

ANNEXURE "A"

RULES

MADE IN TERMS OF THE  
CONSTITUTION OF THE

LA FONTANA  
HOME OWNERS ASSOCIATION

("the Association")

Changes to Conduct Rules approved at SGM on 7 May 2013  
Change to 6.3 to Conduct Rules approved at AGM 14.05.2014  
Changes to Conduct Rules approved at AGM on 05 May 2015  
Change to 6.3 to Conduct Rules as per approval of Home Improvement Guidelines at SGM held on 24/08/2017  
Changes to Conduct Rules approved at AGM on 21 July 2021.

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## 1. **INTRODUCTION**

La Fontana has been designed as a pure residential estate to provide a gracious and secure lifestyle for its residents and members.

Members are co-owners and close neighbours and therefore owes each other a duty of care and necessarily a higher level of cooperation to balance common-and private interests to ultimately improve the market value of the units and the scheme as a whole, and increase the rental that may be charged.

To protect and enhance this lifestyle, Rules have been established in terms of the Constitution of the Association. These rules are not established to limit members' lifestyle and investment, but rather to protect it. The rules are binding on all persons residing at or visiting La Fontana, as are decisions properly taken by the Trustees in administering them.

It is therefore a function of the rules to inform owners as to their relationship with each other and the whole of the Home Owners Association of owners.

Owners of properties are responsible for ensuring that members of their household, tenants, visitors, invitees and all their employees, which include trades persons and suppliers, are aware of and abide by the House Rules.

Tenants have the same responsibility with respect to their households, visitors, invitees and employees.

The House Rules may be modified, amended or repealed from time to time subject to the procedure laid down in the Constitution.

## 2. **DEFINITIONS**

In these House 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 House Rules as in the Constitution.

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 juristic persons. Reference to days shall be to calendar days, excluding public holidays.

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

**The Association** means the La Fontana Home Owners Association.

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**The Common Area** means those areas shaded in grey and all internal roads, the Land and /or buildings and/or any facility, service and construction, established for the benefit, use and enjoyment of all purchasers of private erven in the development as depicted on General Plan LG No 5992/2005 that pertains to Erf 4954 Gordon's Bay, excluding all private residential Erven on the Premises and all facilities and services thereon

**La Fontana** means the Township Area designated as La Fontana, within and including the perimeter wall and gates, and includes the private and Common Areas, and may be used interchangeably with ***scheme, complex, premises, development***.

**Law** shall refer to all Acts of Parliament, provincial ordinances, municipal regulations, bye-laws, the common law and all court decisions.

Reference to **letting agent** shall be reference to ***rental agent*** and vice versa.

**Member** means a member of the Association registered as owner of property within La Fontana in the Deeds Registry, Cape Town.

**Occupants** refers only to legal and lawful occupants – **illegal occupants shall by definition have no rights except as determined by law, for example, not to be evicted without a court order.**

**Trustees** mean the Trustee Committee or Board of Trustees of the Association which acts on behalf of the Association.

**Unit** shall mean the private property registered in the name of an owner, **home, house;**

**Vehicle** means any vehicle for of conveyance, whether self-propelled, or drawn by machine, animal or human agency.

**Visitor** means a person visiting a resident or owner and was granted permission by the resident or owner to enter La Fontana.

**Owner** means a member of the association, being a natural or legal or quasi-legal person registered as the lawful owner of an Erf. (Refer to definition of **member** in the constitution of La Fontana Home Owners association)

**Resident** means any person **lawfully** occupying an Erf or common property by right acquired from an owner/owner of the erf/a member in terms of an agreement concluded with an owner/a member, as opposed to an unlawful occupant whom has not acquired the right of possession and/or to enter upon an erf or common property, or whose right to possess and / or to enter has been rescinded or terminated by an member or court order. (Refer to definition of **Occupant** in the constitution of La Fontana Home Owners association).

**Contractor** means a person or company that undertakes a contract/agreement to provide materials, labour or perform a service/job and is not an owner/resident.

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**Non-resident** means any other natural or legal or quasi-legal person that is not an owner or resident.

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 House Rules. In the event of any breach of the House Rules by the members of his tenant's household, employees, guests and invitees, such breach shall be deemed to have been committed by the Member himself.

### **3. DOMESTIC REFUSE**

An owner or occupier of a unit shall-

1. Place all their domestic and grass cuttings in black plastic refuse bags as required by the City of Cape Town;
2. Put all their refuse in black bins and recycle bags in the refuse room in the designated areas;
3. Ensure that refuse bags are stored out of sight until put out for collection in the refuse room;
4. Ensure that before refuse is put out, the bags are securely wrapped and bags are properly sealed;
5. Ensure that all tins, bottles and other containers are completely drained before being deposited into recycle or black bags;
6. Put out no building rubble or furniture or fittings or items not easily stored in the refuse bags and remove these from La Fontana at own cost and with own means.
7. Remove all garden refuse at own cost and by own means from the premises of the Association.
8. Put all paper and glass in the area provided for recycling of paper and glass, and put out all other refuse that must be recycled together in designated areas.
9. Fines from R 100 will be issued if above Rules are not adhered to.

### **4. DOMESTIC ANIMALS**

1. The Trustees may impose rules and/or conditions for keeping of any pet on the premises, in their unfettered discretion. Such rules shall however not extend any rights an owner or occupier may have under these rules, and shall be reasonable in limiting the rights of owners or occupiers in possession of pets.
2. Dogs and cats shall be limited to one dog or one cat per original erf.
3. Any pet over and above the one dog or cat as at May 2013 may not be replaced after they pass away.
4. If, in the opinion of the Trustees,
  - 4.1 a pet causes an unreasonable nuisance to another person; or

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- 4.2 a pet is kept in contravention of these rules or the owner fails to adhere to these rules; or  
4.3 Conditions imposed by the Trustees in respect of their keeping are not complied with;

the Trustees may serve a written notice on the owner requiring adherence to the rules, and the trustees may impose penalties in terms of section 14, and/or may approach the court for an order to compel removal of such pet or adherence to the rules, after having given the owner or occupier in possession of the pet 14 (FOURTEEN) days written notice to remove the nuisance and/or adhere to the rules and/or conditions imposed by Trustees.

