

MHASIBU RIVERPARK ESTATE-RUIRU (MRPE-R - WELFARE ASSOCIATION

GENERAL RULES AND REGULATIONS (BY-LAWS)

1.0 INTRODUCTION

Societies are meant for persons of limited means but who join hands with others with a view to achieve their set objectives. It is for these reasons that the pooling of resources is seen as one of the ways to achieve individual capacity development while at the same time ensuring that members are treated equally in decisions regarding their own societies. This is by ensuring that each member has one vote irrespective of the number of shares held.

Mhasibu River Park Estate-Ruiru Welfare Association (MRPERWA) was formed by the stakeholders of Mhasibu River Park Estate - Ruiru for purposes of safeguarding and promoting the interest of residents in the area on matters concerning housing, social harmony, security, environment and living conditions.

The welfare does not intend to develop the houses on behalf of the members. Members will be expected to develop their plots into Maisonettes, Townhouses or Villas of single dwelling housing unit of a maximum of two (2) stories i.e. ground and 1st floor or a Bungalow and an attached Domestic Servant Quarter (DSQ).

The Welfare Association will endeavor to provide sample housing plans for members to choose from. Members will be obligated to build per the samples provided by MRPERWA, or present to the committee his/her own plans for their approval before forwarding the same for approval by the Planning Department of County Government of Kiambu through Ruiru sub-County office (RSC), before construction can commence. The Association will have the final say on what is to be implemented.

It is in the interest of all members that the Association maintains a controlled development in a secure gated community, irrespective of the disparities in income capacities of the members. This is so as to ensure uniformity of building structures that are devoid of congested single rooms and flats. The objective of maintaining controlled development will ensure that the MRPERWA achieves a unique housing estate with well-structured dwelling houses, infrastructure, social amenities, security arrangements, environmentally friendly atmosphere, and harmonious handling of communal affairs.

The following Rules/Regulations are in addition to MRPERWA's Constitution and are supplementary to those contained in the current edition of the Building Codes and relevant Local Authority By-laws, and shall bind all members of Mhasibu River Park Estate-Ruiru Welfare Association and their inheritors, vendors and assignees. These Rules/Regulations are registered with the County Government of Kiambu Physical Planning and Housing department.

2.0 RULES AND REGULATIONS FOR ALL MEMBERS

1. All owners of plots in Mhasibu River Park Estate are deemed to be bound by these By-Laws whether they have signed a copy or not. New plot owners must sign these by laws and failing to sign does not in any way absolve them from compliance to the letter.

These rules are binding upon each individual plot owner, homeowner and occupier regardless of whether the owner/tenant has read them. The owners shall however assume and retain full responsibility for the conduct of their occupiers, tenants, employees, contractors, family members, visitors and invitees.

2. Property owners must pay the prescribed infrastructure Development and Security fee to MRPERWA's account and therefore submit the proposed building plans to MRPERWA's Management committee or their authorized agent for verification and recommendation to county Government of Kiambu for County approval. A certificate of compliance shall be issued by MRPERWA or their authorized agent. No development shall commence/ be allowed before the MRPERWA's compliance certificate is issued.

While the Welfare will endeavor to provide several samples of possible plans, individuals who do not wish to use those plans will be required to submit their plans to MRPERWA's Management Committee for review before the same are submitted to KCG for approval.

3. The setting of all houses/ buildings shall be confirmed at the site by MRPERWA's Management Committee or its authorized representative or agent.

Houses will be set out during construction and observe setbacks from the plot boundaries a minimum of 6m both front and back of the plot and a minimum 2.4 m on the sides of the plot.

Landowners who wish to put up swimming pools should observe a setback of a minimum 1.2m from the plot boundaries and a minimum of 3.5m from the main house. Each house will be required to put septic tank to cater for its own waste management.

4. Each one-quarter (1/4) acre sized residential plot shall have only one main dwelling house, with self-contained domestic staff quarters.

5. The built up area shall not exceed 50% of the total plot area.

6. No residential house or building shall be more than two (2) stories, inclusive of the ground floor. Flats and commercial buildings of any nature shall not be allowed, except for the plots set aside by MRPERWA for commercial purposes.

