



Home Owners Association

Estate Rules

Approved by the trustees per Round Robin decision on the 24th May 2016 as regulated by clause 16 (Functions and Power of the trustee committee) of the Zevenwacht Country Estate Home Owners Association Constitution

1. INTRODUCTION

The Zevenwacht Country Estate was developed to provide a comfortable, harmonious and secure lifestyle for its residents. The rules are not intended to limit the lifestyle and/or investment of residents, but rather to protect them. The rules are binding equally on all residents and it is the responsibility of every resident to ensure that all their invitees (including but not limited to guests and tenants) abide by the rules.

2. SECURITY

- 2.1 Persons may only enter or leave the Estate through the main entrance other than in extraordinary circumstances and with the prior written consent of the HOA.
- 2.2 Domestic, Casual and Construction workers on foot will not be permitted entry to the Estate unless issued with a permit permitting such entry.
- 2.3 All persons, other than those who have been issued with a valid entry permit, shall be required to sign the prescribed entry document stating that they will abide by the rules of the HOA.
- 2.4 All vehicles entering and leaving the Estate shall stop at the vehicle entrance.
- 2.5 No vehicle shall enter the Estate unless admitted by the guard on duty at the gate, except where the HOA has issued a device enabling the driver to operate the vehicle entrance gate. Such devices are issued for the personal use of the person to whom it was issued and shall not be shared with or used by or transferred to any other person.
- 2.6 All residents shall advise the guard on duty at the security gate of the identity and approximate time of arrival of any person to be admitted to the Estate as an invitee of the resident concerned. If the security guard has not been so notified the guard may (but will not be obliged to) endeavour to obtain authority from the relevant resident to admit the person concerned to the estate.
- 2.7 Residents who do not wish to avail themselves to the entry device issued as in 2.5 above may apply for a resident's vehicle entry permit which permit shall be valid for a period of one calendar year from a date prescribed by the HOA, otherwise 2.3 will apply.
- 2.8 Residents may apply for a domestic staff entry permit for their domestic staff. On receipt of a duly completed application on the prescribed form from the HOA will issue a domestic staff entry permit which permit shall be lodged at the guard house. On entry into the Estate the domestic staff member will be required to sign in and collect his/her permit which permit is to be kept on the person at all times while they are within the Estate. On leaving the Estate the permit is to be returned to security and the person signed out by security.
- 2.9 Casual workers will not be permitted to enter or exit the Estate on their own and must be accompanied by their employer when entering or exiting the Estate. When entering a casual worker, an entry permit will be issued on signature by the Employer which permit is to be kept on the person at all times while they are within the Estate. The permit is to be returned to security when the person leaves the estate and is to be signed off by the Employer.
- 2.10 All main contractors, supervisors, architects, sub-contractors and any others involved in the construction who will be on site more than once a week must obtain a temporary access permit

from the HOA which permit will be valid for one calendar month and is to be issued on the first day of each month.

3. DOMESTIC STAFF

- 3.1 Resident's domestic staff members are obliged to abide by the rules and constitution of the HOA and accordingly residents shall supply such staff with a copy of such rules and constitution.
- 3.2 Residents are required to notify the HOA and provide full details of any domestic staff member who resides on the Estate.

4. TRAFFIC

- 4.1 Heavy delivery vehicles are not permitted without the consent of the HCA on Sundays and Public Holidays nor before 7h30 and after 17h00 on weekdays and 14h 00 on Saturdays if they are unlikely to be in a position to exit before 18h00 and 15h90 respectively.
- 4.2 Vehicles carrying abnormally large and/or heavy loads or abnormally long and/or articulated vehicles may be denied access to the Estate or certain parts thereof for practical reasons.
- 4.3 Members will be liable for damage caused by any vehicle associated with activity on their property and the recovery of any related costs from the owners or drivers of such vehicles will be the responsibility of the members.
- 4.4 A maximum speed limit of 40 (forty) km/h shall apply within the Estate.
- 4.5 Animals, birds and pedestrians shall at all times have the right of way on and about the Estate.
- 4.6 No person shall drive or ride any vehicle within the Estate in such a manner that would constitute an offence under any traffic ordinance. All vehicles shall be in a good and roadworthy condition. Without limited the generality of the foregoing vehicles emitting excessive noise and/or smoke are prohibited.
- 4.7 The parking of motor vehicles on a continuous basis, rather than a once-off or infrequent situation, is limited to a Resident's garage and driveway. Vehicles that are not used on a regular basis should be parked in an enclosed garage. The Resident's driveway may be used to park vehicles as long as there is sufficient space on the driveway to park the vehicles without in any way encroaching on the public roadway, or on public open spaces, or on a neighbour's property.
- 4.8 The HOA reserves the right to introduce from time to time any traffic calming measures, including, but not limited to, speed humps and pedestrian crossings which the HOA in its entire discretion deems necessary,

