

ATLANTIC WAVES

ESTATE RULES

ATLANTIC WAVES

HOMEOWNERS ASSOCIATION

a homeowners
association established

in terms of Section 29 of the Land
Use Planning Ordinance, No 15 of
1985

Amended 7 March 2022

Amended 11 October 2022

Amended 30 April 2023

Amended 13 Sept 2024

INDEX

| | PAGE |
|--|------|
| 1. PREAMBLE | 4 |
| 2. BINDING NATURE OF THE ESTATE RULES | 4 |
| 3. INTERPRETATION | 5 |
| 4. DOMESTIC PETS & ANIMALS | 6 |
| 5. REFUSE DISPOSAL AND LITTERING | 8 |
| 6. VEHICLES AND ROADS USAGE | 9 |
| 7. ERECTION OF NEW BUILDINGS AND/OR STRUCTURES AND CHANGES, ALTERATIONS OR ADDITIONS. | 10 |
| 8. MAINTENANCE | 10 |
| 9. SIGNS AND NOTICES | 11 |
| 10. LAUNDRY | 11 |
| 11. STORAGE OF INFLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS | 11 |
| 12. SALE OF ERVEN | 12 |
| 13. LETTING AND OCCUPANCY OF DWELLINGS | 12 |
| 14. ESTATE AGENTS | 13 |
| 15. ERADICATION OF PESTS AND HEALTH REGULATIONS | 13 |
| 16. NOISE, NUISANCE OR DISTURBANCE | 13 |
| 17. COMMON AREAS, GROVES AND ECO-BELT | 14 |
| 18. SECURITY, SAFETY AND RISK | 14 |
| 19. WORKERS AND CONTRACTORS | 17 |
| 20. EMPLOYEES OR OFFICIALS OF THE ASSOCIATION | 17 |

| | |
|---|-----------|
| 21. IMPOSITION OF ORDINARY FINES ON OWNERS | 17 |
| 22. NOTICES | 19 |
| 23. COMPLAINTS | 19 |
| 24. RELAXCATION OF RULES | 19 |
| 25. GENERAL | 20 |

1. PREAMBLE

The Estate Rules have been drafted with the intention of detailing the legal procedures and structures, to facilitate the harmonious and aesthetic operation of the Estate for the benefit of all homeowners and residents.

The Estate Rules have been drafted in accordance with the Constitution of the Atlantic Waves Homeowners' Association and in furtherance of the objects of the Association, which include:

- the management of all aspects of the design, aesthetics and maintenance of all buildings, improvements and landscaping within the Estate.
- the control of building activities in the estate and to ensure compliance with the Architectural Design Manual;
- to ensure compliance with the Estate Rules;
- to ensure proper security standards within the development;
- the maintenance, insurance, control and management of the common areas within the estate and to control the use and enjoyment thereof by owners, residents and visitors;
- to regulate the transfer, occupation, use and enjoyment of erven within the estate;
- the promotion, advancement and protection of the communal and group interests of the members generally in regard to the estate.

These Estate Rules may be substituted, revised, amended or repealed from time to time by the Trustee Committee.

2. BINDING NATURE OF THE ESTATE RULES

- 2.1 The Estate Rules governing the use, occupation and enjoyment of an erf and the use and enjoyment of the common areas shall be binding on all owners, lessees and occupants of erven, and it shall be the responsibility of the owner to ensure compliance with these Rules by the said occupants of the property, including family members, visitors, workers, contractors and tenants.
 - 2.2 In the event of a breach of the Estate Rules by any person detailed in clause 2.1 above, such breach shall be deemed to have been committed by the owner himself. Without prejudice to the
-

aforesaid, the Trustee Committee shall be entitled to take or cause to take such steps against the person actually committing the breach as they may in their discretion deem fit, with or without proceeding against the owner, including the payment of any fine imposed, where applicable

2.3 Should any damage be caused to the common property by any person detailed in clause 2.1 above, the owner shall be ultimately liable to the Association for all costs incurred therein.