7. No commercial house or building shall exceed (4) stories, inclusive of the ground floor.

8. No house/building shall be constructed using materials other than those approved by MRPERWA's Management Committee or its authorized agent. Any house or structure built or roofed with galvanized iron sheets or asbestos shall not be permitted or approved.

9. No house/ building shall be constructed using combustible or temporary materials. For purposes of this rule, combustible or temporary materials include timber, wooden walls, thatch, poles and mud.

10. No environment pollution of any form shall be permitted i.e. garbage and waste water disposal shall conform to the health standard approved by MRPERWA's Management Committee and in accordance with the Public Health Act.

11. Plots shall be used for the purposes they were initially designed and allocated for, and no subdivision and change of use shall be permitted. Thus, residential premises shall not be turned into business premises and vice versa.

12. Interference with or encroachment on infrastructure such as roads, water, sewage, power, telephone lines, picnic sites, open space, community sites etc. shall not be permitted or condoned. In the interest of all public, unnecessary noise and other nuisances shall not be allowed.

13. Provision of common facilities and services shall be the responsibility of all the members e.g. security, roads and drainage system, electricity, water, sewerage etc.

14. In addition to RUJWASCO water supply, MRPERWA shall provide a secondary water supply through an estate borehole complete with elevated storage and distribution tanks. Individual boreholes and elevated tank towers and structures are strictly prohibited.

Water connection into the buildings shall only be through half-inch GI or PPR pipes from the main supply, additionally no member will be allowed to connect water booster pump directly on the main supply line. Booster pumps can only be connected from storage tanks that owners of any dwelling unit may erect.

15. No sewerage septic tank(s) shall be erected on the road or road reserve but must be constructed within each individual's plot.

16. In order to improve on the environment each individual plot owner shall be expected to plant trees whose roots and branches do not endanger own buildings or those of the neighbors. Growing of eucalyptus trees, Kei-Pie, Banana plants, Napier grass and maize plants in the Estate is strictly prohibited.

17. Land owners will plant only live fence that could be Duranta (small leaves), or broad leaved Duranta blended with thunbergia, or golden shower climbers . The fence height should not be more than 1.8m high. Chain link on timber poles or steel poles must be neatly trimmed at the 1.8m level. Masonry walls will not be allowed except gate pillars and gate house.

MRPERWA reserves the right to cut down, uproot and cart away such plants after the lapse of a thirty-day written notice at the plot owners' cost.

18. Only dogs, cats and pet birds like chicken, pigeons, ducks and parrots are allowed to be kept in the estate. Cows, goats, sheep, pigs, donkeys and horses are strictly prohibited.

19. For purposes of managing garbage collection in the Estate, MRPERWA shall negotiate with one Garbage collection company and all members will be required to subscribe to and pay the agreed collection fees.

20. For purposes of managing security in the Estate, MRPERWA shall negotiate with one Security services company and all members will be required to subscribe to and pay the agreed security fees.

a) Each member will pay to MRPERWA any development money as may be agreed by members within the estate and within agreed time. Each member agrees to charge of any interest and or penalties as may be attaché to such contributions.

b) No unauthorized entry into the estate / MRPERWA reserves the right of admission. All non-residents and motorists shall be subjected to security checks and inspection by MRPERWA security personnel and their details recorded as prescribed.

c) Each resident will be required to have a Gate pass and subscribe to response alarms negotiated by the committee.

20. Appearance -Undeveloped plots must be kept rid of shrubs, Napier grass and any other plants i.e. plants above 5ft, other than a live perimeter wall. No prohibited plants will be allowed on the plots. Only chemicals approved will be used to clear shrubs. Encroachment of the road reserve not allowed and will be dealt with punitively. No laundry should be hanged on walls and hedges resulting in eyesores. No signs/notices or pamphlets will be allowed to be displayed on common areas. All houses must be marked with plot numbers in a clearly and visible manner as prescribed by the association.

21. Events/Nuisance

Residents must notify the welfare of any planned event exciding 15 people to get clearance on protocols. No loud music will be allowed between 9pm and 7am.No unnecessary hooting will be allowed within the estate.

Construction work and delivery of construction materials is strictly restricted to between 6:30 am and 5:59 pm Mondays to Saturdays.