- 5 When a dog is taken outside the walled exclusive area of a property, onto the common property, it must be on a leash and under the control of an adult person at all times.
- 6 No exotic or imported pets may be kept on the premises except with explicit prior consent of the trustees in writing;
- 7 No snakes, other reptiles, primates or other animals (e.g. rabbits), except cats, dogs, and birds may be kept on the premises unless with the explicit prior consent of the trustees in writing. The size of external bird cages for keeping multiple birds must be approved by the trustees.
8. When dogs are kept, there must be a suitable enclosure to prevent the dogs from straying off the Member's property. Dogs may only be kept within the walled exclusive area of the property. No cages or kennels or any other pet housing are allowed where it is visible from the common property or the exclusive use areas.
- 9 Should a dog defecate on the common property, or on any other owner's property, the owner of the dog or person in possession or control of the dog will remove the faeces immediately. Occupants walking pets have to be in possession of a plastic bag to pick up any faeces immediately.
10. All animals must have a tag with the contact details of the owner.
11. No dogs are allowed on the premises and within private units on a temporary basis and no dogs belonging to visitors are allowed on the premises.
12. No pets are allowed in the swimming pool area or in the swimming pool.
13. No adult dogs taller than 40 (forty) cm measured from the ground to the middle of the back, are allowed.
14. The following types of dogs are not allowed: Bull Dog, Bull Mastiff, German Shepherd, Doberman, Bull Terrier, Rottweiler and Labrador (except Labradors which are smaller than stipulated in section 4.13 of this clause).
15. No animal will be allowed on the premises unless spayed or sterilized, and with vaccinations up to date, and the owner of the pet must be in possession of confirmation of this by a veterinary surgeon.

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16. The trustees may, if they consider special circumstances exist, and upon written application of the owner, relax any of the above rules in respect of the particular property on such conditions as they may deem fit.
17. No pets may roam the streets or private open space of the Estate. The Trustees retains the right to have such animals impounded at the cost of the owner.

## **5. TRAFFIC**

1. All vehicles entering La Fontana shall stop and come to a complete standstill at the security entrance.
2. Only roadworthy and properly registered vehicles with properly displayed road permits and registration numbers are allowed on the premises.
3. Only persons who hold a valid current driver's licence which would permit them to drive a vehicle on a public road within South Africa are allowed to drive a vehicle in La Fontana.
4. All non-residents and non-resident vehicles entering the premises must be registered with the security guard at the gate. The Association reserves the right to refuse entry to any vehicle to the premises if either the driver is not licensed and/or the vehicle has no valid road permit or registration number and/or the vehicle is not on the face of it not 100% roadworthy and/or the vehicle, driver and/or occupants do not comply with anyone of the rules of the Association including being prima facie inebriated.
5. No heavy vehicles, light or heavy "lorries" or transport vehicles, are allowed on the premises, except temporarily for loading or un-loading and transport of household goods or embarking or disembarking people, or upon instruction of the Trustees, and no truck or heavy vehicles, and/or buses may stay over-night in La Fontana. No buses (except minibuses) are allowed on the premises.
6. Heavy duty vehicles shall be allowed to park on the premises in order to affect deliveries only, but this may not cause any unusual or unreasonable disturbance or inconvenience to the other owners and/or occupiers of the complex. Such vehicles are not allowed to drive or park on any paved areas of any other unit, but only on the delivery unit alone.
7. Vehicles may not be parked on the grass, sidewalks or kerb stones, or driven other than on the roads, or onto marked parking areas on the common property. Heavy vehicles may not drive onto or park on paved drive-ways.
8. Family members, guests, visitors, employees or contractors of owners or occupiers shall only temporarily park their vehicles on the common property, subject to the directives imposed by the Trustees and these rules.

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- No vehicle, boat or caravan or the like may be parked on your neighbour's or any other property UNLESS they have given permission for you to do so.
- The following areas have been designated for visitors parking. The areas are well lit for security reasons. Parking is available as follows:
  - Southern side of Roma (opposite unit 90) - 3 parking's
  - Western side of Alex (adjacent to unit 114) - 6 parking's
  - At the Clubhouse (top of Tony Crescent) - 5 parking's
  - At the main swimming pool (adjacent to unit 125) - 7 parking's
  - Eastern side of Alex (adjacent to unit 64) - 10 parking's

Total = 31

No vehicles/ trailers/ boats/ motor bikes or the like of residents can be parked on the visitor parking at any time, as indicated above, except for the long-term parking located at the Eastern side of Alex (adjacent to unit 64) that the trustees has converted to long term parking. The parking is allocated to residence and must be applied for to the trustees.

9. No person may sleep or live in any vehicle or garage on the premises.
10. No owner, lessee or occupant or their guests, employees or visitors, may cause engine noise by 'revving' a vehicle's engine.
11. Owners and occupants shall always drive at a **safe speed** up to a maximum of 20 kilometres per hour and always obey all traffic laws and ordinances as if driving on a public road.
13. All vehicles will within the complex be driven at the risk of the driver and/or the owner of the vehicle, and/or the occupant or owner of a unit who gave access to the driver and / or owner of the vehicle, or allowed him/her to drive on the premises, and the onus shall be on the owner of a unit to inform drivers, guests, occupants and lessees accordingly.
14. All persons enter the premises of the Association at their own risk
15. The Association shall have no responsibility or liability in terms of this sub-rule vis-a vis any owner, lessee or occupant, or their guests, servants or employers, whether drivers or passengers.
16. No person shall store or park any vehicle, boat or caravan or the like on common area, vacant plots, in the road within La Fontana or any area other than the parking area of the dwelling provided they do not park on the grass. All wheels are to be on the paving and care must be taken that towbars etc do not extend into the road. The trustees may cause to be removed or towed away, or its wheels to be clamped, at the risk and expense of the owner thereof, including payment of a release penalty to be determined by the trustees, any vehicle parked, or abandoned on the common property without the trustees' consent.

