



ATHINA

ESTATE

ESTATE RULES

FOR

ATHINA ESTATE PROPERTY OWNERS' ASSOCIATION

a body corporate established in

terms of Section 29 of the Bitou

Municipality Land Use Planning By-

Law, 2015

MUNISIPALITEIT BITOU MUNICIPALITY	
Subdivision and/or consolidation approved in terms of Sections 60 of the Bitou Municipality : Land Use Planning By-Law	
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1. PREAMBLE

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

The Estate Rules have been drafted in accordance with clause 14.1 of the Constitution of Athina Estate Property Owners' Association and in furtherance of the objects of the Association, which include:

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

These Estate Rules may be substituted, revised, amended or repealed from time to time by the Trustee Committee.

2. BINDING NATURE OF THE ESTATE RULES

- 2.1 The Estate Rules governing the use, occupation and enjoyment of an Erf and the use and enjoyment of the common areas shall be binding on all owners, lessees, and occupants of erven, and it shall be the responsibility of the owner to ensure compliance with these Rules by the said occupants of the property, including family members, visitors, workers, contractors, and tenants.
- 2.2 In the event of a breach of the Estate Rules by any person detailed in clause 2.1 above, such breach shall be deemed to have been committed by the owner himself. Without prejudice to the aforesaid, the Trustee Committee shall be entitled to take or cause to take such steps against the person actually committing the breach as they may in their discretion deem fit, with or without proceeding against the owner, including the payment of any fine imposed.
- 2.3 Should any damage be caused to the common property by any person detailed in clause 2.1 above, the owner shall be ultimately liable to the Association for all costs incurred therein.
- 2.4 The owner of an Erf shall be liable for and pay all legal costs, including costs as between attorney and client and expenses and charges incurred by the Association in enforcing compliance with these Rules, and the Trustee Committee may add such costs to levy statements

3. INTERPRETATION

- 3.1 In the interpretation of these rules, unless the context otherwise indicates:
- 3.1.1 "Association" or "AEPOA" shall mean the Athina Estate Property Owners' Association;

- 3.1.2 "Construction Phase Management Rules" shall mean the rules as prescribed by the Trustee Committee, which are binding on the owner and the building contractor/s and sub-contractors appointed by the owner for the construction of buildings on Erven in the Estate;
- 3.1.3 "building contractor" shall mean the building contractor engaged by the owner to erect new buildings and/or structures on the owner's Erf, and such contractor's employees and workers and the sub-contractors, trades persons and suppliers, appointed or engaged by the contractor;
- 3.1.4 "Constitution" shall mean the Constitution of the Association,
- 3.1.5 "contractor" shall mean the building contractor (including sub-contractors) or any other contractor appointed by an owner or resident;
- 3.1.6 "Estate" shall mean the development known as Athina Estate;
- 3.1.7 "Estate Manager" shall mean the person or corporate body as may be appointed by the Trustee Committee as an independent contractor or employee to undertake such duties with reference to the management of the Estate as determined in a signed contract;
- 3.1.8 "House" shall mean a residential dwelling situated in the Estate;
- 3.1.9 "Lessee" shall include an occupier and tenant.
- 3.1.10 "Owner" shall mean the registered owner of an Erf;
- 3.1.11 "Resident" shall mean any person residing on the Estate including an owner, occupier, tenant or worker;
- 3.1.12 "Security" shall mean the security staff or personnel of the security firm appointed by the Trustee Committee.
- 3.1.13 "these rules" shall mean the Estate Rules;
- 3.1.14 "trustee" shall mean a Trustee Committee member,
- 3.1.15 "worker" shall mean an employee or worker, including domestic worker or gardener engaged by an owner or resident;
- 3.1.16 The headings to the respective Rules are provided for convenience of reference only and are not to be taken into account in the interpretation of these Rules.
- 3.1.17 Words and expressions to which a meaning has been assigned in the Constitution shall bear the same meaning in these Rules, unless inconsistent with the context.
- 3.1.18 Words importing the singular shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine and neuter genders, and vice versa, and words importing persons shall include partnerships, trusts and bodies corporate, and vice versa.
- 3.2 If any Estate Rule conflicts with a provision of the Constitution, the provision of the Constitution shall take precedence.
- 3.3 In all instances where these Rules provide for consent by the Trustee Committee, such consent may be summarily withdrawn if any condition imposed thereon is not complied with.
- 3.4 In all instances where a letter or notice is sent to a lessee in terms of these Rules, the notice shall also be sent to the owner of the relevant Erf.