22. Speed limits

a) The driving speed limit within the estate is 15kph as there are children playing.

b) Vehicles above 3 tones (e.g. trucks) transporting building materials within the estate shall be required to pay MRPERWA Kshs. 200 while those under 3 tones (e.g. pick-ups) shall pay Kshs. 100 per trip. No such vehicle will be allowed into the estate before payment is done.

c) Parking/ obstruction on the road is not allowed nor trespassing other people's properties. All automobiles should stick to the provided roads.

Mhasibu River Park Estate-Ruiru Welfare Association or its authorized agent reserves the right to take punitive action, including legal measures, against any member who contravenes these rules and any other applicable laws.

3.0 MEMBERSHIP & SUBSCRIPTION FEES

3.1 Membership to the welfare is mandatory for all as defined below;

3.1.1 Any person who is a registered proprietor of a property in MRPER;

3.1.2 Any person who is a tenant of a registered property in MRPER;

3.2 The membership fees are non-refundable even in the event of ceasing to be a member.

3.3 Membership fees will have accumulated in arrears in cases of non-settlement and must be cleared before getting any approvals from the welfare.

3.4 Membership will end when a member stops owning a property or living in MRPER or dies.

3.5 The subscriptions and contributions shall be due on 5th day every month

3.6 The payment of the subscription shall confer membership voting powers. A member whose subscriptions or dues or any other part thereof, are unpaid or in arrears, shall not be entitled to vote on any matters at any meeting of the Association.

3.7 The subscription fees will set by the association through a resolution ratified by members and can be revised from time to time to reflect on the economic realities of the present time.

4.0 LEADERSHIP OF THE ASSOCIATION, POWERS AND DUTIES:

The association will be led by a committee that will be elected by members.

4.1 Composition and Duties of the Committee

The Committee shall have a minimum of the following officers:

i. The Chairperson

ii. The vice Chairperson

iii. The Secretary

iv. Vice Secretary

v. The Treasurer

vi. Vice treasurer

All of whom shall be fully paid up members of the Association and their duties are defined as below.

4.1.1 Chairperson

The Chairperson shall be the principal executive officer of the Association and shall unless prevented by illness or other sufficient cause, preside over all meetings of the Executive Committee and at all general meetings. The Chairperson of each meeting shall have a second or casting vote.

4.1.2 Vice Chairperson

The Vice-chairperson shall assist the Chairperson as the Chairperson requests, and shall represent the Association on appropriate occasions. The vice-chairperson shall also, in the absence or disability of the Chairperson; perform the duties and exercise the powers of the Chairperson.

4.1.3 Secretary

The secretary shall deal with all the correspondence of the Association under the general supervision of the Committee. In case of urgent matters where the Committee cannot be consulted, the Secretary shall consult the Chairperson; or if he isn't available, the Vice-Chairperson. The decision reached shall be subject to ratification or otherwise at the next Committee meeting. The Secretary shall be responsible for keeping minutes of all meetings and for the preservation of all records of proceedings of the Association and of the Committee. Minutes of each meeting shall be submitted for confirmation as the first business of the subsequent meeting. The Secretary shall also keep an up to date record of the members.

4.1.4 Assistant Secretary

In the absence of the Secretary, the Assistant Secretary shall perform all the duties of the secretary and such other duties as shall be assigned by the Committee.

4.1.5 Treasurer

i. The Treasurer is authorized to receive all subscriptions or other monies on behalf of the Association and to give receipts, and may incur necessary expenses for stationery, postage, printing or typing.

ii. No other expenditure may be incurred without the consent of the Committee. The Treasurer shall receive and shall also disburse, under the directions of the Committee, all moneys belonging to the

Association and shall issue receipt for all moneys to the Committee and to the members that proper books of account of all money's received and paid by the Association are written up, preserved and available for inspection.

iii. The Treasurer shall keep accounts of income and expenditure and a summary of these shall be produced at each meeting of the Committee, if called for at reasonable notice.

iv. Audited accounts for the calendar year shall be submitted to the members at the same time as the notice convening the Annual General Meeting.

4.1.6 Assistant Treasurer

The Assistant Treasurer shall perform such duties as may be specifically assigned to him by the treasurer or by the Committee and in the absence of the treasurer shall perform the duties of the treasurer.

