

CONDUCT RULES

MADE IN TERMS OF
THE CONSTITUTION OF THE

MOUNT DUVAL
HOME OWNERS ASSOCIATION

("the Association")

VALID AS FROM 10 OCTOBER 2005

INDEX

Section and subject

Page

Introduction

2

A: Definitions, interpretations and delegations

3

B: Domestic refuse

4

C: Domestic animals

4

D: Traffic / Pedestrians

5

E: Open space and environmental control

6

F: Letting, resale and occupation by Member's guests
of properties

7

G: Conduct at Mount DuVal

7

H: Commercial Activity / Building deposit

9

I: Permits to Contract Workers

9

J: Fines and Penalties

9

INTRODUCTION

Mount DuVal has been designed as a pure residential estate to provide a gracious and secure lifestyle for its residents and members. To protect and enhance this lifestyle, Conduct Rules have been established in terms of the constitution of the Home Owners Association. These rules are not established to limit member's lifestyle and investment, but to rather protect it. They are binding on all persons residing at or visiting Mount DuVal, as are decisions properly taken by the Trustees in administering them. The registered owners of properties are responsible for ensuring that members of their households, tenants, visitors, invitees and all their employees, which includes trades persons and suppliers, are aware of and abide by the Conduct Rules. Tenants have the same responsibility with respect to their household, visitors, invitees and employees. The Conduct Rules may be modified, amended or repealed from time to time subject to the procedure laid down in the Constitution.

SECTION A

DEFINITIONS, INTERPRETATIONS AND DELEGATIONS

In these Conduct Rules, unless it appears to the contrary, either expressly or by necessary implication, the words and expressions as defined in the Constitution of the Association, shall bear the same meaning in these Conduct Rules as in the Constitution.

1. Unless the context otherwise requires, any words importing the singular number only shall include the plural number and vice versa, and words importing any one gender only shall include the other gender as well as juristic persons.

In particular, the following words and phrases shall, unless the context otherwise requires, have the meanings given below:

The Association means the Mount DuVal Home Owners Association.

The Common Area means the land owned by the Association and will include all services (whether Municipal or otherwise) constructed within the Common Ground. The park area next to the R44 qualifies as common area.

Member means a member of the Association. The term "Member" generally has the same meaning as "Home Owner" and "Unit Owner", but is more exact and ties in with the Constitution. For this reason, "Member" is used in preference to "Home Owner", "Unit Owner", or "Owner".

Trustees means the Trustee Committee which acts on behalf of the Association.

Vehicle means any form of conveyance, whether self-propelled, or drawn by machine, animal or human agency. To be roadworthy, licensed vehicle, no taxes or busses.

2. It shall be the responsibility of every Member to ensure that all members of his household, employees, tenants, invitees and guests, paying or otherwise, are fully aware of these Conduct Rules. In the event of any breach of the Conduct Rules by the Members, members of his household, employees, tenants, invitees and guests, or by members of his tenant's household, employees, guests and invitees, such breach shall be deemed to have been committed by the Member himself.

SECTION B

DOMESTIC REFUSE

All refuse, whether domestic or garden must be kept in containers, which must be placed out of sight, except when put out for collection in the form of plastic bins accepted by the Helderberg Municipality.

SECTION C

DOMESTIC ANIMALS

Unless confirmed otherwise in writing by the Association, domestic animals shall be limited to one dog and one cat per original erf and may be kept by Members and their tenants or guest. All new pets require prior Trustee approval. Where dogs are kept, there must be a suitable enclosure to prevent the dogs from straying off the Member's property. The standard procedural steps, as mentioned under fines and penalties, will be taken against owners/residents that do not abide by the Conduct Rules as regards to keeping their dogs on their property or keeping them on a leash when on the common property. Owners are to pick-up their animal droppings when taken for walks.

Members are required to tag their animals with the Member's name and telephone number.

In the event of any new domestic animal being introduced to Mount DuVal by owners, tenants or their guests, the Association may call on the owner of the animal to remove it immediately and, in the event of the owner failing or refusing to do so, the association may impose penalties and fines as outlined in section C, or may proceed its removal from Mount DuVal and recover any costs from the Member concerned without prejudice to its rights to recover any penalty imposed.

Should any domestic animal prove to be a continual nuisance to other residents, the Association may call on the owner of the domestic animal to remove it and if the owner fails or refuses to do so, the Association may impose penalties or proceed its

removal from Mount DuVal and recover any costs from the Member concerned without prejudice to its rights to recover any penalty imposed.

No dog shall be allowed off the Member's property unless under strict control and on a leash.