2.4 The owner of an erf shall be liable for and pay all legal costs, including costs as between attorney and client and expenses and charges incurred by the Association in enforcing compliance with these Rules, and the Trustee Committee may add such costs to levy statements

3. INTERPRETATION

3.1 In the interpretation of these rules, unless the context otherwise indicates:

3.1.1 "Association" shall mean the Atlantic Waves Homeowners' Association;

3.1.2 "Builders Code of Conduct" shall mean the agreement as prescribed by the Trustee Committee, which is to be concluded between the Association, the owner and the building contractor appointed by the owner for the construction of a new building;

3.1.3 "Building Contractor" shall mean the building contractor engaged by the owner to erect new buildings and/or structures on his erf, and his employees and workers and the sub-contractors appointed by him and any tradesperson or supplier engaged by him;

3.1.4 "Constitution" shall mean the Constitution of the Association;

3.1.5 "Contractor" shall mean the Building Contractor or any other contractor appointed by an owner or resident;

3.1.6 "Estate" shall mean the development known as Atlantic Waves;

3.1.7 "Estate Manager" shall mean the person or corporate body as may be appointed by the Trustees Committee as an independent contractor or employee to undertake such duties with reference to the management of the Estate as determined in a signed contract;

- 3.1.8 'House' shall mean a residential dwelling situated in the Estate;
- 3.1.9 "Lessee" shall include an occupier and tenant.
- 3.1.10 "Owner" shall mean the registered owner of an erf;
- 3.1.11 "Resident" shall mean any person residing on the Estate including an owner, occupier, tenant or worker;
- 3.1.12 "Security" shall mean the security staff or personnel of the security firm appointed by the Trustee Committee.
- 3.1.13 "These rules" shall mean the Estate Rules;
- 3.1.14 "Trustee" shall mean a Trustee Committee member;
- 3.1.15 "Worker" shall mean an employee or worker, including domestic worker or gardener engaged by an owner or resident
- 3.1.16 "Open Fires" shall mean any fire that is not contained in braai equipment.
- 3.1.17 The headings to the respective Rules are provided for convenience of reference only and are not to be taken into account in the interpretation of these Rules.
- 3.1.18 Words and expressions to which a meaning has been assigned in the Constitution shall bear the same meaning in these Rules, unless inconsistent with the context.
- 3.1.19 Words importing the singular shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine and neuter genders, and vice versa, and words importing persons shall include partnerships, trusts and bodies corporate, and vice versa;
- 3.2 If any Estate Rule is in conflict with a provision of the Constitution, the provision of the Constitution shall take precedence.
- 3.3 In all instances where these rules provide for consent by the Trustee Committee, such consent may be summarily withdrawn if any condition imposed thereon is not complied with.
- 3.4 In all instances where a letter or notice is sent to a lessee in terms of these rules, the notice shall also be sent to the owner of the particular erf.

4. DOMESTIC PETS & ANIMALS

- 4.1 Residents may not keep any poisonous, exotic or other undomesticated or wild animals, poultry, pigeons, aviaries or livestock on their property.
- 4.2 Residents shall not keep any pets other than dogs and cats on their property or common property without the written consent of the Trustee Committee.
- 4.2.1 All residents shall register their domestic animals with the Managing Agent. **(Form 1)** Should the animals exceed the number permitted in terms of these Rules, the resident will be required to immediately remove such animal/s from the Estate.
- 4.2.2 Not more than a total of 4 (four) domestic animals may be kept on a property at any one time strictly limited to a maximum of 2 (two) dogs and/or 2 (two) cats provided that:
- 4.2.2.1 Each dog and/or cat has been spayed or neutered and inoculated.
Breeding of any domestic animal on the Estate shall not be permitted.
- 4.2.2.2 Each dog and/or cat is fitted with a collar that indicates the pet's name, its owner's name and telephone number.
- 4.2.2.3 Each cat must wear an audible bell on its collar, to protect the estate birdlife.
- 4.2.3 Dogs and cats shall be kept within the confines of the property.
- 4.2.4 Dogs are only allowed on the common property if on a leash and under the control of its owner or competent person
- 4.2.5 Dogs may not be allowed to roam free on the Estate. Straying, unaccompanied dogs will be removed and handed over to a selected animal welfare organization or local pound at the risk and expense of the resident concerned.
- 4.2.6 Residents must immediately remove and suitably discard the excrement of their dogs from the common areas and from the property of other residents. Owners and residents should also daily attend to the removal of any defecation by their pets from their own erven.
- 4.2.7 Pets may not be allowed to cause a nuisance, disturbance or annoyance to other residents.