4.2 Duties of the Committee

4.2.1 The Committee shall hold and organize Monthly meeting, Annual general meeting, Special general meeting as often as it considers necessary, provided that at least one meeting shall be held each quarter. The Chairperson or, in his absence, the Vice-Chairperson through the organizing secretary may call a meeting of the Committee at any time on matters of urgency.

4.2.2 The committee will ensure subscriptions are paid on time and keep records, appoint sub committees as they may deem desirable, coopt other members as they may deem desirable,

4.2.3 The committee will run the activities of the welfare association, in accordance with its objects, shall be managed and directed and its funds controlled and applied by the Committee in such manner as approved by the Committee. The funds may be deployed to set up and run affairs of the welfare, keep the estate clean, safe and secure, improve the infrastructure of the estate. Expenditure will be authorized by a resolution of a quorum of committee. (Quorum is defined as 2/3 of the committee)

4.2.4 Direct the formation of adhoc committees as the need may be with a maximum of Five (5) members per committee.

4.2.5 The Committee will produce and update a simple action plan throughout the year to be used to prepare an Annual Report to members at the AGM.

4.3.0 Rules and Regulations of the Committee

a) The Committee shall consist of all the office bearers of the Association; such Committee members shall hold office until the following annual meeting.

b) Any casual vacancies for members of the Committee caused by death or resignation shall be filled by the Committee until the next annual general meeting of the Association. Vacancies caused by members of the Committee removed from office will be dealt with as shown in rule

c) Vacancies of office bearers will be decided by consultation of Committee members.

d) The Chairperson may offer himself/herself for re-election for a period not exceeding two consecutive terms. The remaining elected officer's/committee members shall retire bi-annually but are eligible for re-election.

e) If any member of the Committee resigns or in any other manner vacates office, or if a vacancy on the Committee is unfilled for the vacancy maybe filled by co-option, such co-opted member to hold office until the next Annual General Meeting.

g) In the absence of the Chairperson and Vice Chairperson, the Committee shall appoint one of its members to act in their stead.

h) The quorum of the Committee is at least 2/3.

i) The Committee shall have power to co-opt members of the Association for any special purpose.

j) If any member of the Committee is absent from four consecutive meetings of which due notice has been given he/she, shall automatically vacate office and the Committee shall have power to fill the vacancy through co-option. Members may, however, apply to the Chairperson for leave of absence, which, if granted shall not render them liable to vacate their office as above.

k) The outgoing Chairperson and Vice-chairperson may upon request by the Committee be ex-officio members of the Committee for purposes of handing over but are eligible for election as members of the Committee.

l) Any Committee member who ceases to be a member of the Association shall automatically cease to be a Committee member and or an office bearer thereof.

m) Office bearers may be removed from office in the same way as is laid down for the suspension of members and vacancies thus created shall be filled by persons elected at the general meeting resolving the expulsion.

n) The Committee may appoint sub-committees to carry out the activities of the Association. Sub-committees shall be directly accountable to the Committee. The Committee will agree in advance the terms of reference for any sub-committees, which may then act and apply any finance raised within these terms. The sub-committees shall include but not limited to Legal Affairs, Land & Public Facilities, Security, Environment & social welfare, Infrastructure & Transport, Water & Sanitation, Welfare & Publicity, Investments, Youth & Sports and Physical Planning & structural dept. Committees.

o) At least one committee member shall sit on any sub-committee of the Association.

p) All sub-committees shall keep proper accounts and records of all meetings to be made available as required to the Committee or general meeting. The Committee or general meeting may dissolve any sub-committees. Any accounts, records or assets of the sub-committee will pass to the Committee.

q) Any vacancies on the Committee may be filled by co-opting members with full voting rights until the next general meeting or AGM.

r) Committee (including sub-committee) members shall declare any potential conflict of interest and withdraw from discussion and voting where appropriate.

s) Voting in communication meeting using secret ballot on online platforms or during meetings.

t) Any member may resign at any time on notifying the Secretary in writing.

u) Any officer or member whose actions, in the opinion of the Association, are considered to be inimical to its best interests may be required to resign by two thirds majority of members present and voting at a General Meeting provided that due notice shall have been given on the Agenda of the Meeting. The Secretary shall inform the member concerned not less than seven days prior to the meeting called to discuss him.

