up to 6 months maximum.
- 6.2.2. A partly refundable deposit and a non-refundable monthly fee is payable per permit. (Fee structure available at the office.)
- 6.2.3. Every 3 working days before the end of each month these permits have to be activated for the following month.
- 6.2.4. All Contractors, subcontractors and workers have to be in the possession of a valid permit and must be transported by car to and from the relevant Erf stipulated on the permits.
- 6.2.5. No walking of workers anywhere else on the Estate is permitted. Workers are restricted to the Erf stipulated on their permit.
- 6.2.6. Any permit holder found anywhere else on the estate walking, will be removed from the estate and the permit will be withdrawn. He will not be able to re-enter the estate. The next day, the contractor may apply for a new permit for such a person and must pay for the re-issuing thereof (First incident only). For a second offence, such a person will not be allowed to enter the estate ever again and the contractor will be liable to a **fine of R 500,00**, per incident.
- 6.2.7. The HOA will secure the entire Estate so that no night guard will be required. Therefore no sleeping on site is allowed. In agreed cases a night watchman will be considered.
- 6.2.8. Any workers found on the estate without special permission from the Estate Manager, after the contractors gate has been closed (on official working days at 18:30 hrs), will be removed and his permit will not be renewed. The contractor will be **fined R500, 00**.
- 6.2.9. In the event that illegal workers are apprehended on the Estate, that contractors employees in totality can be denied access to the Estate. The contractor will be **fined R500, 00**.
- 6.2.10. Drivers of cars, have to fill in the logbook every time entering the estate comprising of: a) Car Registration number b) Name of driver c) Erf number visiting d) Numbers of workers on the vehicle e) Time in and Time out f) Signature of Driver

6.2.11. All workers have to get off the car, in the area demarcated for access control, when entering or leaving the estate for the purpose of counting and checking the permits.

## **7. General.**

7.1.1. No Goods can be removed from the Estate before 8:00 or after 17:00 hours.

7.1.2. Speed limit is 30 km/hr in the Estate and 15 km/hr in the Villages and on dust roads.

7.1.3. No open fires are allowed on the building site.

7.1.4. This document must be fully understood and accepted by the Contractor / Owner and / or any sub-contractor and they must undertake to comply with these rules, in addition to any further rules and regulations which may be introduced by the HOA from time to time.

7.1.5. The HOA has the right to introduce and enforce payment of fines against Home Owners, their contractors and / or sub-contractors with respect to any contravention of the any of the rules and regulations contained in this document or its annexure or amendments.

7.1.6. All prescriptions not adhered to, whether indicated as carrying a fine or not, will be subject to a fine of at least R 500.00.

7.1.7. The Home Owners are finally responsible to the HOA to pay the Contractors fines on their behalf. All fines have to be paid together with the next month's levy. It is up to the Owner to recoup these amounts from the contractor. If these fines are not paid timeously, the HOA has the right to refuse the contractor and his workers entry to the estate.

7.1.8. All contractors shall be obliged to sign the Standard Code of Conduct applicable to the Estate.

7.1.9. A signed copy of this sheet has to be handed to the Estate Managers Office.

Owners / Contractors Signature & Date : \_\_\_\_\_

## AMMENDMENT “A” (Issued November 2006)

In compliance with the Articles of Association the Board of Directors have exercised their right to issue the following amendment.

Should any of these amended rules be in conflict with any of the previous rules, the amendments below shall take precedence.

Notice of amendment to the rules governing building activities in the Boardwalk Meander estate.

Date issued: 6<sup>th</sup> November 2006

### **1 Background:**

The “gazetted” conditions of establishment of Boardwalk Meander Estate dictate that the zoning of Erf 183 (Contractors gate) be for the sole use of contractors vehicles and should have been closed on the 3<sup>rd</sup> October 2006.

### **2 Relieve:**

The Boardwalk Meander Home Association (BMHOA) has negotiated an extension to keep the contractors gate open subject to the following conditions:

- 2.1 No pedestrians may gain access through the gate.
- 2.2 Storage of materials and/or dumping of rubble, in the area bordering Midas Avenue, is forbidden.
- 2.3 The HOA must implement actions to discourage loitering and street hawkers along Midas Avenue.
- 2.4 The HOA must implement measures to control dust.
- 2.5 The HOA must ensure that the area immediately adjoining the contractor’s gate is kept clean.
- 2.6 The HOA must implement security measures to patrol the area adjoining the contractor’s gate on a 24 hour basis.