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17. The Association may, by means, of appropriate signage designed specifically for La Fontana, give direction as to the use of roads or any portion of the roads and Common Area, and failure by any person to obey this signage shall be in contravention of these House Rules.
18. **The FIRE HYDRANTS are marked in yellow** - No vehicles/ trailers/ boats/ motor bikes or the like are to be parked or be an obstruction on the fire hydrants – the rule of NO tolerance will apply.
19. All drivers and passengers of motor-bikes and scooters must wear a helmet when driving through the complex.

20 Tailgating:

No vehicle may enter or exit La Fontana complex without the vehicle access gate opened specifically for that vehicle. No vehicle may tailgate after any vehicle entering La Fontana complex.

After entering La Fontana complex via the vehicle access gate, the resident / visitor must stop their vehicle at the stop sign and wait for the gate to close completely before they can proceed to prohibit anyone from tailgating into the complex.

20.1 Failing to adhere:

Resident – Driver of the vehicle

**First infraction:** The infraction will be logged by the access control officer in the incident report book and a written warning will be issued to the resident driving the vehicle.

**Second infraction:** The infraction will be logged by the access control officer in the incident report book and a fine according to Section 14 will be issued to the resident driving the vehicle.

**Reoccurring infractions:** 3 or more infractions. The infraction will be logged by the access control officer in the incident report book and an escalated fine according to Section 14 will be issued to the resident driving the vehicle.

*The penalty will be added to the member's/owners levy statement. Should the resident not be an owner, the owner will have recourse to recover the penalty in terms of their Lease Agreement.*

20.2 Visitor – Driver of the vehicle

**First infraction:** The infraction will be logged by the access control officer in the incident report book and a written warning ~~as well as a fine of R-100~~ will be issued to the visitor driving the vehicle.

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**Second infraction:** The infraction will be logged by the access control officer in the incident report book and a fine, according to Section 14 will be issued to the visitor driving the vehicle.

**Reoccurring infractions:** 3 or more infractions. The infraction will be logged by the access control officer in the incident report book and an escalated in accordance with Section 14 will be issued to the resident that provided access to the non-resident driving the vehicle.

The penalty will be added to the member's / owners levy statement. Should the resident not be an owner, the owner will have recourse to recover the penalty in terms of their Lease Agreement.

## 6. AESTHETICS

1. The members in general meeting may require that certain rules regarding aesthetics be adhered to by all owners. The basic rule in this regard is that the constitution must in all instances be adhered to.
2. No structures may be erected or amendments made to existing properties without the written consent of the trustees, the neighbouring owners (directly and across the street as the case may be) and the City of Cape Town having been obtained.
3. All garden walls visible from the outside shall be:  
Cement slabs (vibracrete); or  
Black galvanised steel consistent to the design of the access gates to the complex; or  
Virbracrete wall plastered with "Classy Crete".  
All vibrecrete and "classy crete" walls are to be painted the colour of the dwelling unit.

Furthermore, gates which are visible from the outside shall be:

- Black metal and the design shall correlate with that of the gates at the entrance to the complex; or with reasonable modification to the design pattern.
- Black metal where the design correlates to the design of the gates to the entrance of the complex or with reasonable modification with a black metal sheeting on the inside; or
- Annexure 2 indicates the design approved by the members.

No wall or gate may be installed without the proper authorisation. The procedure to be followed is:

Written application, with a maximum of 30-day notice, is to be made to the trustees together with a sketch of the exact design of the proposed gate/ wall to be erected. No wall or gate may be erected

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without the written permission of the trustees. The trustees have the final authority as to what is permitted. The approved sketch is to be submitted to the City Council.

4. All painted structures must adhere to the colour code as prescribed herein:

La Fontana Dark: PC:11:80 PJ:4:25 PL:12.53 PG:3.75 (1 Litre) & PC: 2:95 PJ:1.06.25  
PL:3.13 PG:0.94 (0.25 Litre) ration for 1 Litre.

La Fontana Light: PC: 13.03 PJ:1 PL:6.13 PG: 3 (1 Litre) ratio for 1 Litre

Plascon Pure Acrylic Pastel base must be used.

Units on the outside perimeter have a light colour on walls and dark colour on surrounds whilst units in the centre have a dark colour on walls and a light colour on surrounds.

5. No garments, household linen or washing of any nature, may be hung or placed anywhere to dry except in a drying yard or such other area designed for such purpose. Washing lines, twirly dry's etc. must be below the level of the yard walls.
6. Should this rule be contravened, the Trustees may in accordance with Conduct Rules request an owner to remove such structure or object immediately at his own cost and to restore the property to a state adhering to the rules and applicable ordinance or law. Existing structures in contravention of these rules and the constitution shall be dealt with on an ad hoc basis between owner and the Association – no established rights may be limited or encroached upon unilaterally by any party.
7. Should an owner not adhere to a written 30 (thirty) day notice in this regard by the Trustees, the trustees shall be entitled to approach the High Court for relief. The trustees may extend the period upon request by the owner.
8. An owner may not allow an auction to be conducted on any part of the property.
9. No owner or occupier of a unit, or letting agent used for residential purposes, shall place any sign, notice, billboard, or advertisement of any kind whatsoever within La Fontana. All such signs, notices and billboards shall be placed outside the entrance to La Fontana with permission of the Trustees.

