



KINGSBURY ESTATE

Home Owners' Association Rules & Regulation

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1. INTRODUCTION

1.1. These rules are designed to promote and protect the high quality lifestyle and the security to which residents of the Estate, aspire.

1.2. The prime objective of these Rules and Regulations is to preserve and enhance security, the harmonious internal and external control, the aesthetics and the environment.

1.3. The rules have been established in accordance with the Constitution of the Estate Homeowner's Association.

1.4. The rules and regulations are binding upon all occupants of the Estate, as is any decision taken and made by the Estate Homeowner's Association Board in interpreting these rules.

1.5. The Architectural Guidelines, received separately from the Developer, shall be deemed to be incorporated in and to form part of these rules.

1.6. It is the responsibility of the registered owners of each property in the Estate to ensure that members of their families, as well as their tenants, visitors, friends, invitees, contractors, and employees abide by these rules

1.7. Harmonious community living is achieved when residents use and enjoy their private property as well as the public areas of the Estate. General consideration of all residents by and for each other will greatly assist in assuring harmonious relations on the Estate.

2. APPEARANCE OF THE PROPERTY

2.1. All buildings that will be erected within the Estate shall be built in strict adherence to the Architectural Guidelines which are separate documents but form part of these rules and regulations.

2.2. No alterations of any kind may be made to the approved structure built within the Estate without written approval from the Board.

2.3. Antennas and satellites may be attached or mounted to the property only after written approval from the Association and after inspection and confirmation of the position of the antenna or satellite.

2.4. It is the registered owner's responsibility to be in possession of the latest issue of the rules and the Architectural Guidelines to avoid any disagreements.

2.5. The purpose of the Architectural Guidelines is to encourage individual creativity within a unity of materials and finishes ensuring that the overall development harmonizes and creates a balanced lifestyle for all residents.

2.6. The construction and improvements on each property should commence within 2 years from the date of the registration of transfer of ownership.

2.7. In order to reduce inconvenience to neighbors as well as unsightliness, construction must proceed without lengthy interruptions and handled in such a way that the end of each phase should be aesthetically acceptable to the Homeowner's Association.

2.8. Once building work has commenced, it must be completed within 12 months of commencement.

2.9. Failing to start with construction within the mentioned two (2) years or one (1) year, will attract penalties and fines that will be introduced in terms of the Fines and Penalties Policy until construction is completed.

2.10. The design of the dwelling, unit and the entire stand must show sensitivity to the existing natural features, flora and topography. Permission must be obtained from the HOA before existing trees are removed and all existing trees are to be shown on the site plan. The newly planted trees on the sidewalks must be kept in mind as they are not to be removed.

3. USE OF THE STREETS & PAVEMENTS

3.1. The streets of the Estate are for the use of all residents and must be kept clean and littering is prohibited.

3.2. All roads on the Estate are public roads and are subject to the relevant road traffic laws.

3.3. Only licensed and roadworthy vehicles of the kind permitted on public roads will be allowed to use the roads in the Estate.

3.4. Vehicles are prohibited from Parks and pavements.

3.5. The speed limit is restricted to 30 km per hour, throughout the Estate.

3.6. 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.

3.7. Only licensed drivers may operate and drive engine-powered vehicles in the streets of the Estate.

3.8. Parking is only permitted in the areas designated for this purpose. Parks, open spaces, sidewalks, curbsides and in the streets opposite traffic islands or in road circles are off-limits.

3.9. Pedestrians will frequently cross streets in the Estate and have the right of way. Motorists are reminded always to drive with caution.

3.10. Motorcycles or other vehicles with noisy exhaust systems or unsafe vehicles are prohibited from entering into the Estate.

3.11. Motor cycles, bicycles, skateboards and roller- skates are not allowed on walkways / jogging- paths.

3.12. Failure to adhere to these rules will attract a penalty. The penalty amount will be decided by the Board from time to time.

4. NOISE

4.1. The volume of music or electronic instruments should be kept at a level so as not to create a nuisance to neighbors.

4.2. Any gathering of more than 12 (twelve) people shall be with written approval from the Association Board and the noise levels shall be kept at a minimum.

4.3. Parking for such gatherings shall only be at the designated areas.

4.4. Approval must be sought at least 3 days in advance and such approval is on a first come first serve basis.

4.5. The do it yourself repair and maintenance of motor vehicles, or any other internal combustion engine vehicle, craft or implement, must take place out of sight from the Estate streets and must never cause disturbance or be intrusive to neighbor and other residents.