5. DOMESTIC REFUSE

- 5.1 All refuse (whether domestic or garden) shall be kept in separate suitable containers which shall not be visible from any road or Private Open Space except when placed in suitable plastic bags for purposes of collection by the local authority. All of the requirements of the local authority with regards to refuse collection shall be complied with.

5.2 Refuse shall only be placed for collection on the day of collection.

6. DOMESTIC ANIMALS

6.1 Unless written authority has been given by the HOA to any member only domestic animals posing no danger may be kept which shall be limited to 2 (two) dogs and 2 (two) cats per erf. Dogs must be kept in suitable enclosures and must be prevented from straying off the relevant resident's erf. All domestic animals shall at all times bear a tag with the name, telephone number and erf number of the relevant owner.

6.2 Dogs shall not be allowed on common property unless on a leash and under strict control, if any dog digs holes and/or otherwise damages common property or defecates on common property, the relevant owner shall be required to repair the damage and/or remove the faeces, as the case may be

6.3 If any animal is brought onto or found upon the Estate contrary to the provisions of these rules or if any animal creates a nuisance to other residents, the HOA shall be entitled (without limiting the generality of the rights afforded to it in terms hereof) to either,

6.3.1 Require the relevant owner to remove the animal from the Estate; and/or

6.3.2 Itself remove the relevant animal from the Estate and to claim all costs so incurred from the relevant owner.

7. OPEN SPACES AND ENVIROMENTAL ASPECTS

7.1 The HOA shall be entitled to control all aspects of the environment on or about the Estate including but not limited to the management and control of fauna and flora.

7.2 No person shall do anything or omit to do anything that may be likely to have a detrimental effect on the environment or that is likely to unreasonably interfere with the use and enjoyment of the common areas by residents and their invitees.

7.3 Camping and the lighting of fires on common areas are prohibited.

7.4 No person shall, without the prior written authority of the HOA, conduct any gardening / landscaping or pick any flowers or plants on or about the common areas.

7.5 The HOA shall be entitled to prohibit or restrict access to any part of the Estate in order to preserve the natural fauna and flora.

7.6 No person shall discharge any firearm, air-rifle, crossbow or similar weapon or device on or about the estate other than in self-defence.

7.7 No vehicle of any kind will be allowed on the common areas including parking.

8. MAINTENANCE OF PRIVATE AREAS

For as long as a member is the registered owner of an erf (the property) the member shall:

- 8.1 maintain the property in a neat and tidy condition
- 8.2 maintain in a neat and tidy state that portion of the "verge" or road reserve between the boundary of the members' property and the actual road surface.
- 8.3 care for any trees on the property and shall not remove or cut down any trees on the property without the prior written consent of the HOA;
- 8.4 establish and maintain a garden in accordance with the standard determined by the HOA.
- 8.5 maintain in a neat and tidy condition and in a state of good repair all buildings/structures and walling / fencing erected on the property; and
- 8.6 adequately insure all buildings/structures erected on the property and if requested to furnish proof of such insurance to the HOA and in the event of total or partial destruction the member
- 8.7 shall within a reasonable time period make good such damage or reconstruct the destroyed structure in accordance with the HCA rules and regulations.