4.2.8 With reference to point 4.2.2 where new owners on the estate have more than the stated maximum number of pets, these pets will be allowed to be kept by the owners. These pets may not be replaced until the number of pets mentioned in point 4.2.2 is reached.

4.3 Should any animal or pet be adjudged by the Trustee Committee or its authorized representative (e.g., Estate Manager) as being a continual nuisance to other residents, the Association may procure its removal from the Estate, the costs of which will be recovered from the owner concerned in addition to any penalties which may be imposed thereon.

4.4 Residents shall be responsible for any damage or injury to property, persons or animals caused by their pets.

4.5 Visitors, workers or guests are not allowed to introduce any domestic animals to the Estate and the Trustee Committee may, through the Estate Manager or Security Personnel, insist on the immediate removal of such animals.

5. REFUSE DISPOSAL AND LITTERING

5.1 A resident shall for the purpose of having their refuse collected, place it in the following different refuse bags obtainable from the municipality on his driveway early in the morning on the days as per the municipal Schedule

- Black – Domestic Refuse
- Green - Garden refuse
- White – Recycled refuse (Plastic, paper, carton, bottles etc.)

5.2 Residents shall deposit their garden refuse in re-usable bags and place them on their driveways for collection on the days prescribed from time to time by the Trustee Committee. Only plant material will be allowed in these bags.

5.3 All residents shall maintain refuse in a hygienic and dry condition within their yards.

6. VEHICLES AND ROADS USAGE

6.1 Parking is prohibited on all roads on the Estate except temporary parking is permitted for specific occasions or visits providing no obstruction is caused to other residents. No parking at any time is permitted on the common property.

- 6.2 No truck, caravan, boat trailer, trailer or the like may be parked on any road, except for access registered construction vehicles.
- 6.3 Residents shall ensure that their vehicles do not drip diesel, oil or brake fluid on to the common areas or in any other way deface the common areas.
- 6.4 No resident may store a broken-down vehicle or parts thereof or scrap of any nature on an erf or on the common property.
- 6.5 The Trustee Committee may cause to be removed or towed away, or the wheels to be clamped, at the risk and expense of the owner of the vehicle, including payment of a release penalty in respect of the release of the vehicle as determined from time to time by the Trustee Committee, any vehicle parked, standing or abandoned on the common areas in contravention of these rules.
- 6.6 No residents shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common areas or on an erf.
- 6.7 Residents and their family members, visitors, guests, workers and contractors shall adhere to the speed limit of 30 kilometers per hour whilst driving on any road in the Estate, and shall not drive their vehicles in a manner which is considered by a Trustee or the Estate Manager as negligent, reckless or dangerous. If an owner or resident or his family member, visitor, guest, worker or contractor drives a vehicle on any road in the Estate in excess of the speed limit or in a manner which is considered by a Trustee or the Estate Manager to be negligent, reckless or dangerous, a summary fine may be imposed on the driver concerned.
- 6.8 Residents shall when driving their vehicles keep a proper lookout for other vehicles and pedestrians and shall adhere to the normal traffic laws and municipal bylaws.
- 6.9 No loud music may emanate from any vehicle on the Estate and the excessive hooting and revving of vehicles is prohibited.

7. ERECTION OF NEW BUILDINGS AND/OR STRUCTURES AND CHANGES, ALTERATIONS OR ADDITIONS TO EXISTING BUILDINGS AND/OR STRUCTURES

- 7.1 All building or out-building additions to existing houses shall adhere to the Atlantic Waves Home Owners' Association Building Design Manual and require approval in terms thereof and compliance with the "Builders Code of Conduct". No structural or

aesthetic changes may be affected to a house and no pergola, sunscreen or other addition may be made to a house without the written permission of the Trustee Committee.