In all cases, should dogs or cats cause a mess or dig holes, the dog's owner shall immediately remove the mess or repair the holes as the case may be.

SECTION D

TRAFFIC / PEDESTRIANS

No vehicles shall enter or leave Mount DuVal at any point except at the entrance gates, except in special circumstances and then only with the consent of the Association.

The movement and control of traffic and pedestrians is subject to the security rules and regulations of Mount DuVal.

Heavy deliveries are not permitted without the consent of the Association on Sundays or public holidays, nor before 07h00 and after 18h00 on weekdays, nor before 07h00 and after 15h00 on Saturdays.

Motorized vehicles shall be driven on Mount DuVal roads only by persons who hold a valid current driver's license which would permit them to drive that vehicle on a public road within South Africa.

No vehicle that leaks oil or fuel is allowed within Mount DuVal. Should such a vehicle enter Mount DuVal, the mess will be cleaned by the Association and the member responsible will be billed to recover the cost.

No person shall drive any vehicle on any road within Mount DuVal at a speed in excess of 20 km per hour. A lower speed limit may be imposed by the Association where appropriate.

No person shall drive or ride any vehicle within Mount DuVal in such a manner that would constitute an offence under the relevant traffic ordinance.

No person shall store or park any trailer, boat or caravan or the like on common area, private erven, vacant plots, in the road within Mount DuVal or any other area, or in such a way that the above mentioned can be viewed. Under special conditions, written approval may be requested from the Trustees. Motor vehicles must be parked in the driveways and garages of the units. Parking of vehicles in roadway not allowed. Over and above the penalties and fines mentioned under clause J. the Association may tow away above-mentioned vehicles for the account of the member.

SECTION E

OPEN SPACE AND ENVIRONMENTAL CONTROL

The Association shall have the right and duty to control the environment, which shall include but not be limited to the vegetation on the Erven and Common Area, the erection of walls, fences and hedges, and shall have the right to trim hedges and trees etc.

No person shall do anything that detrimentally affects the amenities, flora or fauna of Mount DuVal, or unreasonably interfere with the use and enjoyment of the Common Area.

No person shall discard any litter or any item of any nature whatsoever in Mount DuVal except in receptacles set aside for this purpose by the Association.

No camping and or picnicking shall be permitted on common areas.

No fire shall be lit at Mount DuVal, except in such places as may be designated for the purpose by the Association or in an approved and a properly constructed fireplace or braai.

No person shall do any gardening or landscaping on the Common Area without the express prior written agreement of the Association in regard to the nature and extent of such gardening or landscaping activity. No person shall, unless authorized by the Association to do so, pick, remove or plant any flowers or plants on the Common Area.

No person shall discharge a firearm, air rifle, crossbow or any similar weapon anywhere within Mount DuVal except in self-defense.

Any activity, sport or game e.g. soccer, cricket, rugby etc which can cause damage to the common area, or is a nuisance to the neighbourhood is prohibited. Parents are at all times responsible for their children.

Owners are responsible for maintaining the neatness and cleanliness of their buildings and general maintenance. Trustees reserve the right to affect any repairs or maintenance as deemed necessary. This will be for the owners account.

Owners and tenants are responsible for maintaining the neatness of their gardens. (Standard Plants).

Post boxes must be emptied daily.

Noise levels to be kept to a minimum so as not to disturb other residents during the following times:

After 10pm on Sundays through to Thursdays
After 12 midnight on Fridays and Saturdays

Sunday afternoons from 2pm to 4pm

SECTION F

LETTING, RESALE AND OCCUPATION BY MEMBERS GUESTS OF PROPERTIES

The following rules, shall apply to the letting and resale of property:

No For Sale signs, nor any other advertising methods will be erected inside or outside the complex without prior written consent of the Trustees.

Tenants to whom properties are let or leased are obliged to abide by all of the Conduct Rules, regulations and requirements of the Constitution of Mount DuVal. The agent and /or owner who is letting a property is obliged to supply the tenants with copies of the Conduct Rules.

Access to the Estate may be denied to tenants, members of their households, invitees, employees or guests should the tenant or anyone for whom the tenant is responsible, transgress the Conduct Rules or any other rules, regulations or by laws of Mount DuVal.

SECTION G

CONDUCT OF MOUNT DUVAL

No garments, household linen or washing of any nature, may be hung or placed anywhere to dry within eyesight. Washing lines, twirly dries etc. must be below the level of the yard walls.

No person may do mechanical repairs to vehicles where the vehicle is permanently visible from the street or common areas.

Garage doors must not stand open for extended period of time.

No shorter lets than 22 days allowed.