9. DESIGN, BUILDING REQUIREMENTS AND CONSTRUCTION

- 9.1 Every building, structure, walling and or fencing to be erected on the property shall be of an approved design and of sound construction. No building operations shall be commenced on the property and no additions or alterations to approved buildings shall be effected until the design and specification have been approved by the HOA in terms of the **Zevenwacht Country Estate Architectural Design Guidelines** applicable at the time of submission.
- 9.2 All building activities shall be in accordance with the **Regulations and Code of Conduct Governing Building Contractor Activity** applicable at the time of such activity. Every building contractor and or member shall be required to abide by such rules and to sign such prescribed undertaking as may be determined by the HOA with regard thereto. A building contractor will not be allowed to undertake any building work on the Estate until such time as the undertakings referred to in this rule have been given.
- 9.3 Owners and developers of new houses and/or alterations on Zevenwacht Country Estate even should aim to complete the building project within 12 months (from start of preparing the ground levels and/or start of digging the first soil for foundation purposes and/or start of alterations on existing dwellings until completion/occupation certificate being issued) but not longer than a maximum of 18 months from start date. Penalties will be levied for any project that takes longer than 18 months as well as the building deposit will be forfeited.

10. CONDUCT

- 10.1 No person shall do or suffer to be done anything which, in the opinion of the HOA, is noisome, unsightly, objectionable or detrimental, or a public or private nuisance or source of damage or

disturbance to any owner, tenant or occupier of property in the Estate in particular and without limiting the generality of the foregoing

10.2 no washing of any nature may be hung or placed to dry except in areas specifically designated for that purpose. All washing lines and similar devices must be screened in order that they are not readily visible from any road, erf or common area,

10.3 fireworks are prohibited;

10.4 burglar alarms must comply with any regulations which the HOA may make with regards thereto from time to time;

10.5 all vehicles (including but not limited to motorcycles) must have efficient silencing systems which maintain their noise level emissions below the legal maximum limit;

10.6 the use of noisy machinery and power tools outside normal working hours must be avoided and is permitted only in occasional and in exceptional circumstances;

10.7 all building work, whether undertaken by a contractor or by the resident, must be done in accordance with the Regulations and Code of Conduct Governing Building Contractor Activity.

10.8 A resident shall not bring or permit any person to bring any substance onto the Estate or permit the storage of any substances on the Estate which may constitute a fire hazard or threat to the health of any of the residents or other persons or which may result in contamination of the Estate.

10.9 no member shall accommodate or allow the accommodation of more persons in any residents than the maximum number determined in accordance with the following schedule,

2 (two) bedrooms 4 (four) persons

3 (three) bedrooms 6 (six) persons

4 (four) bedrooms 8 (eight) persons

5 (five) bedrooms 10 (ten) persons

11. COMMERCIAL ACTIVITIES

11.1 The HOA is entitled to regulate all commercial activity on or about the Estate. No application for any trading or similar license may be made for the conduct of any commercial activity of any nature from any erf forming part of the Estate without the prior written consent of the HOA.

11.2 No advertising board or signs, including business signage of any nature, may be displayed on or about the Estate except for the contractor's board required in terms of the Regulations and Code of Conduct Governing Building Contractor Activity and the approved estate agents for sales / to let boards.

12. LETTING AND RESALE

12.1 These rules apply to and are binding upon all tenants. A member (or his agent) who intends to let a property shall furnish his tenant with a copy of these rules and shall insert a clause within the lease agreement in terms of which the tenant acknowledges and agrees that the Estate Rules are binding upon him and are enforceable against him by the HOA.

12.2 Erven may be re-sold by members or their appointed agents in accordance with such rules and directives relating to advertising, access to the Estate, For Sale and To Let pointer boards, the holding of show houses and the like as the HOA may from time to time reasonable determine. Any agent who fails to abide by any such rules and directions may be denied access to the Estate.

12.3 Houses may only be on show on Sundays between 14:00 and 17:00. "For Sale" signs may be erected at 13:30 and be taken down no later than 17:30. Signs that are not taken down by the stipulated time will be removed by security and may only be claimed by the Estate agent after an amount of R300 are deposited into the Home Owners Association's bank account at the Managing Agent. 4 (Four) signs will be allowed in Zevenwacht Country Estate - one sign in front of the house which is on show and three directional signs. No flags or any other form of advertising are allowed. Estate agent signs may be used for show purposes. Signs erected outside the boundaries of Zevenzicht on the Langverwacht Road are not counted as part of the 4 (four) allowed signs.