- 7.2 No resident shall place or do anything on an erf or building, which in the sole discretion of the Trustee Committee is aesthetically displeasing or undesirable when viewed from the outside of the house. In particular, no flagpoles, fencing, Wendy houses, car ports, or similar structures may be erected on an erf without the written permission of the Trustee Committee.
- 7.3 The Trustees Committee has the right to request references on any building or other contractor and the Trustees Committee may, upon its own discretion, refuse any building or other contractor access onto the estate.
- 7.4 All external air-conditioning condenser units and ducting shall not be visible from the road elevation of the property.
- 7.5 All new buildings/alterations must be completed within 12 months of commencement of construction failing which the Trustee Committee may, upon its own discretion, raise fines against the relevant owner.
- 7.6 Building sites may not be entered by any Resident, visitor, without written permission from the owner or the Building Contractor (Supervisor) as displayed on their Boards.

8. MAINTENANCE

- 8.1 Each owner shall maintain the buildings, outbuildings, boundary walls, retaining walls, fences and other structures on his erf in a neat and tidy condition and in a state of good repair.
- 8.2 Each owner and resident shall
- 8.2.1 maintain his garden to a standard acceptable to the Trustee Committee and in compliance with the Building Design Manual and maintain the common property verges bordering the road in a neat condition
 - 8.2.2 in respect of a vacant stand keep it neat and the foliage cut short.
 - 8.2.3 where the property abuts the perimeter fence, ensure there is no growth or obstruction whatsoever within a distance of 1metre of the fence.
- 8.3 If an owner fails to adequately maintain a vacant erf in terms of clause 8.2.2 above, despite being giving 14 days' notice to do so, the Trustee Committee may elect to remedy the situation at the expense of the owner.

8.4 Garage doors shall be kept closed at all times when not in immediate use.

9. SIGNS AND NOTICES

9.1 No owner or resident shall place any sign, notice, billboard or advertisement of any nature whatsoever on any part of the common area or erf, without the prior written consent of the Trustee Committee. The Trustee Committee may remove any unauthorized sign, notice, billboard or advertisement at the risk and expense of the owner or resident concerned.

9.2 No Estate agents' boards are permitted at the entrance to the Estate or in any windows facing the entrance or on any erf or common property on the Estate.

9.3 All properties must display the road number in a prominent and visible position with each digit measuring a maximum height of 20 x 20 centimeters.

10. LAUNDRY

10.1 The washing of garments, household linen or general washing of any nature may only be performed inside a house and no washing may be undertaken in any pool.

10.2 Washing lines should be obscured from the street view of other residents and washed items only may be hung out to dry within a screened drying yard.

11. STORAGE OF INFLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS

An owner or resident may not store any flammable, hazardous, dangerous or harmful substance in his house or on his property with the exception of certain products or substances, such as lawnmower fuel, paint cleaning solvents and fertilizers as may be reasonably required for domestic use. Gas cylinders must be stored in compliance with applicable gas installation safety regulations.

12. SALE OF ERVEN

No owner shall sell or transfer his erf without the written consent of the Association

12. Letting and Occupancy of Dwellings

13.1 All tenants and other persons granted the right of occupancy by an owner is obliged to comply with these Rules, notwithstanding any provision to the contrary or the absence of any provision contained

in any lease or grant of right of occupancy and must sign acknowledgement, understanding and acceptance of the Rules.