4. DOMESTIC PETS & ANIMALS

- 4.1 Residents may not keep any poisonous, exotic, or other undomesticated or wild animals, poultry, pigeons, aviaries, or livestock on their property.
- 4.2 Residents shall not keep any pets other than dogs and cats on their property or common property without the written consent of the Trustee Committee.
 - 4.2.1 All residents shall register their domestic animals with the Estate Manager. Should the animals exceed the number permitted in terms of these Rules, they will not be registered and the resident will be required to immediately remove such animal/s from the Estate.
 - 4.2.2 Not more than a total of four (4) domestic animals may be kept on a property at any one time strictly limited to a maximum of two (2) dogs and/or two (2) cats provided that:
 - 4.2.2.1 each dog and/or cat has been spayed or neutered and inoculated. Breeding of any domestic animal on the Estate shall not be permitted.
 - 4.2.2.2 each dog and/or cat is fitted with a collar that indicates the pet's name, its owner's name, and telephone number.
 - 4.2.2.3 each cat must wear an audible bell on its collar, to protect the estate birdlife.
 - 4.2.3 Dogs and cats shall be kept within the confines of the Erf on which they are resident.
 - 4.2.4 Dogs are only allowed on the common property if on a leash and under the control of its owner or competent handler. The Trustee Committee may identify common areas where dogs may be walked unleashed provided that the dogs remain under control of the owner or competent handler and does not in any way harass or cause nuisance to other dogs, people or wildlife.
 - 4.2.5 Dogs may not be allowed to roam free on the Estate. Straying, unaccompanied dogs will be removed and handed over to a selected animal welfare organisation or local pound at the risk and expense of the resident concerned.
 - 4.2.6 Residents must immediately remove and suitably discard the excrement of their dogs from the common areas and from the property of other residents. Owners and residents should also regularly attend to the removal of any defecation by their pets from their own Erven.
 - 4.2.7 Pets may not be allowed to cause a nuisance, disturbance or annoyance to other residents.
 - 4.2.8 With reference to point 4.2.2 where new owners on the estate have more than the stated maximum number of pets, provided that the number of pets is within the guidelines of the municipal regulations, these pets will be allowed to be kept by the owners. These pets may not be replaced until the number of pets mentioned in point 4.2.2 is reached.
- 4.3 Should any animal or pet be adjudged by the Trustee Committee or its authorised representative (e.g., the Estate Manager) as being a continual nuisance to other residents, the Association may procure its removal from the Estate, the costs of which will be recovered from the resident concerned in addition to any penalties which may be imposed thereon.
- 4.4 Residents shall be responsible for any damage or injury to property, persons or animals caused by their pets.



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

5. REFUSE DISPOSAL AND LITTERING

- 5.1 Residents shall for the purpose of having their refuse collected, place their refuse bins (wheelie bins) on their driveways or in the Refuse Room, as directed by the Trustee Committee, on the days and at the times prescribed from time to time by the Trustee Committee. As soon as possible after the refuse has been collected, the refuse bin shall be returned to a suitable location not visible from the road.
- 5.2 Residents shall deposit their garden refuse in re-usable bags and place them on their driveways or in the Refuse Room, as directed by the Trustee Committee, for collection on the days prescribed from time to time by the Trustee Committee. Only plant material will be allowed in these bags.
- 5.3 Residents shall maintain refuse in a hygienic and dry condition.
- 5.4 It is intended that a system will be introduced to collect recyclable non-organic refuse. robust refuse bags of a colour specified by the Trustee Committee will be used. Glass, paper, cardboard, plastic, aluminium cans can all be placed together in one bag and these will be sorted off site.

6. VEHICLES AND ROADS USAGE

- 6.1 Parking is prohibited on all roads on the Estate except temporary parking is permitted for specific occasions or visits providing no obstruction is caused to other residents. No parking at any time is permitted on the common property other than in the demarcated visitors' parking bays, if any.
- 6.2 No truck, caravan, boat trailer, trailer or the like may be parked on any road, except for access for registered construction vehicles.
- 6.3 No persons shall store any motor vehicle, caravan, boat, trailer, or the like on any place on the Estate, including resident's own erven except in a structure approved by the Trustee Committee. None of the aforesaid may be left overnight on any road on the Estate.
- 6.4 Residents shall ensure that their vehicles do not drip diesel, oil, or brake fluid on to the common areas or in any other way deface the common areas.
- 6.5 No resident may store a broken-down vehicle or parts thereof or scrap of any nature on an Erf or on the common property.
- 6.6 The Trustee Committee may cause to be removed or towed away, or the wheels to be clamped, at the risk and expense of the owner of the vehicle, including payment of a release penalty in respect of the release of the vehicle as determined from time to time by the Trustee Committee, any vehicle parked, standing, or abandoned on the common areas in contravention of these rules.
- 6.7 No residents shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common areas or on an Erf.
- 6.8 Residents and their family members, visitors, guests, workers, and contractors shall adhere to the speed limit of 25 kilometres per hour whilst driving on any road in the Estate and shall not drive their vehicles in a manner which is considered by a Trustee or the Estate Manager as negligent, reckless, or dangerous. If an owner or resident or his family member, visitor, guest, worker or contractor drives a vehicle on any road in the Estate in excess of the speed limit or in a manner which is considered by a Trustee or the Estate Manager to be negligent, reckless or dangerous, a summary fine may be imposed on the driver concerned.