## **7. NUISANCE**

1. No owner, lessee and/or occupier may permit anything to be done in his unit or on the common property which constitutes a nuisance or an unreasonable invasion of the privacy of the other occupiers within the scheme, or permit or cause any disturbances or allow his children or visitors or their children to cause any disturbances which in the opinion of the trustees would constitute a nuisance or an invasion of the right of privacy of another owner/occupier.

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2. 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:
  - 2.1 Burglar alarms must comply with any regulations which the Association may institute from time to time.
  - 2.2 All vehicles, but particularly motorcycles, must have efficient silencer systems, and no revving of engines may take place.
  - 2.3 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 business hours or the hours stipulated by the Association from time to time for building contractors, unless written approval for an exception is given by the Association.
  - 2.4 Noise must be kept to a minimum between 22h00 and 06h30 on all days and during the whole day on Sundays.
  - 2.5 No violent behaviour, alcohol abuse and foul language will be allowed on the common areas of La Fontana, and since violent behaviour is unlawful, such behaviour is prohibited in La Fontana as a whole. To the extent that alcohol abuse and foul language may be a nuisance or may lead to damage or bodily harm of owners and occupants in La Fontana, it is also prohibited in La Fontana as a whole.
3. No person shall cause any nuisance of whatever nature in La Fontana as may be defined in any law or the common law.
4. Owners, lessees and occupants as well as their guests should always be properly dressed when entering the common property.
5. No acts of personal hygiene or un-hygiene shall be carried out on the common property by any owner, lessee or occupant or their visitors.
6. Music, television, parties or anything such-like or associated therewith must not be disturbing to other occupants. Conversations, music or any noises must not cause any disturbance to other occupants.
7. Car radios should not be heard outside the car or cause any disturbance to other occupants.
8. No hooting on the premises or in the street is allowed. Visitors are not allowed to shout or hoot or use any other disturbing method to get the attention of occupants. It is the responsibility of the occupants to inform their guests accordingly.
9. No explosives, crackers, fireworks or any items of similar nature may at any time be exploded, lit or operated in units or anywhere on the premises.

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10 No access regulation

- Any entity or person on the no access list will be denied entry to La Fontana
- No owner, resident or trustee employee may be on the no- access list.
- Any entity or person can only be incorporated in the no access list with the permission of the trustees.
- A reason must be provided on the no access list for banning any entity or person from La Fontana.
- Conditions can be imposed, and restricted access can be granted to an entity or person.
- The removal of the entity or person from the no access list can only be granted by the trustees on request of an owner, resident or trustee employee.

11 No nuisances access regulation

- Any entity or person causing a constant nuisance and failing to adhere to the conduct rules or constitution can be reported to the trustees for consideration to be placed on the no access list as long as the process adhere to the no access regulation.

**8. SECURITY**

- 1 The Trustees shall be entitled to develop rules for improved security of the La Fontana Township, which shall however not unreasonably limit the rights of owners and in particular shall be applicable to all persons who enter the premises.
2. All members, tenants, employees, guests have to comply with the security rules of La Fontana, especially by not interfering with or obstructing the security staff.

5 Access for residents – Via vehicle gate.

- The resident/s must enter the complex in a vehicle.
- The resident/s must present his/her face to the facial recognition device.
- If the system recognises the face the gate will open for the resident/s.
- If the system fails to recognise the face the resident will have to sign in as a visitor and adhere to the visitor regulations as stipulated in section 8.7
- Once gate has fully opened and stopped the resident can enter the complex.
- The resident must adhere to the no tailgating policy.
- Once the gate has closed completely the resident can proceed forward into the complex while adhering to the traffic regulations of the complex.

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6. Access for residents – Via pedestrian gate.

- The resident/s must enter the complex on foot.
- The resident/s must present his/her face to the facial recognition device
- If the system recognises the face, the gate will unlock for the resident/s.
- If the system fails to recognise the face, the resident will have to sign in as a visitor and adhere to the visitor regulations as stipulated in section 8.8
- Once gate has unlocked the resident can open the gate and enter the complex closing the gate completely once entered.

7. Access for Visitors – Via vehicle gate.

- The access control officer must indicate to the visitor/s to proceed to the visitor parking and park.
- The access control officer must request the unit number and name of the resident/s the visitor/s wishes to visit.
- The access control officer will contact the resident/s via the Mircom system to obtain permission for access to be granted to the visitor/s. If permission is not granted by the resident or the call is unanswered the visitor/s will be denied access.
- The Access Security Officer must determine if the visitor is permitted entry and is not listed on the “no access list”
- If permission is granted the access control officer must register the visitor/s and all passengers.
- The procedure is as follows for the driver:
  - Scan the license disc on the windscreen.
  - Scan the driver’s license of the visitor.
  - Scan the driver’s license of the visitor for the 2<sup>nd</sup> time.
  - Passport number cannot be scanned and must be entered manually.
  - Add the resident unit number.
  - Capture cell phone number
- The access control officer must review the no access regulation and determine if all the visitor/s in the vehicle complies. (The list of people that is denied access and the reason)
- The access control officer must review the no nuisance access regulation and determine if the visitor complies.
- Once the Visitor/s complies with both the no access regulation and no nuisance regulation the access control officer can proceed, if the visitor/s does not comply the visitor/s will be denied access and the resident will be informed.
- The access control officer will verbally inform them of the no tailgating policy.
- The visitor must proceed to the main gate and once the vehicle is in front of the gate with the driver side in line with the biometric reader, the access control officer can proceed to open the gate for the visitor.

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8. Access for visitors – Via pedestrian gate.