- 13.2 An owner shall complete a Tenant Registration Form (**Form 2**) in respect of all persons granted the right of occupancy providing names of all tenants, contact details, vehicle registration numbers, access control serial numbers, animals and period of lease prior to taking occupation.
- 13.3 An owner may not let his property for periods less than 6 days as this comprises a commercial activity which is prohibited in terms of clause 13.4 below.
- 13.4 Owners and residents shall use their houses for residential purposes only and may not use or allow their properties to be used to conduct a business, trade, guesthouse, bed-and breakfast establishment or any other form of accommodation facility without the prior approval of the Trustee Committee.
- 13.5 A property shall be used for the living accommodation of a single-family household. In this context 'family' means a single person maintaining an independent household, or two or more persons directly related by blood or partnership or no more than four unrelated persons maintaining a common household.
- 13.6 No owner or occupier may permit more than 2 (two) persons per bedroom to reside in any dwelling on a permanent basis.
- 13.7 Each owner will be held responsible for the actions of all lessees and other residential occupiers of his property on the Estate.
- 13.8 If any tenant fails to comply with the provisions contained in these Rules, the Association shall be entitled to deny that tenant access to the Estate or suspend any services or facilities provided by the Association.
- 13.9 No domestic worker or any family or friends of the said worker of the owner or occupier shall be permitted to reside on the Estate without the prior written consent of the Trustee Committee. Domestic worker is defined as a person who is gainfully employed by the resident to perform domestic functions or other duties on the property. This clause will equally apply to medical or care giving workers.

14. ESTATE AGENTS

- 14.1 An owner shall manage the sale, transfer or lease of his property personally, or may appoint an accredited agent to do so on his behalf.

15. ERADICATION OF PESTS AND HEALTH REGULATIONS

- 15.1 A resident shall keep his house free of rats, mice, cockroaches, white ants, borer and other wood destroying insects and shall ensure that the activities inside his house, on his erf and the common areas comply with the municipal health regulations.
- 15.2 No animal, bird or any living thing may be slaughtered in a house or on an erf or on any part of the common property. No meat or fish may be hung out to dry on an erf or any part of the common areas.

16. NOISE, NUISANCE OR DISTURBANCE

- 16.1 No owner or resident shall cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, or shall use any offensive, obscene, injurious or unbecoming language on his erf or on the common property at any time. In particular owners and residents shall maintain quietness on the Estate between the hours of 22h00 and 07h00.
- 16.2 A resident shall not use his house or erf or the common areas or permit it to be used in such a manner or for such purpose as shall cause a nuisance to another owner or resident. For the purpose of this rule, "nuisance" means any act, omission or condition, which in the Trustee Committee's sole opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of residents, or which adversely affects the safety of the residents, having regard to the reasonable nature of the activities in question in the house or on the erf or common areas concerned, and the impact which results from these activities, and the noise related to these activities.
- 16.3 The horns of vehicles may not be sounded at any time in the Estate, except as a warning of imminent danger or in case of an emergency.
- 16.4 No fireworks or crackers may be lit or exploded in the Estate.
- 16.5 No pellet guns may be fired on the Estate.
- 16.6 No firearm or weapon may be discharged in the Estate, except in self-defense or for related purposes.
- 16.7 Skate boards, roller skates, roller blades or similar items used on the roads are done at the sole risk of the person engaging in such activities. The Association will not accept any liability for any injuries or other harm caused by such activities.

16.8 Traffic rules as laid down in local or national legislation applies on all roads on the estate unless where any additions thereto are mentioned in the estate rules.

17. COMMON AREAS

17.1 Residents shall comply with the following provisions and the conditions imposed from time to time by the Trustee Committee in respect of the usage of the common area of the Estate:

17.1.1 Residents shall use and enjoy the common areas in such a manner as not to unreasonably interfere with the use and enjoyment thereof by other owners or residents.

17.1.2 Residents shall respect the privacy of residents whose properties front onto the common areas.

17.1.3 Noise must be kept to a minimum so as not to disturb other residents or wildlife.

17.1.4 The trapping, shooting, harassing, disturbing, destroying or in any way harming of any of the wildlife in the Estate is prohibited.

17.1.5 Residents shall not interfere with the plant vegetation on the common areas or with the irrigation system of the Association. No trees or plants may be removed or replaced on the common areas, without the written authorization of the Trustee Committee. Residents shall not in any way damage the common areas.

17.1.6 Littering or discarding of any item whatsoever on common areas will not be allowed unless it is within the receptacles provided.

