



BIRDWOOD HOMEOWNERS ASSOCIATION NPC

REGISTRATION NUMBER 2002/010913/08

BIRDWOOD ESTATE RULES AND CODE OF CONDUCT

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1. INTRODUCTION

The main object of the Association is as follows:

To promote group interest of the members by maintaining the open spaces, the common areas, the amenities and controlling the aesthetic appearance of walls, gates and improvements in the township, and

Providing and paying for measures to ensure the security access to and safety of the property and all persons therein.

Optimum enjoyment by the members can only be ensured by effective administration and control. It was, therefore, necessary that a set of rules and regulations be prescribed and adopted by the Association. The following are the rules and regulations which have been adopted and which, in terms of, and together with, the Memorandum of Incorporation are binding on all members of the Association.

2. DEFINITIONS

In these Rules and Regulations the words and expressions defined in the MOI of the Company shall bear the same meaning wherever they appear in these Rules.

3. REQUIREMENTS FOR THE RULES AS PER THE MEMORANDUM OF INCORPORATION

Article 20 in the Memorandum of Incorporation contains the following relating to the rules of the Estate

Subject to any restriction imposed or direction given at a General Meeting of the Association and subject to any requirements of the Act, the Directors may from time to time make, amend or vary Rules in regard to the use and observance of members and their households, their guests and lessees and any and all occupants of their erven or units, of the Property, including without limitation thereto all units and erven, all common areas and the security infrastructure and all members of the Association.

4. DISCLAIMER

Birdwood Homeowners Association, its Agents, Contractors, Employees and Appointees shall not be liable for any injury, loss, death or damage to any person or property, arising from any cause whatsoever including, without limitation thereto, the negligence of the above persons, Birdwood Homeowners Association or the acts of any of its Agents or Employees or Appointees. Without in any manner derogating

from the above, all members and visitors to Birdwood Estate, make use of the common areas, internal roads, pathways and any of the facilities in the Estate at their own risk.

Whilst every effort is made to secure and monitor Birdwood Estate's property, the Birdwood Homeowners Association and its Agents, Employees or Appointees shall not be deemed to have warranted the safety or security of any person or property, whether moveable or immovable on Birdwood Estate.

5. BUILDINGS

5.1 PLANS

5.1.1 An Aesthetics Committee comprising at least, one Home Owners Association member that will be appointed by the Board of Directors.

5.1.2 A scrutiny fee of R 5000.00 shall be payable when the plan is submitted. On submission, by prior appointment the levy for that stand shall not reflect any arrears. Four copies of the building plans in respect of any building or structure shall be submitted to the Aesthetics Committee for approval.

One copy will be retained by the Home Owners Association, and two copies (one colour and one black and white) are needed for Madibeng application by the owner. All the copies will be endorsed with the approval of the Aesthetics Committee with a stamped approval thereon and/or appropriate comments. The approval may be conditional, in which event the stand owner must resubmit the conditionally approved plans to the Aesthetics Committee for endorsement that all conditions have been fulfilled.

Once the building plans have been unconditionally approved by the Aesthetics Committee, the stand owner shall submit the plans to the Local Municipality for approval. No construction shall commence until the plans have been approved.

5.1.3 Perspective views of the proposed building may be requested.

5.1.4 A section showing the relationship between the roof height and the highest natural ground level on the stand must be included with the plans.

5.1.5 All the external finishes and colours as per sample sheet must be clearly annotated on the plans.

- 5.1.6 Awnings, Television Aerials, blinds and other items, which do not form part of the basic structure, must be clearly shown and annotated on the plans.
- 5.1.7 Solar systems if used should be incorporated into the building to form part of the basic structure and should be clearly shown and annotated on the plans.
- 5.1.8 Pool fencing must be clearly shown on the plans and must complement the design of the main building.
- 5.1.9 All additions must be approved by the Aesthetics Committee.

5.2 ARCHITECTURAL REQUIREMENTS

- 5.2.1 The architectural style of the proposed house structure will be considered in relation to that of houses on other stands, as well as the aesthetic appearance and the proposed sitting of the building and any other factors, as the Aesthetics Committee in its sole discretion may deem suitable.