- The access control officer must request the unit number and name of the resident/s the visitor/s wishes to visit.
- The access control officer will contact the resident/s via the Mircom system to obtain permission for access to be granted to the visitor/s. If permission is not granted by the resident or the call is unanswered the visitor/s will be denied access.
- If permission is granted the access control officer must request the visitor/s to complete the visitors log book.
- The access control officer must review and compare the details of the visitor/s to the no access regulation and determine if the visitor complies. (The list of people that is denied access and the reason)
- The visitor must proceed to the pedestrian gate and the access control officer can proceed to open and close the gate for the visitor ensuring the gate is closed completely once the visitor has entered.

9. Access for Deliveries – Via vehicle gate.

- The access control officer must indicate to the Delivery vehicle and passengers to proceed to the visitor parking and park.
- The access control officer must request the unit number and name of the resident/s the delivery vehicle and passenger wishes to make the delivery to.
- The access control officer will contact the resident/s via the Mircom system to obtain permission for access to be granted to the Delivery vehicle. If permission is not granted by the resident or the call is unanswered the delivery vehicle will be denied access.
- If permission is granted the access control officer must register the delivery vehicle driver and all passengers.
- The access control officer must review and compare the details of the Delivery vehicle and passengers to the no access regulation and determine if the Delivery vehicle and passengers complies. (The list of people that is denied access and the reason)
- The access control officer must review the no nuisance access regulation and determine if the Delivery vehicle and passengers complies.
- The access control officer must determine if the delivery vehicle is delivering building material, if so additional permission is required from one of the trustees/managing agent. If permission is denied the access for the delivery is denied. If permission is granted the access control officer can proceed.
- Once the Delivery vehicle and passengers complies with both the no access regulation and no nuisance regulation the access control officer can proceed, if the Delivery vehicle and passengers does not comply the Delivery vehicle and passengers will be denied access and the resident will be informed.

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- The access control officer will verbally inform them of the no tailgating policy and hand them the tailgating pamphlet.
- The visitor must proceed to the main gate and once the vehicle is in front of the gate with the driver side in line with the biometric reader the access control officer can proceed to open the gate for the Delivery vehicle and passengers.
- If the delivery vehicle is too large for the Vehicle access gate the centre gate (middle gate) must be utilised.
- The access control officer must ensure that the delivery vehicle and all the passengers that were registered are accounted for when the delivery vehicle leaves the premises. If any discrepancies occur it must be logged in the incident report, investigated and reported.

10 Access for Contractors – Via vehicle gate.

- The access control officer must indicate to the Contractor and workers to proceed to the visitor parking and park.
  - The access control officer must request the unit number and name of the resident/s the Contractor and workers wishes to proceed to.
  - The access control officer will contact the resident/s via the Mircom system to obtain permission for access to be granted to the Contractor and workers. If permission is not granted by the resident or the call is unanswered the Contractor and workers will be denied access.
  - If permission is granted the access control officer must request the Contractor to complete the visitors log book and register the workers. Once registered the contractor can enter for the agreed upon time as arranged by the resident /Owner without notifying the resident. If the contractor completes the work within a shorter time period as registered, the owner /Resident must cancel the contractor's access. If the access of the contractor needs to be prolonged the owner/resident must arrange the prolonging with the access control officer.
  - The access control officer must review and compare the details of the Contractor and workers to the no access regulation and determine if the Contractor and workers complies. (The list of people that is denied access and the reason)
  - The access control officer must review the no nuisance access regulation and determine if the Contractor and workers complies.
  - Once the Contractor and workers complies with both the no access regulation and no nuisance regulation the access control officer can proceed, if the Contractor and workers does not comply the Contractor and workers will be denied access and the resident will be informed.
  - A contractor vehicle card will be issued for each contractor vehicle and a contractor pass for the contractor and each worker each day.
  - The access control officer will verbally inform them of the no tailgating policy and hand them the tailgating pamphlet.

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- The Contractor and workers must proceed to the main gate and once the vehicle is in front of the gate with the driver side in line with the the biometric reader the access control officer can proceed to open the gate for the Contractor and workers. If the contractors vehicle is too large for the Vehicle access gate the centre gate (middle gate) must be utilised.
- The access control officer must ensure that the Contractor and all the workers that were registered are accounted for when the Contractor leaves the premises. The contractor must return the vehicle card and contractor passes issued each day. If any discrepancies occur it must be logged in the incident report, investigated and reported.
- Contractor hours
  - Summer – Monday to Friday - 07h00 – 18h00
  - Winter - Monday to Friday - 08h00 – 17h00
  - Saturdays – 07h00 – 14h00
  - Sundays and Public holidays – None allowed.

11 Access for Domestic worker – Via pedestrian gate.

- If the domestic worker is registered in the domestic worker file it will be viewed as the owner granting access permission, the next three bullet points can be waived.
- The access control officer must request the unit number and name of the resident/s the domestic worker works for.
- The access control officer will contact the resident/s via the Mircom system to obtain permission for access to be granted to the domestic worker. If permission is not granted by the resident or the call is unanswered the domestic worker will be denied access.
- If permission is granted the access control officer must request the domestic worker to complete the visitors log book.
- The access control officer must review and compare the details of the domestic worker to the no access regulation and determine if the visitor complies. (The list of people that is denied access and the reason)
- The access control officer must review the no nuisance access regulation and determine if the domestic worker complies.
- Once the domestic worker complies with both the no access regulation and no nuisance regulation the access control officer can proceed, if the domestic worker does not comply the domestic worker will be denied access and the resident will be informed.
- The domestic worker must proceed to the pedestrian gate and the access control officer can ~~proceed to open and close~~ the gate for the domestic worker ensuring the gate is closed once the domestic worker has entered.

