

Avonddans II

Home Owners Association

ANNEXURE "A" (TO THE CONSTITUTION OF AVONDDANS II HOME OWNERS ASSOCIATION)

CODE OF CONDUCT for Members and Tenants

A. PURPOSE OF THIS CODE:

1. The purpose of this Code of Conduct is:
 - 1.1. to protect the rights of persons living on the estate; and
 - 1.2. to compel compliance with the obligations and/or rules embodied herein.

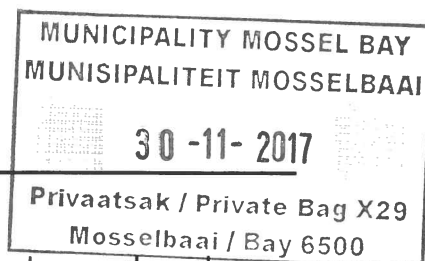
B. GENERAL OBLIGATIONS OF MEMBERS:

2. A member must ensure that his household, employees, tenants, contractors, service providers, visitors, guests and any other person who enters the Estate for his purposes, comply with these rules.
3. If a member sells or lets his property, he must ensure that the buyer or tenant is provided with a copy of the constitution of Avonddans II Home Owners Association as well as the annexures thereto. The code of conduct should be attached to the rental agreement as an annexure and signed by the member and his tenant. A copy of this signed annexure must be submitted to the Managing Agent of the Association.
4.
 - 4.1. no member may use his property or permit the property to be used; and
 - 4.2. no occupant who is not a member, may use the property


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he occupies, or permit the property to be used; and

4.3. no member or occupant may use the communal area, or permit it to be used;

in a manner or for a purpose that will cause a nuisance or create a disturbance to anyone living on the Estate.

5. All television, radio, musical or other audio appliances, talking and singing, must be kept at sound levels which do not reasonably disturb residents.

6. Hooters of motor vehicles and motorcycles may only be sounded as a warning of imminent danger.

7. Unnecessary and excessive noise from motor vehicles and motorcycles' engines is not permitted.

8. No explosives, crackers, fireworks or items of similar nature may at any time be lit or exploded on any common or private property.

9. No firearm may be discharged on any part of the Estate, except in case of self-defence.

10.

10.1. There is no provision on the Estate for communal or common entertainment areas. All such activities will be restricted to the property of such a private function or entertainment:

10.1.1. when entertaining, consideration must be given to neighbouring residences;

10.1.2. excessive noise is expressly prohibited;

10.1.3. party or entertainment noise is limited to 23h30;

10.2. The Committee of Trustees may give written permission that an entertainment activity may take place on an identified common area on such conditions as they may decide.


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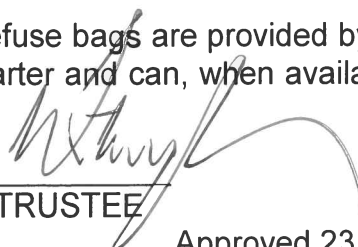
C. MOTOR VEHICLES AND MOTORCYCLES (REFERRED TO AS MOTOR VEHICLES):

11. The speed limit is 40 km/h.
12. Members, their households, employees, tenants, contractors, service providers, visitors, guests and any other person who enters the Estate for his purpose must obey all road signs on the Estate and drive their vehicles in such a manner as not to cause any risk to persons or animals.
13.
 - 13.1. No motor vehicle, trailer, caravan or boat may be parked on:
 - 13.1.1. any of the roads for longer than what is absolutely necessary and in such a way as to obstruct the free-flow of pedestrian or vehicular traffic; and/or
 - 13.1.2. any other common property.
 - 13.2. Delivery vehicles are exempted from the provisions of paragraph 13.1 above, but only for the purposes of, and during the time of, delivery.
 - 13.3. No vehicle may be parked upon areas of the common property. The Committee of Trustees may have such a vehicle removed, or its wheels clamped, at the risk of the owner and/or driver thereof and upon payment of any release penalty. Residents shall ensure that their vehicles and the vehicles of their household, employees, tenants, contractors, service providers, visitors, guests and any other person who enters the estate for his purposes, do not drip fuel, oil, brake fluid or any other substance on any part of the common property.
14. No person may reside or sleep in a vehicle, trailer, container, caravan or tent on the Estate.

D. REFUSE REMOVAL:

15. Black and blue municipal refuse bags are provided by the Mossel Bay Municipality once every quarter and can, when available, be collected


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at the main gate:

- 15.1. the blue bags are used for recyclable items only. Tins and other containers must be dry before being placed in bags;
- 15.2. all other refuse must be placed in the black bags;
- 15.3. the bags of each stand must be placed on the road curb of each property, not earlier than the evening preceding the day of collection.