17.2 No resident shall cause or permit the destruction or degradation of the environment.

18. SECURITY, SAFETY AND RISK

18.1 Residents shall at all times ensure that the security and safety of other residents and their property is preserved and shall comply with the security measures imposed from time to time by the Trustee Committee. All Persons enter the Estate at their own risk and make use of the amenities at their own risk.

18.2 All visitors shall register at the main gate and obtain telephonic clearance from the owner or resident before Security will allow them to enter the Estate. Security will scan the vehicles and all visitors must be in possession of an ID document.

- 18.3 Residents requiring access for furniture removal vans must make prior arrangements with security to enable the vehicle to gain access to the Estate.
- 18.4 Sales people will not be allowed entry other than by prior appointment with the owner or resident as advised to Security.
- 18.5 Estate Agents must have the prior approval of the owner before entering and they must provide their full credentials and contact details to Security. The Estate Agent or the owner must meet interested buyers at the main gate in order to affect entry to the Estate.
- 18.6 No casual visitors will be allowed entry to the Estate under any circumstances and all visitors are required to book a pre-arranged appointment with a homeowner or resident.
- 18.7 Residents shall meet incidental workers or gardeners at the main gate to arrange entry to the Estate. Exit will be affected in the same way.
- 18.8 Residents shall register their permanent gardeners and domestic workers with Security at the main gate and complete the necessary forms (**Form 3**) as prescribed by the Trustee Committee. Such registered worker may then proceed on foot between the main gate and the place of work but must do so directly and similarly proceed to the main gate on exiting the Estate. Residents shall inform Security if and when the services of permanent gardeners and domestic workers are terminated.
- 18.9 Random searches may be performed on workers and visitors by the Security personnel from time to time. Residents shall supply a letter of authorization permitting workers to take out goods and articles given to them.
- 18.10 Owners shall ensure that their contractors are registered with Security and shall furnish Security with the name or company name of the contractor, an all-day contact number of responsible people, the office telephone number, fax number, e-mail address, vehicle registration number, names and Identity numbers of all employees and workers. (**Form 4**). Should any of the required information not be available, the contractor or his employees or workers will not be allowed access to the Estate
- 18.11 Upon every entry to the Estate by a building contractor, all the employees and workers will individually be checked in at the main gate. Upon each such entry to and exit from the Estate, Security will ensure that each and every person on the building contractor's vehicle including the driver is accounted for.

- 18.12 All contractors and their employees and workers must enter and exit the Estate by vehicle and no one will be allowed entry or exit on foot. Security has the authority to inspect the vehicles of any contractor upon entry and/or exit from the Estate. Security has the authority to search the person of any contractor, or his employee or worker upon entry and/or exit from the Estate.
- 18.13 No contractor or his employee or worker may wander freely on the Estate.
Contractors, employees and workers will be regarded by Security as site specific and may at any time be challenged by Security. The movement of a contractor and his employees or workers between sites from the main gate must at all times be by vehicle. A contractor or his employee or worker caught walking on the Estate will be removed by Security. Notwithstanding the foregoing, an employee or worker of a contractor may be permitted to cycle to a site, if issued with a permit by Security. Any worker cycling without a permit will be removed from the Estate by Security.
- 18.14 No contractor's vehicles entering the Estate will be allowed to be overloaded with personnel or material. No personnel will be allowed to hang on to any moving vehicle or other equipment. The speed limit of 30 kilometers per hour is to be strictly adhered to by the contractor, his employees and workers on the Estate. Any vehicle that exceeds the speed limit or drives in any manner considered as dangerous by a Trustee or the Estate Manager on more than one occasion will be subject to a fine and/or be barred from future entry.
- 18.15 Security may at their discretion require any laden vehicle to enter the Estate through the main entry gate. Extra-heavy vehicles shall observe a speed limit of 20 kilometers per hour when driving on the Estate.
- 18.16 Should any contractor, or his employee or worker or any other worker not adhere to these rules, he may, at the discretion of the Security (with post-facto verification by a Trustee Committee member), summarily be forbidden entry to the Estate.
- 18.17 Remote controls should be properly controlled by residents and are only for the use of residents. The Estate Manager needs to be notified immediately if remote controls are lost or no longer in use.
- 18.18 No visitors will be allowed into the estate from 21h00 until 07h00 unless pre-arranged with security by WhatsApp before 17h00 on the day of the visit or with the Estate Manager if between 17h00 and 21h00. Unexpected visitors after 21h00 need to phone the owner and obtain permission to enter as per 18.2.