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- The domestic worker is not permitted to bring along any other people unless they are given permission by the resident and they must follow the same procedure to gain access to La Fontana complex.
- Domestic worker hours
- Summer – Monday to Friday - 06h00 – 19h00
- Winter - Monday to Friday - 06h00 – 19h00
- Saturdays and Sunday – 06h00 – 19h00
- Public holidays – 06h00 – 19h00

12 Access for non-resident owner - Via vehicle gate

- The non-resident owner/s must enter the complex in a vehicle.
- The non-resident owner/s must present his/her face to the facial recognition device.
- If the system recognises the face, the gate will open for the non-resident owner/s.
- If the system fails to recognise the face, the non- resident owner/s will be compared to the La Fontana Unit owner’s database and granted access if they are on the La Fontana Unit owner’s database, if not they will be denied access to La Fontana complex. The incident must be reported in the security’s incident report book.
- Once gate has fully opened and stopped the non- resident owner/s can enter the complex.
- The non-resident owner/s must adhere to the no tailgating policy.
- Once the gate has completely closed the non-resident owner/s can proceed forward into the complex while adhering to the traffic regulations of the complex.

13 Access for non-resident owner - Via Pedestrian gate

- The non-resident owner/s must enter the complex on foot.
- The non- resident owner/s must present his/her face to the facial recognition device.
- If the system recognises the face, the gate will unlock for the non-resident owner/s.
- If the system fails to recognise the face, the no- resident owner/s will be compared to the La Fontana Unit owner’s database and granted access if they are on the La Fontana Unit owner’s database, if not they will be denied access to La Fontana complex. The incident must be reported in the security’s incident report book.
- Once gate has unlocked the non-resident owner/s can open the gate and enter the complex closing the gate completely once entered.

**9. OCCUPATION OF UNITS**

1. In order to maintain the low-density residential nature of the estate, no Member or tenant shall accommodate or allow to be accommodated more than the maximum number of persons permitted to occupy a residence at any given time.
2. The maximum number of persons (including minor in care of adults) allowed at any given time in a unit in La Fontana on a permanent or semi-permanent basis, shall be

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2 bedroom      4 persons  
3 bedrooms     6 persons

3. Occupation refers to lawful and legal occupation -illegal and unlawful occupants shall by definition have no rights except as determined by law, for example, not to be evicted without a court order.
4. The trustees may, if they consider special circumstances exist, and upon written application of the owner, relax any of the above rules in respect of the particular property on such conditions as they may deem fit.

## **10. SAFETY AND RISK**

1. Members and tenants must at all times exercise proper care with regard to minors and ensure that minors of their households, employees, tenants, invitees, and guests do not pose a safety threat to themselves or to any other person or driver at La Fontana Country Estate.
2. No person shall discharge a firearm, air rifle, crossbow or any similar weapon or use a knife anywhere within La Fontana except as allowed by any law or the common law.
3. No person shall brandish or publicly and openly carry any fire-arm air rifle, crossbow or any similar weapon within La Fontana.
4. Owners of weapons shall at all times strictly adhere to all laws pertaining to fire-arms and in particular shall ensure that fire-arms are at all times stored in a safe suitable for fire-arms which is bolted to a wall.
5. Fireworks and lighting thereof is not permitted at La Fontana.
6. No Stones or any solid objects may be thrown or propelled on the common property.
7. An owner or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act in the building or on the common property which may cause damage to the property and which will or may increase risk of damage to the property and increase the rate of the premium payable by the Home Owners Association on any insurance policy.
8. No violent behaviour, alcohol abuse and foul language will be allowed on the common areas of La Fontana, and since violent behaviour is unlawful, such behaviour is prohibited in La Fontana as a whole. To the extent that alcohol abuse and foul language may be a nuisance or may lead to damage or bodily harm of owners and occupants in La Fontana, it is also prohibited in La Fontana as a whole.
9. All persons enter the premises of the Association at their own risk.

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## **11. SWIMMING POOL, BRAAI FACILITIES AND SURROUNDS**

1. The swimming pool, braai facilities and surrounds (the “facilities”) are primarily for the use of members of La Fontana and their tenants, their guests and family.
2. Guests and family of owners and/or tenants may only use the facilities if accompanied by an owner or occupier.
3. Owners and occupants may not abuse this concession by bringing guests to the swimming pool every day, or by overcrowding the facilities to the detriment of other owners and occupants.
4. When making use of the facilities, owners and occupants shall comply with the following conditions and further conditions imposed from time to time by the trustees:
  - 4.1 Owners and occupants and their guests shall use and enjoy the swimming pool and surrounds in such a manner which does not unreasonably interfere with the use and enjoyment thereof by other owners or other persons lawfully on the premises.
  - 4.2 Use of the swimming pool and surrounds will be at a person’s own risk.
  - 4.3 Children may use the swimming pool with the consent of and at the risk of their parents or of the adult responsible for them and the Home Owners Association accepts no responsibility for them. Children under the age of 12 (twelve) years may only use the swimming pool under the supervision of an adult who accepts responsibility for them.
  - 4.4 All persons swimming must be appropriately clothed in swimming costumes or swimming trunks.
  - 4.5 Any noise at the swimming pool and surrounds must be contained and owners and occupiers must ensure that no disturbance is caused to other owners or occupiers of units.
  - 4.6 No swimming is allowed after 21h00.
  - 4.7 No running, jumping, shouting, screaming are allowed at the swimming pool area.
  - 4.8 No rough or violent games may be played at the swimming pool area and jumping or diving into the swimming pool is prohibited.
  - 4.9 No loose objects of any kind, including glassware, stones, sticks, balls, boats, or toys may be brought to the swimming pool area or thrown into the swimming pool.
  - 4.10 Entrance to the swimming pool area must be obtained through the gate and no person may climb on or jump over wall or railing. Owners and occupiers shall properly close the gate upon entering or leaving the swimming pool area.

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4.11 Owners and occupiers may not handle or damage the swimming pool equipment and may not throw anything in the pool which may damage the equipment or change the water quality.