4.6. The use of power saws, lawn mowers, and the like (electric mowers are preferred), should only be undertaken between the following hours:

Monday – Friday

10:00am - 14:00pm

Saturdays

10.30am - 13:00pm

No mechanical maintenance, the use of power saws, lawn mowers and the like is permitted on Sundays and Public Holidays.

5. FIREWORKS

No fireworks may be set off within the boundaries of the Estate.

6. PETS

6.1. Let your pet not be a bone of contention in the Estate.

6.2. Residents may only keep 1 dog and 1 cat with the written permission of the HOA.

6.3. Poultry, pigeons, aviaries, wild animals or livestock may not be kept on the Estate.

6.4. Should any excrement be deposited in a public area, the immediate removal thereof shall be the sole responsibility of the owner of the pet. Neglect to comply will result in a penalty.

6.5. Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner.

6.6. No pets are allowed to roam the streets. Roaming pets will be removed immediately, without notice to the owners and be handed to the SPCA.

6.7. In the event of the owner being known, or the owner becoming known, a penalty will be levied, depending on the circumstances leading to the animal being outside of the owner's property without supervision.

6.8. Pets must be walked on a leash in public areas. All streets, parks and open areas are defined as public areas

6.9. The HOA reserves the right to request the owner to remove his pet should it become a nuisance on the Estate.

6.10. The owner will be responsible for any damage or injury caused to property, neighbors and other pets within the Estate by his/her dog or cat.

7. ENSURING A PLEASING STREETSCAPE

7.1. The collective pride of the Estate is dependent upon the contribution of every owner to create a neat and pleasing streetscape.

7.2. Each stand owner is responsible for maintaining the area between the curb and the boundary of his property, in a clean and pleasing condition.

7.3. The HOA can compel the owner or tenant to improve the aesthetic appearance of this area when deemed necessary, at the cost of the owner.

7.4. Garden fences and /or walls and outbuildings forming part of the streetscape, should be regularly maintained and painted where necessary.

7.5. The HOA has the right to effect repairs at the cost of the owner should it be considered necessary.

7.6. Building material may under no circumstances be dumped on the sidewalks or streets. The owner will be liable for any damages in this regard.

7.7. No trees, plants or sidewalk lawn may be damaged, removed or planted without the permission of the HOA.

7.8. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.

7.9. Gardens bordering the pavements must be kept neat and tidy at all times, failing which the HOA shall have the right to clean the garden at the owner's cost.

7.10. No wendy houses or tool sheds may be erected. If the owner refuses to remove such structures, the HOA may remove such structures at the cost of the owner.

7.11. Caravans, trailers, boats, equipment, tools, engine and vehicle parts, as well as accommodation for pets, must be located out of view and screened from neighboring properties and the street.

7.12. Washing lines must be suitably screened from neighboring properties.

7.13. Refuse, refuse bins etc, may not be placed on the pavement. Garden refuse must be removed on the same day.

7.14. Owners must ensure that domestic workers and other employees do not loiter on the Estate and specifically not at any prominent places such as at the gates, road circles, streets etc.

8. ENVIRONMENTAL MANAGEMENT

8.1. No rubble or refuse may be dumped or discarded in any public area, including parks, streets, sidewalks, lakes, dams, or vacant stands.

8.2. Residents and their guests are urged to leave any open space they visit in a cleaner condition than that in which it was found. Residents should also develop the habit of picking up and disposing of any litter encountered in the open spaces.

8.3. Picnicking is only permitted on specified places.

8.4. Flora may not be damaged or removed from any public area.

8.5. Fauna of any nature may not be chased, trapped or harmed in any way, in any area of the Estate.

8.6. Residents shall maintain trees, plants and shrubs, planted on their pavements by the Developer.

8.7. Residents shall maintain a high standard of frontage garden and pavement maintenance.

8.8. Residents should ensure that declared noxious flora are not planted or allowed to grow in their gardens.

8.9. Vacant stands must be kept clean on a regular basis to the satisfaction of the HOA, failing which, the HOA reserves the right to clean the stand at the owner's expense.

8.10. The resident's use of any open space areas is entirely at their own risk at all times. The HOA will entertain no claims for damages of whatsoever nature or from whatsoever cause arising.

