

# **BALLITO NEIGHBOURHOOD WATCH**



## **BALLITO NEIGHBOURHOOD WATCH CONSTITUTION**

### **1. NAME AND ADDRESS**

The name of the Association shall be Ballito Neighbourhood Watch (hereinafter referred to as “the Association”).

The address of the Association shall be the address of the current Secretary.

### **2. LEGAL STATUS**

2.1 The Association is and shall continue to be a distinct and separate legal entity and body corporate with the power to acquire, to hold and to alienate property of every description whatsoever, and with the capacity to acquire rights and obligations and having perpetual succession.

2.2. All actions and suits, proceedings at law or any arbitration shall be brought by or against the Association in the name of the Association and the committee may authorise any persons or persons to act on behalf of the Association, and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.

2.3 The Constitution can be amended at an AGM or a Special General Meeting, provided a quorum, of 15% of total members, is met. Proposals for amendments which are seconded and submitted in writing to the Secretary at least 30 days before the meeting, shall be included in the notice of such meetings.

2.4 The Association can be dissolved if two-thirds of the members present at a special meeting convened are in favour of this conclusion.

2.5 In the event of the Association being dissolved, all its assets remaining after the settlement of its liabilities shall be transferred to another neighbourhood watch, society or association having similar objectives to the Association.

### **3. NON-PROFIT ORGANISATION**

3.1 Notwithstanding anything to the contrary herein contained :

The Association is not formed and does not exist for the purpose of carrying on any business that has for its objective the acquisition of gain by the Association or its individual members.

3.2 The income and assets of the Association shall be applied solely for investment and for the promotion of the objectives for which it is established

3.3. No part of the income or assets of the Association shall be paid directly or indirectly, by way of dividend, donation or otherwise, to any person, except for disbursement of costs.

3.4 The Association shall not be entitled to carry on any trading or other profit-making activities or participate in any business, profession or occupation carried on by any of its members, or to provide to any of its members financial assistance or any premises or continuous services or facilities for the purpose of carrying on any business, profession or occupation.

#### **4. RIGHTS OF MEMBERS**

4.1 Membership of the Association in any of the classes or membership does not and shall not give any member of any class a right to any of the monies, property or assets of the Association, but only confers upon such members the privilege of membership subject to charges and reasonable restrictions as the committee may from time to time impose, and subject to the by-laws in force for the time being.

4.2 A member whose application for membership has been accepted shall be bound by the Constitution, rules and by-laws of the Association, and of any branch or section thereof which are then in force at any future time. No person shall be absolved from the effect and application of the Constitution, rules and by-laws by reason of the fact that he/she may not have received a copy thereof.

#### **5. LIABILITY OF MEMBERS**

The liability of members of any class is limited to the amount of unpaid subscriptions or any other monies owing by them to the Association.

#### **6. OBJECTIVES**

The objectives of the Association shall be to promote the interests of residents in Ballito all of which are situated within the jurisdiction of the Kwa Dukuza Municipality, commonly known as Ballito, with regard to the protection of lives and property, the maintenance of health and community services on a mutual self-protection and civil defence basis in conjunction with the established forces of law and order with the view of creating a secure environment for the residents.

#### **7. POWERS OF THE ASSOCIATION**

7.1 Subject to the provisions of Clause 3 above, the Association shall have all such powers as are necessary for the property attainment of the objectives set out in Clause 6 above, and shall in particular have the following express powers to accept and administer subscriptions, donations, legacies, bequests and other payments for the benefit of the Association.

7.2 To acquire any movable or immovable property for the association calculated to benefit the Association, and to advance its objectives and to maintain, improve and alter any of the Association's property.

7.3 To institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its officers, or otherwise concerning the affairs of the Association.

7.4 To open bank accounts in the name and to draw, accept, endorse cheques and other negotiable instruments connected with the business affairs of the Association.

7.5. To invest and deal with any monies of the Association not immediately required for the purposes of the Association.

7.6 To secure the fulfilment of any contracts or engagements entered into by the Association.

7.7 To establish, promote or assist any society whose objectives are similar or part similar to the objectives of the Association, provided that no subscription be paid to any such other association out of the funds of the Association except *bona fide* to further the interests of the Association.

7.8 To support and to subscribe to any institution or society which may be for the benefit of the Association.

## **8. SUBSCRIPTIONS**

The annual subscriptions for the provision of any specific service eg SMS alert service shall be such sum as the committee may from time to time determine.

## **9. COMMITTEE**

9.1 The affairs of the Association shall be administered by a committee comprising a minimum of 6 members.

9.2 The committee shall be elected at an Annual General Meeting which shall take place each year. Members shall be elected either by volunteering or by nomination and a show of hands. The committee shall consist of a Chairman, Vice Chairman, Secretary, Treasurer, Public Relations office and a minimum of 2 others.

9.3. The committee shall meet approximately 1 week prior to the general meeting.

9.4 Should a committee member fail to attend three consecutive meetings without a suitable reason, he/she could be asked to resign from the Committee.

## **10. PAYMENT OF SUBSCRIPTIONS**

10.1 All subscriptions shall become due on 1<sup>st</sup> March annually.

10.2 Any member who has not paid his subscription within three months after it becomes due shall lose their membership.

## **11. TERMINATION OF MEMBERSHIP**

In the event of a member's membership being terminated as a result of resignation or any other reason, the outgoing member shall immediately surrender to the Association all documentation and equipment relating to the Association if required by the Association, and to surrender to the Association any and all radio equipment and accessories where the cost thereof has been subsidised by the Association or any other relevant authority.

In this event, the outgoing member will be reimbursed for any initial purchasing costs over and above the amount of the subsidy, which reimbursement shall be made to the outgoing member within sixty days of the termination of the outgoing member's membership. Equipment thus surrendered will become the exclusive property of the Association and may be sold or reallocated at the discretion of the committee.