It is recorded that all buildings to be constructed on the township property will be in accordance with a central theme which has been determined by the Developer, such theme to follow a Balinese style similar to the Birdwood Estate Clubhouse and the main entrance gate houses. Deviations will be evaluated with an open mind as long as the choice of materials (see 5.3) is adhered to.
- 5.2.2 The views and privacy of surrounding stand owners must be considered and will be taken into account by the Aesthetics Committee when considering plans for approval. Bear in mind that views are not a “right”.
- 5.2.3 The floor area of the main dwelling on each stand, excluding garages, storerooms and staff accommodation, shall not be less than 150 (one hundred and fifty) square meters in extent.
- 5.2.4 Outbuildings and additions must match the original design and style, both in elevation and material usage. Plans for additions must be submitted to the Aesthetics Committee for approval and a scrutiny fee will be applicable. All legal requirements must be met.
- 5.2.5 No buildings shall exceed a height of 8 (eight) meters measured vertically from the natural ground level at the external wall of the house, on the highest point of the stand, to the top ridge of the roof.

- 5.2.6 Buildings, including outbuildings, hereafter erected on the erf in Phase 1, shall be located not less than 5m from any street boundary and 2m from any other boundary. Buildings, including outbuildings, hereafter erected on the erf in Phase 2, shall be located not less than 3m from any street boundary and 2m from any other boundary.
- 5.2.7 There are specific restrictions affecting erven 1050 up to and including 1056, which are subject to a 15m building line measured from the northern boundary thereof.
- 5.2.8 No staff accommodation may be constructed nearer the street than the main dwelling, unless contained under the same roof or integrated into the total design of any main house.
- 5.2.9 All exposed plumbing and washing lines shall be fully screened from the street elevation, or any other elevation from which it will be visible.
- 5.2.10 All fencing shall be subject to the approval of the Aesthetics Committee. No fences may consist of pre-cast concrete walls. All boundary walls are to be plastered on both sides, internally and externally.
- 5.2.11 Yard walls and screen walls must compliment the basic materials used in the construction of the buildings. Lean to's and temporary carports will not be allowed.
- 5.2.12 The following structures will not be permitted:
So called Wendy Houses
Shade Netting Carports.

5.3 MATERIAL

- 5.3.1 All roofs shall be pitched roofs and shall be finished with a double roman profile, Coverland, Lafarge or Riviera tiles. Colours are Terracotta, Farmhouse Terracotta, Harlequin Brown or equal approved equivalent that has been specifically approved by the Aesthetics Committee.
- 5.3.2 All external walls shall be plastered and finished in Cemcrete Cemwash or textured paint in the following colours Sandstone, Kalahari, Wheat, golden brown or the equivalent colour and texture that have been specifically approved by the Aesthetics Committee.
- 5.3.3 Each building must have a measure of visible cladding with Smart Stone, Wynberg Walling or Wonder Rock Cobblefield simulated stone cladding,

natural stone, or equivalent that has been approved by the Aesthetics Committee.

- 5.3.4 External doors and windows shall be timber or dark brown powder coated metal or brown anodized aluminium to simulate timber sections.
- 5.3.5 All balustrades and handrails shall be timber, dark brown powder coated metal, bronze anodized aluminium, glass or stainless steel.
- 5.3.6 Paving areas shall be Smart stone cobbles, Magalies pavers, or brick pavers. No half brick paving will be allowed.

5.4 CONSTRUCTION

- 5.4.1 Only NHBRC registered building contractors may be used. Building projects have to comply with NHBRC rules, and all new building projects must be enrolled at the NHBRC.
- 5.4.2 The construction period for buildings shall not exceed nine months. Special permission for extension of the building period can be applied for in writing to the Aesthetic Committee and will be considered in light of the project size and difficulty. The BHOA has the right to enforce monthly penalties when the nine month period is exceeded.
- 5.4.3 Affected non-completed building projects when resold will have a grace period of five months taken from date of registration before penalties are again enforced.
- 5.4.4 Vacant stands have a date by which construction has to start or monthly penalties will be enforced. BHOA will supply that information.
- 5.4.5 Vacant stands affected by penalties where the vacant period has lapsed and construction had to start will have a grace period of five months taken from date of new registration. Thereafter a nine month construction period will be allowed.
- 5.4.6 No encroachment over the stand boundaries will be allowed during construction.
- 5.4.7 The owner is responsible for ensuring that the building contractor adheres to the "Builders Conduct Rules" as amended from time to time.