4.4.0 GENERAL MEETINGS:

There shall be two classes of meetings of the Association namely, annual general meetings and special general meetings.

4.4.1 The Annual General Meeting shall be held no later than 31 May in each year. Notice of an Annual General Meeting shall be accompanied by the annual statement of accounts and the agenda for the meeting, the agenda for the annual general meeting shall consist of the following:

(i) Confirmation of the minutes.

(ii) Consideration of the accounts.

(iii) Election of office bearers/Committee.

(iv) Auditor's report and appointment of auditor.

(v) Any matters as the Committee may decide.

(vi) Any other business.

4.4.2 Special General Meetings of the Association may be called for any special purposes by the Secretary or by ten members of the Association written requisition to the Chairperson accompanied by a resolution on the subject to be placed on the Agenda.

4.4.3 Notice of each General Meeting shall be sent to all members by email AND ALSO published at the notice board situated at the gate.

4.4.4 A notice specifying the general nature of the business to be transacted shall be sent to each member of the Association at least 7 days before the date appointed for the meeting. Notice of any further proposal shall be issued to members before the meeting if the Chairperson thinks it desirable to do so.

4.5.5 A quorum at a General Meeting shall be 20 members. If within half an hour of the time appointed for the meeting a quorum is not present, the meeting, if called upon the Requisition of members shall be dissolved, but in any other case, the meeting shall stand adjourned to the same time and day of the next week at the same venue. At an adjourned meeting, such members as are present shall form a quorum.

4.4.6 Each paid up member of the Association shall have one vote at a General Meeting. Voting by proxy or online shall not be permitted.

4.4.7 The procedure at meetings will be as follows;

a) At all meetings of the Association the Chairperson, or in his/her absence, the Vice Chairperson, or in the absence of both these officers, a member selected by the meeting shall take the chair.

b) The Chairperson may at his/her discretion limit the number of persons permitted to speak in the chair.

c) Resolutions shall be decided by simple voting by a show of hands. In the case of equality of votes, the Chairperson shall have a second or casting vote.

4.5.0 ACCOUNTS:

4.5.1 A bank account shall be opened in the name of the Association at such bank and branch as the Committee may decide and that any cheque drawn on that account must be signed by at least two of the signatories appointed by the Committee.

4.5.2) An auditor shall be appointed for the following year at the annual general meeting. All the Association's accounts, records and documents relating to the financial affairs of the Association shall be open for inspection by the auditor at any time. The Treasurer shall produce an account of the income and expenditure and a statement of assets and liabilities made up to a date which shall not be less than six weeks and not more than three months before the date of the annual accounts and statements and either clarify that the accounts are correct, duly vouched and in accordance with the law and accounting principles and report to the Association in what respect if any, the accounts are Incorrect, unvouched and or not in accordance with the Law.

4.5.3 A copy of the audited accounts and auditor's report shall be furnished to members at the same time as the notice convening the Annual General Meeting is sent out for approval at that Annual General Meeting.

4.5.4 An Auditor may be paid such honorarium for his duties as may be resolved by the Annual General Meeting. The auditor shall not be an officer or Committee member of the Association.

5.0 DISPUTES RESOLUTION

Any dispute between the members, the Committee and or the Association concerning the relation or interrelation of the Association's activities; powers and duties of any of its office bearers; if the dispute is not resolved or settled, it shall be referred to and finally resolved by arbitration under the provisions of the Arbitration Act, 1995 or any other legislation replacing it. The arbitral tribunal shall consist of a single arbitrator to be appointed by agreement between the parties within 30 days of the first date when any party gives written notice of the identity of the proposed arbitrator and, failing such agreement, to be appointed by the Chairperson for the time being of the Chartered Institute of Arbitrators, Kenya Branch. The arbitration shall be in Nairobi. The language of the arbitration shall be English.

6. SIGNED AND WITNESSED

Having read and fully understood the above Rules, Regulations and Conditions, I hereby agree to abide by the same and also consent to the contents and provisions thereof.

Member's Name:Signature.....

Parcel Number/s:Date.....

Witnessed by:

Name of official:Signature.....

Position in the Welfare:Date.....