### **3 Rules**

To achieve the aforementioned the HOA will, with **immediate effect**, exercise its Right of Admission by implementing **“Zero Tolerance”** of the contractors conduct rules including the amendments recorded herein:

- 3.1 To discourage loitering and street hawkers, contractors are **not** permitted to:
  - 3.1.1 Pick up and / or drop off employees along any of the streets bordering the estate.
  - 3.1.2 Employ casual staff from the streets bordering the estate.
- 3.2 To ensure cleanliness:
  - 3.2.1 Contractors are expected to ensure that their employees are advised that any person found discarding items from vehicles either entering or leaving the estate will place the contractor in breach of the estate rules.
  - 3.2.2 Contractors must advise their suppliers:
    - 3.2.2.1 Of the limits imposed on the size of vehicles permitted to enter the estate.
    - 3.2.2.2 Delivery vehicles may not off load or load materials along any of the streets bordering the estate.
    - 3.2.2.3 Delivery vehicles may not park in any of the streets bordering the estate.

### **4 Access management .**

To gain access to the estate contractors will be expected to comply with the following;

- 4.1 Park in the demarcated area within the estate, **NOT** outside the estate.
- 4.2 Card holders are to disembark from the vehicle and “log” in to the estate by passing through the turnstile where after they are to re-embark for transportation to their respective building site. No contractors or their employees are permitted to walk to and/or from their respective sites.

- 4.3 To discourage hawkers congregating at the security gate, or immediate vicinity of the estate, contractors may not purchase goods from street hawkers trading from any of the streets immediately bordering the estate.

## 5 Breach of rules

- 5.1 Any contractor found to be in breach of these rules will be permanently banned from entering the estate.
- 5.2 Contractors are liable for the conduct of their employees. In this regard if a contractor's employee is found to be in breach of these rules, the said employee will be permanently banned from the estate and the contractor fined R500-00 per incident further to which the contractor will be denied access to the estate until such time that the fine has been settled. Fines are to be paid at the office for which a receipt will be issued and the incident recorded.
- 5.3 Should the contractor incur three fines, within a period of two consecutive calendar months, then the contractor will be permanently banned from the estate.

## 6 Enforcing the rules:

- 6.1 The estate manager ( Mr. Andre Barnard ) is authorized by the board of directors to enforce the rules of the estate. His decision will be binding on all contractors and or their employees. The estate manager will **not** be required to issue written warnings.
- 6.2 Should a contractor or one of his/her employees argue the estate managers decision, he/she will immediately be escorted from the estate, however should the contractor believe that he/she has been unfairly treated by the estate manager, then the contractor may make direct representation to either the Chairman or Vice Chairman of the board, alternatively to the board of directors who convene a meeting once monthly. The board of directors **will not** convene specially to hear grievances.
- 6.3 The board of director's decision will be final.
- 6.4 The estate manager is assisted by the security personnel employed by the HOA.

## 7 Note:

- 7.1 Building sites are to be kept clean at all times.
- 7.2 Rubble is to be removed on a regular basis. (At least once weekly)
- 7.3 Building sites are to be enclosed with hessian.
- 7.4 Materials and / or rubble may **ONLY** be stored on the respective contractors building site.
- 7.5 Landowners remain responsible for their contractors actions at all times.
- 7.6 Development of a property must be completed within twelve calendar months from the start of construction failing which the building penalties as recorded in the articles of association will be imposed on the landowner. Development is considered to have started on the date of payment of the building deposit and completed once a HOA certificate has been issued.
- 7.7 Building activities will not be permitted during Builders Christmas holiday periods.
- 7.8 All existing rules remain in force. The rules reflected herein take precedence over all other rules.
- 7.9 We appeal to contractors and/or landowners to ensure that their sub-contractors **and suppliers** are made aware of these rules. Ignorance of these rules will not be accepted.