5.5 MAINTENANCE

- 5.5.1 All aspects of the exterior of the house and walls of a resident must be maintained. Should this not be done to the satisfaction of the standard of

the BHOA, arrangements will be made to have the house and walls repaired or painted and the costs charged to the owner.

5.5.2 This includes maintenance of the sidewalks.

6 FINANCE

6.1 LEVY PAYMENTS

- 6.1.1 It is recorded that the cost of all necessary security, administration, maintenance, repairs and carrying out of improvements with reference to the Association the open spaces and natural surrounds of the property shall be financed out of levies imposed by the Board of Directors from time to time in accordance with the provisions of the Memorandum of Incorporation.
- 6.1.2 The directors shall not less than (30) days prior to the end of each financial year or as soon thereafter is reasonable possible prepare and serve upon every member at the address chosen by them an estimate in reasonable detail of the amount which shall be required by the association to meet the expenses during the following financial year and shall specify separately such estimate deficiency if any in respect of the preceding year. The Directors may include in such estimate an amount to be held reserve to meet anticipated future expenditure not of an annual nature.
- 6.1.3 The notice to each member shall specify the contribution payable by that member to such expenses and reserve fund.
- 6.1.4 Levies are payable in advance on the 1st day of the month, and interest is payable on arrears. Levies may not be withheld for any reason whatsoever. Those who jointly own a property are liable for levies jointly and severally.
- 6.1.5 In the event of default of payment of levies, the HOA shall be entitled, in addition to any other rights it has at law, to take such action against the defaulting resident as determined by the HOA.

7 ROADS AND TRAFFIC

Pedestrians, bicycles and animals shall have the right of way of all places and at all times within the Estate and vehicles shall be brought to a stop whenever necessary to enable such pedestrian or animals to enjoy such right of way.

7.1 SPEED LIMITS

- 7.1.1 The speed limit on all the roads within the Estate is 30km/h.
- 7.1.2 Members, residents, their visitors, employees and contractors are required to control the vehicles of which they are operating to keep these vehicles within the allowed speed limit, failing such, penalties will be applied for excessive speed.
- 7.1.3 The speed limit penalties are listed under the Penalty Structure attached.
- 7.1.4 No person shall drive any vehicle at any place within the Estate unless he is the holder of a valid current driver's license which would permit him to drive such vehicle upon a public road within the Republic of South Africa.
- 7.1.5 All vehicles entering the Estate shall stop at the said vehicle entrance security gate houses.
- 7.1.6 Off-road bikes and quad bikes may be driven at a maximum speed of 30km/h and a minimum noise level to and from the gates for access and exit only, helmets should be worn at all times.
- 7.1.7 Owners of golf carts are responsible for the control and safe use of their golf carts at all times. No children under the age of 16 may drive a golf cart.

7.2 RECKLESS AND NEGLIGENT DRIVING

- 7.2.1 No form of reckless driving will be tolerated in the Estate
- 7.2.2 Any driver appearing to be under the influence of alcohol or illegal substances will not be permitted to drive on the Estate.

7.3 PARKING AND TRAFFIC CONTROL

- 7.3.1 No person shall, within the Estate, park or store any caravan, boat, trailer, truck or lorry outside their own property boundaries and not unsightly in appearance.
- 7.3.2 Resident's and visitor's vehicles must be parked on the owner's property or designated area where applicable. They may not be parked in the roads where they restrict flow of traffic.
- 7.3.3 No vehicles may be parked on grassed common areas.

8 NEIGHBOUR RELATIONS

The biggest challenges with community living is the closeness and potential intrusion of your privacy. This requires courtesy, understanding and tolerance. We urge residents to engage with your neighbours to find a common understanding before engaging with the Estate Manager and Security.