19. WORKERS AND CONTRACTORS

- 19.1 Owners shall ensure that their workers and contractors adhere to these rules and the Builders Code of Conduct, where applicable.
- 19.2 The consumption of alcoholic beverages or use of drugs by any worker or contractor or the employee or worker of a contractor on the Estate will not be tolerated.
- 19.3 Any worker found in possession of alcoholic beverages or drugs or seemingly under the influence of alcohol or drugs will be summarily escorted from the Estate at the discretion of a Trustee, the Estate Manager or Security and will not be allowed entry in the future. In the event a decision by a Trustee, the Estate Manager or Security is contested, the relevant person must still leave the Estate and may not return until the appeal has been considered and a decision has been given by the Trustee Committee.
- 19.4 No contractor shall be allowed on the Estate after working hours being: -
- Weekdays (Monday to Friday) from 07h00 to 18h00 from October to March and 07h30 to 17h00 from April to September
 - Saturdays 08h00 to 12h00
- No contractor is allowed on the Estate on Public Holidays or Sundays.

20. EMPLOYEES OR OFFICIALS OF THE ASSOCIATION

No resident may interfere with the work or duties of an employee or official of the Association. Formal advices or complaints must be lodged with the Estate Manager in preference, otherwise with a Trustee and must be put in writing.

21. IMPOSITION OF ORDINARY FINES ON OWNERS

- 21.1 If the conduct of an owner or resident or his family member, visitor, guest, employee or contractor constitutes a nuisance in the opinion of the Trustee Committee, or a contravention of these rules, the Trustee Committee may furnish the owner or resident (where applicable) with a written notice. In the notice the particular conduct, which constitutes a nuisance, must be adequately described or the estate rule that has allegedly been contravened must be clearly indicated, and the owner or resident (where applicable) must be warned that if he persists in such conduct or contravention, a fine will be imposed on him.
- 21.2 If the owner or the resident (where applicable) nevertheless persists in the particular conduct or in the contravention of the particular rule, the Trustee Committee may by written notice

impose an ordinary fine on the owner or resident (where applicable).

21.3 The ordinary fine imposed in terms of sub-rule 21.2 above shall be immediately due and payable by the owner and if is not paid within 14 (fourteen) days of the date of the written notice, the summary fine will be added to the owner's levy statement and claimed from the owner as a levy debt.

21.4 The owner may appeal against the ordinary fine imposed, provided that he shall lodge the written appeal with the Trustee Committee within 14 (fourteen) days of the date of the written notice of the ordinary fine.

21.5 Upon receipt of the appeal referred to in sub-rule 21.4, the Trustee Committee may resolve to:

21.5.1 Set the ordinary fine aside, in which event they shall inform the owner of their decision, or

21.5.2 convene a Trustee Committee meeting for the purpose of giving the owner the opportunity to present his case, including the calling of witnesses to substantiate his case, and to cross-examine any witnesses called by the Trustee Committee, but except in so far as may be permitted by the chairperson, he may not participate in the affairs of or voting at the meeting.

21.6 Upon conclusion of the Trustee Committee meeting referred to in sub-rule 21.5.2 above, the Trustee Committee may resolve to:

21.6.1 Confirm the ordinary fine, or

21.6.2 Reduce the ordinary fine, or

21.6.3 Quash the ordinary fine.

21.7 Any ordinary fine endorsed or reduced in terms of sub-rule 21.6.1 or 21.6.2 above will, if it is not paid within 14 (fourteen) days after the Trustee Committee meeting, be added to the owner's levy statement.