8.11. No swimming, playing, boating or fishing in the dams, rivers or fountains is allowed, nor are dogs permitted to swim therein.

8.12. Garden encroachment onto the pavement is not permitted.

8.13. Floodlights must be adequately screened so as not to cause discomfort to neighbors.

9. CONDITIONS WITH REGARD TO PRIVATE BOREHOLES

9.1. Under no circumstances will individual owners be permitted to drill individual boreholes on their properties.

9.2. The Estate shall have water supply from Bulawayo City Council (BCC).

9.3. Water delivery trucks are allowed but their weight must comply with estate roads weight limits of 7 tons.

9.4. Each property shall be billed by for its consumption at the end of each month.

10. ASSESSMENTS AND COLLECTIONS

10.1. A monthly levy will be set and billed by the Board to all homeowners for the maintenance of the Estate.

10.2. All monthly rates and assessments and any special assessments or other lawful charges of the Association are due and payable on the first (1st) day of each month. Any payment which is received after the seventh (7th) day of the month shall be considered late.

10.3. Any payment of less than the full amount which is due in any given month, shall cause the Owner to be subject to a Service Charge for each month, which shall be added to the Owner's Common Expenses.

10.4. Property Owners who are delinquent in the payment of Common Expenses shall be subject to legal action in accordance with the provisions of the Homeowners Association Constitution. Once legal action has been commenced, all legal fees and costs will be assessed to the Owner, as required by the Constitution.

11. COMMON PROPERTY

11.1. Each property owner is responsible for his own property conduct, and that of his tenants or guests. It will be his responsibility to understand and observe all regulations.

11.2. Any damage to the Common Property caused by any Property Owner, tenant or guest shall be the responsibility of such Owner and the Owner shall be assessed for the cost of repairing such damage.

11.3. No Property Owner shall make any noises in the building or adjacent grounds which may disturb the occupants of other occupants within the Estate; this shall include unreasonable noise levels from TV, radio or stereo.

12. GARBAGE

12.1. All garbage must be placed in durable plastic bags and secured tightly.

12.2. Large items of refuse, such as boxes and furniture, must be placed outside in the designated place by the garbage area, Monday through Saturday, in the morning.

12.3. No paints, liquids or combustible materials may be placed in the garbage bins.

13. GARAGES

13.1. Except when entering and exiting the garages, garage doors must be kept closed to present an attractive appearance to the Property.

13.2. No exterior alterations may be made to garage doors.

13.3. Car engines must not be left running in garages.

13.4. Property Owners are permitted to park only in the space assigned to them.

13.5. Parking is restricted to permitted vehicles only. Permitted vehicles are defined as passenger type vehicles with passenger plates, light weight recreational motor vehicles, motorcycles and boats. Parking of commercial vehicles, buses, trucks is not allowed.

13.6. Bicycles may be stored in the individual parking stall of the garage; all other items are prohibited.

13.7. Car washing, repairs, oil changes or maintenance of any motor vehicles is prohibited in the garage area or the Common Property.

14. SEASONAL DECORATIONS

14.1. Seasonal decorations shall not be installed any earlier than one (1) month before and must be removed no later than one (1) month after the date of the holiday.

14.2. No outdoor decorations are permitted except for decorations which can be placed on a Property's door. Any damage caused by the hanging of decorations shall be repaired by the Property Owner responsible or the cost of repair will be charged to the Property Owner by the Association.

14.3. No decorations which create a safety hazard will be permitted.

15. SECURITY

15.1. The Main gate is reserved for Owners, Visitors and Emergency Vehicles only, (E.g. Police, Fire brigade, Ambulances etc.)

15.2. Small service cars to residences are permitted at the discretion of the security officers.

15.3. No delivery of building material or Contractors' Cars are permitted.

15.4. The Contractors' gate must be used by Owner Builders, Builders, Contractors, Subcontractors and all Building-Workers.

15.5. Security protocol at the gates must be adhered to at all times.

15.6. Under no circumstances may residents or any person other than the security personnel, be allowed into the Gate Houses.

15.7. Residents, Visitors, Builders and their Staff are required to treat all security

guards in a co-operative and patient manner. No "outbursts" or any form of verbal abuse towards security guards will be tolerated.

15.8. Any misconduct in this regards will be punished with a penalty in terms of the Penalty policy in place from time to time.