8.1 NOISE REDUCTION

- 8.1.1 Noise carries in the Estate. Moderate the music levels and switch off/or to a very low level after 22h00. Consideration of your neighbours is required when having parties or entertaining guests. It is easy for noise levels to rise to an intolerable level for your neighbour.
- 8.1.2 Mechanical maintenance, and the use of mechanical equipment i.e. power saws, power tools, lawn mowers and the like, should only be carried out between 07h00 – 17h00 weekdays and Saturdays work will be permitted between 07h00 – 13h00.
- 8.1.3 Revving of engines, boat engines, motorbikes are not permitted.

8.2 FIREWORKS

- 8.2.1 No fireworks of any kind are permitted at Birdwood Estate.

8.3 GENERATORS

- 8.3.1 Generators may only be run between the hours of 06h00 and 21h00. Only in certain circumstances (medical condition, koi-ponds, security) will it be allowed to use a generator after 21h00.
- 8.3.2 The generator must be silenced to achieve a typical target noise level of not greater than 70db.
- 8.3.3 Any generator that causes a disturbance or pollution for fellow residents, the resident responsible shall be required to remedy the situation and/or relocate the generator.
- 8.3.4 Fuel must be stored safely.

9 DOMESTIC ANIMALS

Domestic animals shall be permitted in the Estate.

9.1 NUMBER OF PETS

- 9.1.1 Birdwood Estate permits a maximum of 2 dogs and 2 cats per unit. Sectional Titles may have more restrictive rules.

9.2 CONTROL OF PETS

- 9.2.1 Dogs are to be restricted to the property of the resident. Dogs must be on a controlled leash when off the resident's property. Dogs must be under control of the owner at all times. Dogs are not permitted in any area of a yard or dwelling where the dog has unfettered access to the street at any time.
- 9.2.2 Regular or nuisance barking, at any time of the day or night, is not permitted and must be managed by the owner.
- 9.2.3 Any excrement on the roads, paths, and sidewalks must be collected immediately by the owner, bagged and placed in the bins provided. Applicable penalties will be imposed for non-compliance.
- 9.2.4 Cats may not be a nuisance to other residents.

10 HOUSE RULES RELATING TO THE CLUBHOUSE AND SPORTING FACILITIES

10.1 CLUBHOUSE

- 10.1.1 The clubhouse can be booked at the management office during office hours.
- 10.1.2 Only 40 persons are allowed for a private function at the clubhouse.
- 10.1.3 A deposit and rental amount are payable at the management office when booking the clubhouse.
- 10.1.4 On the day of a function the recreational area is off limits for other persons and residents.
- 10.1.5 The use of the clubhouse is solely for the residents and guests of Birdwood Estate.

10.2 SQUASH COURT & GYM

You will need a recreational card to make use of the squash court and the gym. This is issued at the management office. To apply for the card you shall present two ID photos, details for each member of the family. This card has to be handed in at Gate 1 security and thereafter the facility will be opened. No children under the age of 16 are permitted to make use of these facilities.

- 10.2.1 The squash court is to be used for playing and practise of the game. It is not to be used for any other purpose.
- 10.2.2 Non-marking shoes are to be used when playing.
- 10.2.3 No glasses or glass bottles are to be taken into the squash court.

10.2.4 The squash court can be booked in advance at Gate 1.

10.2.5 The gym is only for the use of the residents.

10.2.6 All equipment shall be placed back in their storage place.

10.2.7 Please wipe all equipment with the disinfectant (provided) before and after use.

10.3 TENNIS COURTS

10.3.1 The tennis courts are to be used for playing and practise the game. They are not to be used for any other purpose.

10.3.2 Skateboards, roller blades, bikes or similar are not permitted on the tennis courts.

10.4 SWIMMING POOL

10.4.1 All minor children and non-swimmers using the pool must always be under the control and supervision of a responsible adult.

10.4.2 The swimming pool may not be used between 21h00 and sunrise. Swimming costumes are to be worn at the pool.

10.4.3 No glasses or glass bottles are to be taken into the swimming pool area.

10.4.4 No alcohol is to be consumed in the swimming pool area.

10.5 PLAY PARK

10.5.1 The use of the play park is for minor children only and must be under adult supervision.

10.5.2 The play equipment may be subject to restrictions and will be communicated accordingly.

11 SAFETY AND SECURITY

The perimeter security, patrols and access controls serve as deterrent and detection measures only and do not in any way guarantee an intrusion-free Estate. Owners remain ultimately responsible for their own safety and the security of their possessions in their homes and in the Estate. The entrance to the Estate will be manned 24 hours of the day.