"Sold" signs are only allowed for 30 (thirty) days.

Damages to the irrigation system or any other part of the common property will be for the account of the Estate Agent.

Security should be provided with the agent's name, telephone number and address of the house being showed in advance.

12.4 All Estate Agents have to be registered by the Home Owners Association.

12.5 Estate Agents will not be allowed to do canvassing from house to house or to deposit any advertising material into mail boxes.

13. FINES AND PENALTIES

13.1 The HOA shall investigate (in a manner as it deems fit) written complaints received from members relating to the behaviour and/or conduct of other residents and persons on or about the Estate and shall take such steps with regard thereto as it deems fit. The HOA shall be entitled on its own initiative to investigate the conduct of any person or persons and to take such action as it may deem fit, whether or not complaints are received.

13.2 If any person contravenes or fails to comply with any of the provisions of these rules or any conditions imposed by or directives given by the HOA in terms of these rules, the trustees shall be entitled (without limiting any other rights afforded to them in terms of these rules and the Constitution) to impose suitable fines on the person concerned. If the person concerned is a guest, tenant or invitee of the member, that member will be liable for payment of such fine.

13.3 Any fine imposed on a member and/or his tenant, guest or invitee shall be deemed to be a debt due and payable by the member concerned to the HCA forthwith on demand. The provisions of this rule are without prejudice to any other rights that the HOA may have in terms of the Constitution or at law.

13.4 TRANSGRESSION OF ESTATE RULES (Ref. ER)

- In case of non-compliance re ESTATE RULES (ER), excluding security breaches, the owner receives two written warnings. Should the owner fail to abide after the two written warnings, the applicable penalty will be issued.
- For a breach of a security rule a penalty will be issued without prior written warnings.

13.5 TRANSGRESSION OF BUILDING-CONTRACTOR-ACTIVITIES (Ref. BCA)

- Since the owner and contractor are issued with a copy of all the applicable rules before any building activity can commence and that both the owner and contractor also need to sign acceptance of these rules, no written warnings will be issued prior to the issuing of a penalty following a contravention of the rules.

13.6 CALCULATION & REPETITION OF PENALTIES

- The Penalties are calculated as a percentage of the regular monthly levy that owners of properties need to pay; this monthly levy is also being managed by the Trustees on an ongoing basis.
- Should an owner still fail to abide, penalties will be repeated on a monthly basis unless otherwise indicated in the tables below

14. ENFORCEMENT OF RULES

14.1 For purposes of the enforcement of any of the rules, the trustees may –

- 14.1.1 Take or cause to be taken such steps as they may consider necessary to remedy the breach of the rule of which the member may be guilty and debit the cost of so doing to the member concerned, which amount shall be deemed to be a debt owing by the member concerned to the HCA.
- 14.1.2 Take such other action, including court proceedings, as they may deem fit.

14.2 In the event of any breach of the rules by any member's tenants, or his guests, such breach shall be deemed to have been committed by the member himself, but without prejudice to the foregoing, the trustees may take or cause to be taken such steps against the person actually committing the breach as they in their sole discretion may deem fit.

14.3 In the event of any member disputing the fact that he has committed a breach of any of the rules and regulations a committee of three trustees appointed by the Chairman for that purpose shall adjudicate upon the issue at such time and in such manner and according to such procedure as the Chairman may direct.

14.4 Notwithstanding the afore going, the trustees may in the name of the HOA enforce the provisions of any rules and regulations by proceedings in a court of competent jurisdiction and for this purpose may appoint such attorneys and counsel as they may deem fit.

15. GENERAL

- 15.1 The Council and/or City of Cape Town may at any reasonable time and with prior notice to either the particular member or the HOA, have access to the mid-block sewerage and storm water servitudes on a particular erf.
- 15.2 The trustees reserve the right to amend these rules and or make further rules from time to time as they in their sole discretion may deem fit.