15.9. The access system and procedures for permanent residents and domestic worker shall be adhered to in terms of the Access Policy.

15.10. All owners must ensure that contractors in their employ adhere specifically to the security stipulations of the Contractors Code of Conduct.

15.11. The Estate will be manned by security 24 hours a day, and patrolled on a random basis.

15.12. The security center at the gatehouse should be advised in advance of pending arrival of visitors where possible, in particular details of vehicle registration numbers and property to be visited should be provided.

15.13. New occupants (owners / residents) must advise the Estate office and the Security Supervisor on duty of their home telephone / cellular phone number and address to enable Security to make contact for permission to allow visitors to the residence.

15.14. Residents on the perimeter wall are responsible for keeping any overgrowth clear of the fence.

15.15. No residents may issue instructions to Security Personnel.

15.16. Access cards / disks may not be utilized by anyone other than the Home Owner and registered users, nor may they be loaned to other persons.

16. ARMED RESPONSE AND HOUSE ALARMS

16.1. Should residents install alarm systems for their residences, they are required to be compatible with the electronics of the Estate security system. Therefore Alarm systems may only be installed by a vendor accredited by the HOA, to ensure alarm system standards within the Estate.

16.2. The security system should be linked to the security guard house and to the Control Centre of the appointed Security Company, controlling the Estate and the Gates.

16.3. Residents are not allowed to acquire the services of external armed reaction units, as no company other than the approved armed reaction unit will be allowed within the Estate.

16.4. A resident may, at his own expense, post a security officer on his premises from the accredited security company as appointed by the HOA.

17. VEHICLE REGULATIONS

17.1. Vehicles may not be parked, maintained or stored so as to obstruct passage of other vehicles on the Property. All vehicles shall be parked within the lines or other marked boundaries.

17.2. All vehicles are restricted to designated parking areas.

17.3. Commercial vehicles may park in permitted areas so long as such parking is only for the period of time necessary to provide the commercial services requested by a Resident or the Association.

17.4. All vehicles must be operated in a manner as to assure safety of pedestrians. Speed in excess of 30 km/hour is prohibited.

17.5. Every resident must display a Estate disc, which is to be placed on the "front/rear" window of your automobile on the passenger side.

17.6. Any vehicle parked in such a manner as to violate these rules may be subject to the enforcement procedures set forth herein, including but not limited to, legal action, fines, towing, etc. All costs and expenses will be charged back to the Property Owner.

18. TRANSFERS OF OWNERSHIP & LETTING

18.1. The Association may charge a fee in the amount of ten cents (\$0.10) per copy for the cost of copying any documents required for the sale of a property within the Estate. However, in the event a request is made which requires information to be provided in less than thirty (30) days, the Association may charge the Property Owner an additional fee for rush service.

18.2. The Association shall provide any Property Owner, upon ten (10) days' notice to the Board or its agent, a statement of account setting forth the amount of any unpaid rates and levies and other charges due and owing from such Owner. The Association may charge a fee of Fifteen Dollars (\$15.00) per request. This amount may be changed from time to time by the Board.

18.3. All owners must give prior notice to the Board and/or the management of intention to lease and approve the lease thereof. A signed lease shall be delivered to the HOA prior to occupancy.

18.4. All owners shall notify the HOA of all current occupants of the property.

18.5. All prospective tenants must submit to a personal interview with the Board or its designated committee prior to occupancy of the dwelling.

18.6. All leases must be in writing and for a period of not less than one year. All leases must be in conformance with, and make specific reference to, the legal documents of the Association. The property owner is ultimately responsible for his tenants to abide by all provisions and restrictions imposed by the Association's legal documents, whether he resides on the property or not. If a tenant violates the documents or rules and regulations, the owner shall also be held responsible.

18.7. All tenants must be given a copy of the legal documents and any rules or regulations that have been adopted by the Association's Board of Directors. Tenants should be informed that this information is being provided to them because they are a

part of the Association by virtue of their residency and are obligated to obey the provisions of the documents.

18.8. All tenants should be advised of the operational structure of the Association, that a portion of their rent is used to pay the monthly Association assessment on the property and what that assessment is used for.

18.9. The HOA reserves the right to prohibit a tenant from occupying a property until the owner complies with all leasing requirements. The Board reserves the right to initiate legal proceedings against the tenant and/or the owner for breach of any of the rules.