11.1 ACCESS CONTROL AND REGISTRATION PROTOCOL

- 11.1.1 All residents, visitors, contractors and employees must follow the access procedures, which are obtainable at the management office and clearly noted at the security access gates.
- 11.1.2 All employees, permanent workers, temporary workers and contractors must be registered on the access control system. Only persons in possession of a valid South African Identity Document or valid foreign Passport with a valid working permit will be allowed to work on the Estate.
- 11.1.3 Residents bringing in casual or temporary employees into the Estate must follow the access control procedures. The employee is to disembark and be processed at the security gate.
- 11.1.4 It is very important to inform the management office should you terminate an employee's contract.
- 11.1.5 Only residing residents and their employees may be registered on the access control database.
- 11.1.6 A maximum of (4) four residents will be allowed to be loaded per stand/unit for card access (excluding household employees)
- 11.1.7 Access may be granted by residents to visitors and guests via the access control system. Visitors must be in possession of a valid driver's license and the vehicle of the visitor must be duly licensed. If the visitors cannot present a valid driver's license, the visitor will need to be collected from the security gate by the resident.
- 11.1.8 Every resident must request visitors to adhere to the security protocol and residents/visitors are requested to always treat the security personnel in a cooperative manner. Visitors who treat the security staff in a discourteous manner shall be denied access to the Estate.

11.2 CONTROL OVER GOODS LEAVING THE ESTATE

- 11.2.1 Birdwood Estate has a right of admission. The security has the right to search any person or vehicle whether upon entry or exit from the Estate.
- 11.2.2 Random searches of vehicles and persons will be carried out. If an employee is given goods, it needs to be accompanied by a note of consent from the resident.

11.3 SECURITY ALARMS

- 11.3.1 It is recommended that residents have their own house alarms/security systems connected to an off-site monitoring service. Should the alarm go off, access will be granted to the security company for inspection.

11.4 BREACH OF ACCESS CONTROL

- 11.4.1 Any breach of access control, tailgating or using the personal access card to permit a visitor to enter is strictly prohibited and can cause a fine to be imposed.
- 11.4.2 If a visitor or guest does not have the correct documentation as per 11.1.7, it's the resident's responsibility to fetch the visitor from the entrance gate.

12 USE OF FIREARMS

- 12.1 No person shall display or discharge a firearm anywhere in the Estate except in self-defence.
- 12.2 No person shall discharge an air rifle (Pellet gun), paintball gun, crossbow or any other similar weapon that will result in damage to property, injury or death of wildlife or domesticated animals or people.
- 12.3 No trapping devices are allowed to trap wildlife/birdlife.

13 ESTATE APPEARANCE

13.1 PROPERTY APPEARANCE AND VISIBILITY FROM THE ROAD

- 13.1.1 The planning concept for Birdwood Estate is one of openness and visual transparency. Garden areas of many units are open to viewing and therefore must be kept clear and uncluttered at all times.
- 13.1.2 Boats, trailers, caravans, bicycles, golf carts, motorcycles and similar items may not be left permanently for more than 3 (three) days on driveways or lawns on an erf.
- 13.1.3 Washing, laundry or any other items may not be hung over boundary walls or balustrades.
- 13.1.4 Garage doors shall be kept closed at all times, except during normal operating activities.

14 BUSINESSES AT BIRDWOOD ESTATE

- 14.1 No business activities may be conducted at Birdwood Estate.

15 LETTING AND RESALE OF PROPERTIES

The Birdwood Estate rules apply to and are binding upon all owners and tenants. An owner who intends to let a property must adhere to the following principals.

15.1 LEASE

15.1.1 The owner takes full responsibility for his tenant's actions and compliance with the Estate Rules.

15.1.2 The owner must furnish a copy of these rules to the tenant.

15.1.3 The owner must enter into a written lease agreement with the tenant.

15.1.4 The owner must furnish a copy of the relevant signed lease agreement to the management office prior to the tenant taking occupation. Then only will the tenant be registered (by appointment at the management office) for access to the Estate.