4.12 The swimming pool will be closed for routine maintenance every Monday.

## 12. OPEN SPACE AND ENVIRONMENTAL CONTROL

- 1 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.
- 2 No person shall do anything that detrimentally affects the amenities, flora and fauna of La Fontana, or unreasonably interfere with the use and enjoyment of the Common Area by others.
- 3 An owner or occupier of a unit shall not allow littering of any rubbish, including dirt, cigarette butts, food scraps, **building rubble** or any other litter whatsoever on the common property. Building rubble must be removed within seven (7) days of completion of a building project.
- 4 No camping and shall be permitted on common property.
- 5 **No fires** shall be lit at La Fontana, except in such places as may be designated for the purpose by the Association or in a fireplace or braai facility.
- 6 No unauthorized person shall do any gardening or landscaping on the Common Area. No unauthorized person shall pick or plant any flowers or plants on the Common Area.
- 7 Subject to any Environmental law or any permit granted in terms of these laws, the Association shall be entitled to prohibit access to any part of the open space in order to preserve that natural flora and fauna, and no person shall enter such area without the written consent of the Association.
- 8 In the interest of the effective management of the water resources at La Fontana, no borehole may be sunk at La Fontana.
- 9 Every owner and occupant must ensure that members of his/her family, guests, employees and other people under their control do not damage the trees, shrubs, lights, etc. Any person, who damages the common property, or another owner or occupant's property, whether deliberately or negligently, shall be liable for the costs of repair or replacement thereof.
- 10 The Association will cut the grass on the common property as well as on the private stands twice a month. It is the duty of the resident to ensure that the grass is watered and not neglected. The grass area is to be kept free of all stones and items that may damage the grass cutting machines. Access must be granted to these areas for maintenance to take place.

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11. An owner shall keep his property free of all pests, whether ants, moles or mice and rats, and to this end shall permit the trustees, the managing agent, and their duly authorized agents or employees, to enter upon his property from time to time for the purpose of inspection of the outside of the property and taking such action as may be reasonably necessary to eradicate any such pests. The cost of the inspection, eradicating any such pests as may be found within the property, replacement of any property which may be damaged by any such pest shall be borne by the owner of the property concerned. Pests inside of a unit which may endanger the health or safety of other owners or occupants of units shall be dealt with as a nuisance and the trustees may at any time approach municipal health officials and enforce relevant laws in this regard.

### **13. COMMERCIAL ACTIVITY**

- 1 No advertising boards may be displayed anywhere within La Fontana .Advertising boards of panel agents, and other commercial enterprises which have written permission from the Trustees may be placed outside the entrance to La Fontana.
- 2 No door-to-door canvassing or selling is permitted at La Fontana.
- 3 It is prohibited to conduct any business of whatever nature within the Estate, except with written permission by the Trustees.

### **14. COMPLAINTS, CONTRAVENTION OF RULES AND IMPOSITION FINES**

1. Whenever the Association receives a written complaint from a Member relating to the behaviour of any persons at La Fontana, the Trustees shall investigate the matter. The Association is not prevented by this clause from taking action on its own initiative, if evidence of behaviour which in the opinion of the Trustees is unacceptable should come to its attention from a source other than a written complaint.
2. The trustees, or the managing agent if so instructed by the trustees, may then issue a written warning to the owner or rental agent and a duplicate thereof where applicable to the lessee or occupier of his unit, which may, in the discretion of the trustees, be delivered by e-mail, by hand or by pre-paid post.
3. In the notice the particular conduct, which constitutes a nuisance or offence, must be clearly indicated, and the alleged offender (whether owner, lessee or occupier) must be warned that if he persists in such conduct or contravention, and does not remedy his conduct within a certain period, which is at the discretion of the trustees, a penalty (fine) will be imposed on him.
4. If the offender nevertheless persists in the particular misconduct or contravention, beyond the period mentioned, a fine will be imposed immediately and added to the monthly levies payable by the owner. The owner will be notified in writing by e-mail, by hand or by pre-paid post of the imposition of the penalty and the addition thereof to the levy. The amount of the fine will be determined from time to time by the Trustees.

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5. Any person who contravenes or fails to comply with any provision of these House Rules, or any conditions imposed by or directions given in terms of the House Rules, shall be deemed to have breached these House Rules and will be subject to penalties imposed by the Trustees having regard to the circumstances.
6. In the event of a breach by members or the Member's household, employees, invitees, guests and tenants and by the members of the tenant's employees, invitees and guests, the Member shall be liable for the payment of any fines imposed.
7. In the event of continuing offence, any person subject to these House 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 offence for every month or part thereof during which such offence continues and shall be liable in respect of each such separate offence.
8. Any fine imposed on a Member, shall be a debt due and payable to the Association by the Member on demand and may be added to the monthly levy account to be collected in case of non-payment as if it is an arrear levy payment.
9. Nothing in these rules shall prohibit the Trustees from taking any steps it may in law be entitled to take in case of contravention of rules, and such steps may include but is not limited to application to court for an interdict.
10. When an infraction reoccurs within the same calendar year the reoccurring infraction fine will be a 100% increase on the previous fine issued. The resident receiving the fine will be entitled to submit a written request to the trustees to reduce the fine that was issued however the trustees reserve the right to deny any reduction in the fine without any reason given. No individual fine may exceed a month's levy amount in the financial year it is issued.
11. The following offences will result in a fine. The fines value will be calculated as a percentage of the current financial years levy amount.