E. PETS:

16. Owners or their tenants are restricted to two pets per stand.
17. All laws relating to animals must be strictly complied with.
18. Pets are not allowed to run free or roam on the Estate. They must be attached to a leash at all times.
19. An owner of a pet or the person in control of a pet is responsible to remove the excrement of the pet from any other common or private property, immediately.
20. Residents must ensure that their pets do not cause a nuisance to any other residents.

F. PAYMENT OF LEVIES:

21. Levies are payable in advance as provided for in the constitution.
22. Members are liable to pay interest at the rate of 4% (four percent) per annum above the prime interest rate on all arrear payments.
23. Legal action will be instituted against members whose levies and other payments (if any) are 2 (two) months overdue, and in such an event:
 - 23.1. a certificate signed by the Managing Agent shall be *prima facie* proof of such member's indebtedness;
 - 23.2. a member shall be liable to pay the legal costs of the


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action on the scale as between attorney and client.

G. GARDENS:

24. Private gardens must be kept in a neat condition at all times.
25. All empty stands must be maintained and be kept clean and tidy by the owner. If the owner fails to do so, the stand will be maintained by the Committee of Trustees on behalf of the Homeowners Association, for the account of the owner.
26. Open spaces and foot paths on green areas or parks are common property and maintained by the Homeowners Association for use by all residents and therefore the following rules will be strictly enforced:
- 26.1. no alien vegetation may be planted or transplanted;
- 26.2. unauthorised persons may not remove, plant or transplant trees, shrubs or plants;
- 26.3. only authorised persons may maintain the common property;
- 26.4. members and tenants are obliged to maintain, at their cost, the area between the road curbs and the boundary of their properties:
- 26.5. members and tenants are responsible for maintaining all lawns, trees, plants and shrubs planted on the sidewalks immediately adjacent to their stands so that these do not obstruct or encroach or damage the road/street surfaces

H. GENERAL APPEARANCE OF PROPERTIES:

27. No person shall place any, notice, billboard or advertisement of any kind, whatsoever, on any part of the common property or on any private property without written permission of the Committee of Trustees.
28. Washing should be hung as unobtrusively as possible.
29. Garden fences, walls and outbuildings forming part of the streetscape should be properly finished and maintained and kept in a clean and


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presentable condition. Failure to comply will result in the repair or maintenance being done by the Committee of Trustees at the owner's expense.

- 30.
 - 30.1. Entrances to dwellings may not be cluttered or used for storage;
 - 30.2. No equipment, tools, boxes and refuse bags may lie about, visible on the property from the street.
- 31. Outside decor as specified in the Code of Architectural Style and Design, must be kept clean and presentable.
- 32. Driveways are to be kept weed free and litter free at all times.

I. LITTERING:

- 33.
 - 33.1. Nobody shall deposit, throw, permit or allow the depositing or throwing on any property of any rubbish, including but not limited to cigarette butts, food scraps or any other litter whatsoever.
 - 33.2. If a member, or any of his household, employees, tenants, contractors, service providers, visitors, guests or any other person who enters the Estate for his purposes, in the reasonable judgment of the Committee of Trustees, contravenes sub-rule 33.1 above, the said property will be cleaned by the Committee of Trustees for the members' account.
- 34. No litter, rubbish, foreign objects or liquids may be thrown into any water facilities on the Estate.

J. DOMESTIC WORKERS:

- 35. The behaviour of domestic workers remains the responsibility of the owner and/or his tenant(s).
- 36. All owners and tenants shall ensure that all domestic workers' details are properly recorded with the Estate security at the main entrance of the Estate before being granted access to the Estate.


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37. All owners or tenants shall ensure that all domestic workers comply with this Code of Conduct and do not do anything which may constitute a nuisance or annoyance to any other servant or resident.
38. Domestic workers are not allowed to receive visitors on the Estate.

K. WORK EXISTING HOUSE SITE:

39. All owners and tenants must ensure that their ad hoc workers and contractors, who perform work on their existing house site, adhere to the following working times: Monday to Friday from 7h00 to 18h00, Saturday and public holiday from 8h00 to 17h00.

L. LIABILITY FOR DAMAGES:

40. All owners are responsible for the actions, behaviour and all acts committed by their guests, visitors, contractors, service providers, employees, tenants, household and any other person who enters the Estate for his purposes, and any damage incurred to the common property of the Estate by any of them will be for the account of the owner.
41. Neither the Association nor any of its representatives may be held responsible for any damage, loss or injury sustained by any person on the Estate.