15.2 ESTATE AGENCIES AND THEIR AGENTS

To ensure that prospective purchasers are correctly informed about Birdwood Estate, the owner is encouraged to appoint an agent registered at the management office for re-sales and letting. A list of registered Estate Agencies is displayed at the entrance gates.

15.2.1 The Estate Agency Rules are attached.

16 GENERAL CONDUCT

16.1 To preserve and enhance the residential amenity and lifestyle within Birdwood Estate, all residents shall always behave and conduct them in a considerate, reasonable and civilized manner, and shall avoid causing inconvenience or nuisance to other residents.

16.2 All owners take full responsibility for all the actions and behaviour of their family members, visitors, tenants, employees, contractors and anyone else that they may have invited to Birdwood Estate.

16.3 Residents must ensure that their children as well as the children of family members, visitors and guests do not pose a safety threat to themselves or to any other person or driver within the Estate.

16.4 Reckless endangerment or abuse to persons whether it to be other residents or Birdwood Estate employees, appointed Agents or contractors, or damage to property will not be tolerated.

- 16.5 Persons damaging any of the Estate's property and/or facilities will be liable for costs of repair/replacement/damages and such costs will be billed to the levy account of the member concerned. Penalties will also apply.
- 16.6 Leave our open spaces in pristine condition. Pick up after yourself.
- 16.7 Skateboards, rollerblades, bicycles or similar are not permitted on the patio of the clubhouse.
- 16.8 No camping is allowed in the Estate.
- 16.9 No fires or braai's are permitted on common property except where braai areas are provided at the clubhouse.
- 16.10 No removal trucks will be allowed on the Estate during weekend and public holidays.

17 WATER, ELECTRICITY AND REFUSE

These services are supplied and serviced by the local Municipality (Madibeng). The Birdwood Estate management office cannot assist in any of these services. Any account queries, interruptions, sewage blockages and water leaks must be reported to them directly.

17.1 WATER

- 17.1.1 Water is supplied by our local Municipality (Madibeng).
- 17.1.2 Connection fees are payable at Madibeng. The meter readings are done monthly and billed accordingly.

17.2 ELECTRICITY

- 17.2.1 The electricity is supplied by our local Municipality (Madibeng).
- 17.2.2 Connection fees are payable at Madibeng. The meter readings are done monthly and billed accordingly.

17.3 SEWAGE

- 17.3.1 The sewage system within Birdwood Estate is serviced by the local Municipality (Madibeng).

17.4 DOMESTIC REFUSE

- 17.4.1 The domestic refuse is collected once a week by the local Municipality (Madibeng). Currently it is collected on a Tuesday. Domestic rubbish, bins/black bags shall be placed outside the unit not earlier than Monday afternoon for collection.

17.5 GARDEN REFUSE

17.5.1 There is a container at the clubhouse for garden refuse only. No dumping refuse (garden or otherwise) on vacant stands.

18 BODY CORPORATES

Body Corporates within Estate may make their own rules and as per the Sectional Title Managing Act for governance of their own common area. These rules may be stricter than those of the HOA, but they shall adhere to these rules as well.

19 PENALTIES

For the enforcement of any of the Rules made by the Board of Directors in terms hereof and/or the payment of any debt due to the HOA, the Directors may take the following actions:

19.1 NOTICE OF BREACH

Give notice to the member and resident concerned requiring him to remedy the breach thereof or make payment within such reasonable period as the Directors may determine, and/or take or cause to be taken such steps as they may consider necessary to remedy the breach of the Rule of which the member or occupant may be guilty or recover the debt, and debit the cost of so doing to the member's levy account, which amount shall be deemed to be a debt owing by the member concerned to the HOA, and shall be paid together with the monthly levies.

19.2 PENALTY IMPOSITION

Impose a system of penalties. The amounts of such penalties shall be reviewed for the then forthcoming year at each Annual General Meeting of Birdwood Estate. Such penalties shall be in respect of breaches of the Rules and breaches of the terms of the Memorandum of Incorporation.

20 MEMORANDUM OF INCORPORATION

The Rules and Code of Conduct with its addendums shall govern the running of the Birdwood Homeowners Association in conjunction with the Memorandum of Incorporation of the Birdwood Homeowners Association.