Fine schedule:

Offence	Penalty	First offence
<i>Domestic refuse (Section 3)</i>	25 %	Warning
<i>Domestic animals (Section 4)</i>	25 %	Warning
<i>Traffic (Section 5)</i>	25 %	Warning
<i>Aesthetics (Section 6)</i>	25 %	Warning
<i>Nuisance (Section 7)</i>	25 %	Warning
<i>Security (Section 8)</i>	25 %	Warning
<i>Occupation of units (Section 9)</i>	25 %	Warning
<i>Safety and risk (Section 10)</i>	25 %	Warning
<i>Swimming pool, braai facilities and surrounds (Section 11)</i>	25 %	Warning
<i>Open space and environmental control (Section 12)</i>	25 %	Warning

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<i>Commercial activity (Section 13)</i>	<i>25 %</i>	<i>Warning</i>
<i>Fire hydrants and fire houses (Section 16)</i>	<i>25 %</i>	<i>Warning</i>
<b><i>Specific items</i></b>		
<i>Dogs roaming on the common property</i>	<i>50 %</i>	<i>Warning</i>
<i>Tailgating at the access gate</i>	<i>50 %</i>	<i>Warning</i>
<i>Violent disturbance (i.e., pushing a security guard, trustee, or owner/ resident)</i>	<i>99.99%</i>	<i>Warning</i>
<i>Noise, nuisance &amp; disturbance</i>	<i>50%</i>	<i>Warning</i>
<i>Washing visible from outside</i>	<i>50%</i>	<i>Warning</i>
<i>Verbal abuse</i>	<i>99.99%</i>	<i>Warning</i>
<i>Failure to pick up dog faeces</i>	<i>50%</i>	<i>Warning</i>
<i>Driving scooter with no helmet</i>	<i>50%</i>	<i>Warning</i>

*Reoccurrences of these offences is subjected to section 14.10.*

## **15 FIRE HYDRANTS AND FIRE HOSES**

1. No person may use any fire hydrant or fire hose for any purpose other than extinguishing fires.
2. No person may tamper with fire extinguishing equipment.
3. A person transgressing this rule may be charged criminally.
4. A person may at the discretion of the trustees be fined an amount equal to the amount as determined herein for penalties.

## **16. ARREAR LEVY PAYMENTS**

1. An owner shall be in arrears with the payment of levies if all levies due are not paid in advance before or on 7<sup>th</sup> (seventh) day of every month.
2. Should an owner be in arrears with any payment, he **may** be given a written warning by trustees to pay the arrear amount within 5 (five) days of the date of the notice.
3. Should an owner be in arrears with his levy payments by the 7<sup>th</sup> of a month, and does not pay within 5 (five) days as set out in paragraph 2, the Trustees shall have the right to take the steps set out below, immediately and without any further warning.

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4. The trustees may instruct an attorney to issue summons against the owner to collect arrear levies and/or any other amounts due and owing by the owner.
5. Interest at Prime plus 5% per annum shall be levied on all arrear amounts with effect from the first day of the month on which the owner falls in arrears, **and shall be calculated daily and compounded monthly.**
6. The costs of legal action as set out above, all collection costs, including collections commission, will be payable by the owner on the scale as between attorney and **own** client according the non-litigious or litigious tariff, whichever may be applicable.
7. The Home Owners Association shall be entitled to pay legal fees and costs including collections commission and debit the account of the relevant owner with the amount paid to the attorney.
8. The legal collection process may be stayed by written notice of a dispute or court order. The collection proceedings will proceed upon failure to settle a dispute before or during mediation proceedings, unless the debtor has acquired a court order to the contrary.
9. Owners shall pay current levies, current penalties and interest on current levies and penalties and not fall in arrears with levies, even if a dispute resolution process is initiated, or a legal process instituted.

## **17 DISPUTE RESOLUTION**

1. A duty of care shall rest upon owners in their conduct towards each other. All disputes between the Association and an owner/ owners on the other side, or between owners, about or touching upon these rules shall therefore, in the light of the duty of care that rests upon owners in their conduct towards each other, be **mediated** with the purpose of reaching consensus and saving costs.
2. Written notice of dispute by any party to the Association shall automatically initiate mediation proceedings.
3. The Association shall allow parties to settle difference informally. The Association shall at any stage if, in its discretion, informal proceedings are to no effect, seek the appointment of a mediator. Should the owners and/or Association not agree upon a mediator within 10 (ten) days after a party has given notice, the mediator may be appointed by the Secretary of the General Council of the Bar, or other entity as agreed upon between the parties.
4. The mediator shall keep a written record of mediation proceedings and the Association shall keep this record in safe-keeping for as long as it may deem fit, but at least until the property has been sold with no implications arising in terms of the mediation for the Association.

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- 5 Cost of mediation shall be paid by the owners who are parties to the mediation, or the owner and Home Owners Association, each paying an equal share of the costs, or as agreed between the parties.
6. A mediator's decision may be made a court order.
7. A party may opt out of mediation proceedings and proceed with any legal action it may in law take at any stage by giving written notice to the Association in this regard.

## **18 DOMICILIUM CITANDI ET EXECUTANDI**

The domicilium citandi et executandi/ address for service of documents and to cite of Lessee and /or occupant shall be the unit leased and/or occupied. The owner's domicilium citandi et executandi shall be the unit of which he is owner unless notice of change of domicilium has been given to the Association. The domicilium citandi et executandi of the Association shall be the offices of the managing agent.

## **19 PROTECTION AGAINST DISCRIMINATORY PRACTICES**

No action by the Association may be of a discriminatory nature and in contravention of the Consumer Protection Act.

It is specifically recorded that the Association and owners and occupiers may not act on the basis of any grounds of discrimination contemplated in unit 9 of the Constitution of South Africa (the Bill of Rights) or Chapter 2 of the Promotion of Equality and Prevention of Unfair Discrimination Act."

Anything in this rules notwithstanding, the Association shall in this regard not take responsibility or carry the risk for actions of Letting Agents, or other third party agents or contracting parties who may be active within the scheme/ township upon instruction of owners, and it shall be incumbent on the Association and owners to bring this to the attention of such third parties.

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