M. USAGE, LETTING AND OCCUPANCY OF PROPERTY:

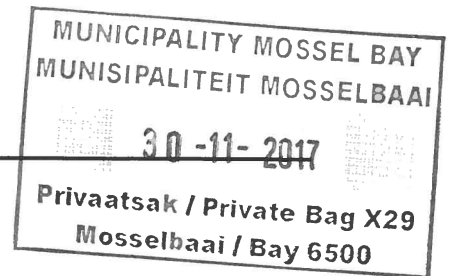
42. All tenants and all other persons that were granted any rights of occupancy by any owner of the relevant stand, are obliged to comply with this Code of Conduct, notwithstanding any provision to the contrary contained in any agreement between the owner and such tenant or occupant.
43. Owners must ensure that tenants and the holders of rights of occupancy are of good standing.
44. Owners must personally ensure that the tenants and occupants:

- 44.1. receive copies of these rules and any other administrative regulations applicable at the time;


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- 44.2. bind themselves in writing to adhere to these rules and such other administrative regulations.
45. An owner must notify the Committee of Trustees in writing, within 14 (fourteen) days of the conclusion of an agreement of lease, or other occupancy arrangement (whether verbal or in writing) that the tenant/occupier who will become a resident has been handed a copy of this Code of Conduct and has complied with clause 44.2.
46. No auction or similar sales, jumble sales, garage sales or exhibitions shall be held on the common property or on private property without the prior written permission of the Committee of Trustees, nor may the property be used primarily for professional or commercial purposes.

N. RISK AND LIABILITY:

47. While reasonable care will be taken where possible by the Homeowner's Association, its Committee of Trustees, or any of its employees, agents, contractors, or service providers, to prevent harm to persons and property, any person uses or visits the Estate at his own risk.
48. Accordingly, the Homeowners' Association, its Committee of Trustees, its employees, agents, or contractors or service providers shall not be liable for any injury, loss or damage whatsoever which any person, including but not limited to any member or any resident, or any member of his family, his employee, relative, friend, acquaintance, visitor, invitee or guest may sustain, directly or indirectly, in or about the common property.
49. The Homeowners' Association shall not be liable or responsible in any manner whatsoever for the receipt or the non-receipt, and the delivery or non-delivery of any goods and/or postal matter.

O. BREACH, PENALTIES AND LEGAL ACTION:

50. Any person who contravenes or fails to comply with any provision of this Code of Conduct, or any conditions imposed by or directions given in terms hereof, shall be deemed to have breached this Code of Conduct and will be subject to the penalties as per Annexure A.1 attached to this document, imposed by the Committee of Trustees, having regard to the particular circumstances of each individual


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situation, which may include the imposition of penalties for each separate offence.

51. If a member or tenant or any of the persons mentioned in paragraph 2 above, contravenes or fails to comply with any provision of this code in the opinion of the Committee of Trustees, the Committee of Trustees may furnish the owner with a written notice to be delivered by e-mail, by hand or in any other manner. In the notice, the particular conduct which constitutes a contravention of any of these rules must be adequately described, the rule that has allegedly been contravened must be clearly indicated, and the owner must be warned that if the offender persists in such conduct or contravention, a fine will be imposed on such owner of the particular property.
52. If the person referred to above nevertheless persists in that particular conduct and in the contravention of that particular rule after 3 (three) days of delivery of the written notice mentioned in clause 51 supra, the owner shall be furnished with a further written notice, advising him of the imposition of a fine.
53. The Committee of Trustees may, at the Annual General Meeting, from time to time determine the amount of the fines to be imposed for initial and subsequent contraventions of the individual rules contained herein. This shall include, but not be limited to, the penalties referred to in Annexure A1 hereto, the amount of which may be altered from time to time by the members at an Annual General Meeting.
54. Any fine imposed shall be a debt due and payable to the Homeowner's Association and may, if not paid within 14 (fourteen) days after the offender has been notified of the imposition of the fine, be added to such owner's levy account.
55. In the event of a continuing offence, any person subject to this Code of Conduct who contravenes or fails to comply, with any of the provisions, or any condition or direction given in terms hereof shall be deemed to be guilty of a separate offence for every 24 (twenty four) hours or part thereof, during which such offence continues and shall be liable to pay a fine in respect of each such separate offence.
56. Should a person fail or refuse to comply with this code, the Committee of Trustees may notwithstanding the above provisions take whatever legal action necessary and appropriate in the circumstances, and may recover from the owner concerned any cost incurred in taking such action without prejudice to its rights to also recover any fines imposed.


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P. WAIVER:

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

Q. SELLING OF PROPERTY:

58. All prospective property buyers must be acquainted with the constitution of the Homeowner's Association, as well as the annexures thereto and all relevant resolutions. The owner (seller) must ensure that the buyer is informed about the contents thereof and that he has received copies of such documents.

59. The said documents must be signed by the prospective buyer, simultaneously with the signing of the deed of sale.

60. All prospective purchasers must be accompanied onto the Estate by the relevant estate agent or owner.

61. A clearance certificate must be obtained from the Managing Agent prior to any transfer:


61.1. the cost of this certificate will be for the account of the buyer.