The lighting of fireworks is not permitted at Mount DuVal.

No unauthorized persons are allowed onto building sites under construction.

No person shall make or cause to make any unacceptable disturbance or excessive or undue noise which constitutes a nuisance to other persons. In particular:

1. Burglar alarms must comply with any regulations which the Association may institute from time to time.

2. All vehicles, but particularly motorcycles, must have efficient silencer systems.
- 3 The use of noisy machinery and of power tools in the open outside of normal working hours must be avoided other than occasionally in exceptional circumstances. All building work, whether undertaken by a contractor or by the Home Owner, must be done during the hours stipulated by the association from time to time for building contractors, unless written approval for an exception is given by the Association.

No Member or tenant shall accommodate nor allow to be accommodating more than the maximum number of persons permitted to occupy such a residence at any given time.

2 Bedroom unit – 4 persons	(2 adults, 2 children)
3 Bedroom unit – 6 persons	(3 adults, 3 children/ 2 adults, 4 children)

Those owners who are contravening the section above by allowing more than one family to occupy each unit/erf may be charged a monthly penalty equivalent to one months levy.

Members/residents must ensure that their children and the children of members of their households, employees, tenants, invitees, and guests do not pose a safety threat to themselves or to any other person or driver at Mount DuVal.

Tenants shall have the same responsibility with regards to their households, employees, invitees, and guests.

Whenever the Association receives a written complaint from a Member/resident relating to the behaviour of any persons at Mount DuVal, the Association shall investigate appropriately and take any steps required within the scope of the Conduct Rules and the Constitution.

The Association is not prevented by this clause from taking action on its own initiative, if evidence of behavior which in the opinion of the Trustees is unacceptable should come to its attention from a source other than a written complaint.

All members, tenants, employees, guests have to comply with the security rules of Mount DuVal, especially by not interfering with the security system installed. Fines may be implemented by the Association in accordance with section I of these rules should people not comply with security regulations.

SECTION H

COMMERCIAL ACTIVITY

No advertising boards may be displayed anywhere within Mount DuVal. Permission must be obtained by the Trustees to display any advertising board and or type of advertising, outside the development.

No door to door canvassing or selling is permitted at Mount DuVal.

It is prohibited to conduct any business of whatever nature with customer and / or employee from the residential houses within the complex. This also applies to possible occupational practice from residential houses.

BUILDING DEPOSIT

Prior to the approval of any alterations, additions or renovations are carried out to a unit, approval needs to be obtained from the Home Owners Association, and surrounding neighbours.

A builders deposit, as determined from time to time by the Home Owners Association, shall be payable before any work commences. A minimum of R500.00 to a maximum of R5 000.00, may be requested depending on the type of alterations, additions or renovations being carried out to a unit.

SECTION I

PERMITS TO CONTRACT WORKERS

All owners need to forward 2 I.D. photos and a copy of identity document to the Managing Agent, which will provide such owners with permits for domestic workers or contractors. The domestic worker / contractor needs to display permit at all times.

SECTION J

FINES AND PENALTIES

Any person who contravenes or fails to comply with any provision of these Conduct Rules, or any conditions imposed by or directions given in terms of the Conduct Rules, shall be deemed to have breached these Conduct Rules and will be subject to any penalties imposed by the Trustees having regard to the circumstances and which may include the imposition of fines for each separate offence. The following standard procedural steps will be taken against owners/residents that do not abide by the Conduct Rules:

- Written warning;
- Written warning, advising of a fine;
- Written warning, plus R250-00 fine;

Written warning, R500-00 fine and invitation to Trustees meeting;
Legal action.

1. In the event of a breach by members of the Member's household, employees, invitees, guests and tenants and the members of the tenant's employees, invitees and guests, the Member shall be liable for the payment of any fines imposed;
2. In the event of a breach by a tenant, a member of the tenant's household or employees, invitees or guests of the tenant, the Association may, in addition to the imposition of any fine or other penalty, bar the above-mentioned from access to Mount DuVal.

In the event of a continuing offense, any person subject to these Conduct Rules who contravenes or fails to comply with any of the provisions, or any condition or direction given in terms thereof, shall be deemed to be guilty of a separate offense for every 24 hours or part thereof during which such offense continues and shall be liable in respect of each such separate offense.

Any fine imposed on a member, in terms of these rules, shall be a debt due and payable to the Association by the member on demand and /or be added to the monthly levy account.

Should a member fail or refuse to comply with these Conduct Rules, the Association may take whatever action necessary and appropriate in the circumstances and recover from the Member any cost incurred in taking such action without prejudice to its rights to recover any fines or other penalties imposed.