21.8 The Trustee Committee shall from time to time determine the amounts of the ordinary fines.

22. NOTICE

22.1 A notice which is required to be given to an owner in terms of these rules shall be regarded as having been properly served if such notice has been given under the hand of a Trustee or the Estate Manager and delivered to the owner either personally by hand

22.2 Notwithstanding the provisions of sub-rule 22.1 above it shall be competent to give any notice to an owner by electronic mail or where the e-mail address of the owner is recorded with the Trustee Committee or Managing agent. A Notice shall be deemed to have been properly served on the date of disposal thereof to the elected e-mail address of the owner concerned.

23. COMPLAINTS

23.1 In the event of annoyances or complaints between residents, the parties involved should attempt to settle the issues between themselves, exercising tolerance and consideration. Where matters cannot be resolved it should be brought to the attention of the Estate Manager or the Trustee Committee in writing.

23.2 Owners or residents should report contraventions of these rules in writing to the Estate Manager or the Trustee Committee. This will be dealt with confidentially to ensure anonymity of the complainant.

23.3 Contraventions of these rules seen by patrolling Security officers will be brought to the attention of the owner concerned and reported to the Estate Manager or the Trustee Committee. Vehicles seen speeding or driving recklessly on the Estate by Security patrols will have their registration numbers recorded and appropriate action will be taken by the Estate Manager or Trustee Committee.

23.4 Communication between Members, Trustees, Estate Manager, Managing Agent or other employees of the HOA need to be civil and respectful. The Trustee Committee can refuse to communicate with members who do not treat the mentioned parties with civility and respect.

24. RELAXATION OF RULES – NON-WAIVER

No indulgence or relaxation in respect of these rules shall constitute a waiver or consent, or prevent the enforcement thereof by the Trustee Committee at any time.

Requests for waivers on specific rules can be submitted to the trustees in writing for their approval.

25. GENERAL RULES

25.1 Under no circumstances may Security personnel be employed by residents on any basis to undertake work or perform errands of a temporary nature on behalf of owners or residents.

25.2 The Trustee Committee reserves the right to amend, revise, alter, remove or add to the Rules from time to time as they deem necessary.

25.3 Open Fires will not be Permitted,

The following conditions apply in the case of mobile braais.

- To be at least 3 - 4m away from your boundary wall with your neighbours
- Wind direction to be considered
- Fire Extinguisher to be available at all times
- Not be a nuisance to the neighbours wrt smoke or fumes.
- All fire/coal too be extinguisher at the end of the activities

Forms 1 to 4 are available from the Estate Manager

Breaches of these Rules:

All Breaches will follow the process as below:

- 1st – Notice to resident
- 2nd – a fine to be raised
- 3rd – Trustees to decide on more appropriate action

The following table indicate the consequences on breaching of a specific rules and the minimum Fines that could be raised against the owner.

| Section in Rules | Description of rule heading | Breach Consequences | | |
|------------------|---|---------------------|--------------|---|
| | | 1st | 2nd | 3rd |
| 4 | Domestic Animals / Pets | Notice | R200–1000 | Trustees Action Required |
| 5 | Refuse disposal & Littering | Notice | R200–R500 | Trustees Action Required |
| 6 | Vehicle and Road use | Notice | R200 -500 | Trustees Action Required |
| 7 | New build, structure changes & Additions | Notice | R200 – R500 | Trustees Action Required Unfinished houses R1000 – R5000 |
| 8 | Maintenance | Notice | R500 – R1000 | Trustees Action Required |
| 9 | Signs and Notices | Notice | R200 | Trustees Action Required |
| 10 | Laundry | Notice | R200 | Trustees Action Required |
| | | | | |
| 13 | Letting and Occupancy | Notice | R500 | Trustees Action Required |
| 15 | Eradication of Pests and health regulations | Notice | R200 | Trustees Action Required |
| 16 | Noise, nuisance or disturbance | Notice | R200 | Trustees Action Required |
| 17 | Common areas | Notice | R200 | Trustees Action Required |
| 19 | Workers and contractors | Notice | R300 | Trustees Action Required |
| 26 | General Rules | Notice | R500 | Trustees Action Required |