61.2. the clearance certificate will only be issued to an owner whose levies and any accrued or outstanding fines, including interest, costs or any other indebtedness to the Homeowner's Association are fully paid or if satisfactory arrangements have been made by the transfer attorney for the payment thereof; and

61.3. if the owner is not in continuing breach of any of these rules.

62. An owner shall notify the Committee of Trustees forthwith in writing of any intended change of ownership in, or occupation of, his property, and any change in membership, shareholding or trusteeship of any close corporation, company or trust, as may be applicable, and of any mortgage agreement or dealing in connection with his property, that may affect his ownership or security.


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R. AMENDMENTS


63. Any amendment, substitution, or repeal of this Code of Conduct for Members and Tenants shall require the approval of at least 50% (fifty per cent) of the total number of members of the Avonddans II Home Owners Association at a general meeting called specifically for such purpose and the notice of such meeting shall, in addition to complying with the requirement for the convening of a meeting, set out in specific terms the proposed addition, amendment, substitution or matter to be repealed.
64. Any owner who requests any special permission to depart from any rule contained in this code, shall be entitled to lodge such request in writing that shall be considered by and decided upon by the Committee of Trustees or, if the Committee so decides, by the members at an Annual General Meeting.

S. CODE OF CONDUCT: AVONDDANS

65. Due to the fact that members of Avonddans II Home Owners Association and Avonddans Country Estate shares a common security fence, some roads/streets and security entrance, Members are requested:
- 65.1. to take cognisance of the contents of the Code of Conduct of members and tenants of Avonddans once it has been presented to the CT for review and acceptance; and
- 65.2. to comply with the contents thereof.

APPROVED BY THE ANNUAL GENERAL MEETING ON THIS 23 DAY OF SEPTEMBER 2017, AND SIGNED ON BEHALF OF THE AVONDDANS II HOME OWNERS ASSOCIATION.



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ANNEXURE A.1

**Avonddans II Home Owners Association
Penalty Matrix**

	Transgression/Offence	Penalty amount
1.	Urinating in public.	R300-00
2.	Fire in public areas and on building sites.	R500-00
3.	Non-registered worker/illegal immigrant on property.	R750-00 per worker
4.	Contractor workers on new building site after hours and weekends.	R1500-00 per incident
5.	Contractor or owner workers on existing house site after 18h00 on Saturdays, Sundays – excluding emergency repairs.	R1 500-00 per incident
6.	Workers wandering around off their building site.	R200-00 per worker
7.	Damage to kerbs, light poles, neighbouring stands, plants, windows, etc.	Cost of repairs plus 50% administration fee
8.	Ignoring stop signs, reckless driving, unlicensed vehicles (e.g. quad bikes), unlicensed driving and any other traffic violation.	R300-00 per offence
9.	Dumping of building rubble on vacant stands without stand owner's permission.	R1 000-00 per offence
10.	Untidy building sites, excessive rubble.	R300-00 per offence
11.	Building alterations – additional levy after 3 months to encourage the completion of alterations.	R1 000-00
	Building alterations – construction exceeding 6 months without permission	Double monthly levy
	Building alterations – construction exceeding 9 months without permission	Triple monthly levy
12.	Continuous contraventions that are not rectified within reasonable time will attract a monthly fine:	
	12.1 Failure to maintain property in acceptable condition	R300-00 p.m.
	12.2 Failure to rectify unacceptable colour schemes	R300-00 p.m.
	12.3 Failure to remove or rectify unacceptable structures	R300-00 p.m.
	12.4 Failure to address nuisance pets or excessive number of pets	R300-00 p.m.
13.	Gardens that are neglected	Cleaning cost plus R200-00


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14.	Parking of trailers/caravans/boats etc. on sidewalks or in driveways.	R300-00 per offence
15.	Illegal entry to the Estate	R350-00 per offence
16.	Activities causing an aggravation or nuisance to other residents	R500-00 per offence
17.	Animal faeces left on communal areas, pavements, etc. and not picked up.	R300-00 per offence
18.	The CT may in their sole discretion issue a penalty to any resident, visitor or contractor who habitually transgresses any of the rules or verbally or otherwise abuses the CT or security personnel	R2 000-00 per offence
19.	Members not informing their tenants about the code of conduct rules upon signature of rental agreement	R500-00 per offence
20.	Vehicles spilling oil, fuel, brake fluid or any other substance on any part of the common property and failure by member to clean it up	R500-00 per offence And repairs costs

- Penalties will be added to levy accounts where they will attract interest if left unpaid.
- Members are entitled to take the imposition of a penalty either for arbitration or to the Om budsman.


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