- 6.9 Residents shall when driving their vehicles keep a proper lookout for other vehicles and pedestrians and shall adhere to the normal traffic laws and municipal by-laws.
- 6.10 No loud music may emanate from any vehicle on the Estate and the excessive hooting and revving of vehicles is prohibited.

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

- 7.1 All building or out-building additions to existing houses shall adhere to the Athina Estate Property Owners' Association and the Architectural Design Manual and require approval in terms thereof and compliance with the Construction Phase Management Rules. No structural or aesthetic changes may be effected to a house, nor any pergola, sunscreen or other addition may be made to a house, without the written permission of the Trustee Committee.
- 7.2 No resident shall place or do anything on an Erf or building, which in the sole discretion of the Trustee Committee is aesthetically displeasing or undesirable when viewed from the outside of the house. In particular, no flagpoles, fencing, wendy houses, car ports, or similar structures may be erected on an Erf without the written permission of the Trustee Committee.
- 7.3 The Trustees Committee has the right to request references on any building or other contractor and the Trustees Committee may, upon its own discretion, refuse any building or other contractor access onto the Estate.
- 7.4 All external air-conditioning condenser units and ducting shall not be visible from the road elevation of the Erf.

8. MAINTENANCE

- 8.1 Each owner shall maintain the buildings, outbuildings, boundary walls, retaining walls, fences, and other structures on his Erf in a neat and tidy condition and in a state of good repair.
- 8.2 Each owner and/or resident shall
- 8.2.1 maintain his/her/its garden to a standard acceptable to the Trustee Committee and in compliance with the Architectural Design Manual and maintain the common property verges bordering the road in a neat condition; fences and walls abutting common areas, must be kept clear of tall grass, and weeds.
 - 8.2.2 in respect of a vacant stand, keep it neat and the foliage cut short.
 - 8.2.3 where the property abuts the perimeter electric fence, ensure there is no growth or obstruction whatsoever within one (1) metre of the electric fence.
- 8.3 If an owner fails to adequately maintain a vacant Erf in terms of clause 8.2.2 above, despite being given fourteen (14) days' notice to do so, the Trustee Committee may elect to remedy the situation at the expense of the owner.
- 8.4 Garage doors shall be kept closed when not in immediate use.
- 9. SIGNS AND NOTICES**
- 9.1 No owner or resident shall place any sign, notice, billboard, or advertisement of any nature whatsoever on any part of the common area or the Erf, without the prior written consent of the Trustee Committee. The Trustee Committee may remove any unauthorised sign, notice, billboard, or advertisement at the risk and expense of the owner or resident concerned.
- 9.2 No Estate agents' boards are permitted at the entrance to the Estate or in any windows facing the entrance or on any Erf or common property on the Estate.



- 9.3 All properties must display the property number in a prominent and visible position with each digit measuring a minimum height of thirteen (13) centimetres.

10. LAUNDRY

- 10.1 The washing of garments, household linen or general washing of any nature may only be performed inside a house.
- 10.2 Washing lines should be obscured from the view of other residents and washed items only may be hung out to dry within a screened drying yard.

11. STORAGE OF INFLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS

An owner or resident may not store any flammable, hazardous, dangerous or harmful substance in his house or on his property with the exception of certain products or substances, such as lawnmower fuel, paint cleaning solvents and fertilizers as may be reasonably required for domestic use in quantities not exceeding 10 litres. Gas cylinders must be stored in compliance with applicable gas installation safety regulations.

12. SALE OF ERVEN

No owner shall sell an Erf other than subject to the provisions of the Constitution of the Association, nor transfer his Erf without the written consent of the Association.

13. LETTING AND OCCUPANCY OF DWELLINGS

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



14. ACCREDITED AGENTS

- 14.1 An owner shall manage the sale, transfer, or lease of his property personally, or may appoint an accredited agent of the Association to do so on his behalf.
- 14.2 In order for an agent to be approved by the Trustee Committee as an accredited agent of the Association, the agent shall apply to the Trustee Committee in writing and shall comply with the reasonable conditions prescribed from time to time by the Trustee Committee.

15. ERADICATION OF PESTS AND HEALTH REGULATIONS

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

16. NOISE, NUISANCE OR DISTURBANCE

- 16.1 No owner or resident shall cause or permit to be caused a disturbance by shouting, screaming, or making any other loud or persistent noise or sound, including amplified noise or sound, or shall use any offensive, obscene, injurious, or unbecoming language on his Erf or on the common property at any time. In particular, owners and residents shall maintain quietness on the Estate between the hours of 23h00 and 07h00.
- 16.2 Residents shall not use the houses occupied by them or Erven or the common areas or permit such to be used in such a manner or for such purpose as shall cause a nuisance to another owner or resident. For the purpose of this rule, "nuisance" means any act, omission or condition, which in the Trustee Committee's sole opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of residents, or which adversely affects the safety of the residents, having regard to the reasonable nature of the activities in question in the house or on the Erf or common areas concerned, and the impact which results from these activities, and the noise related to these activities.
- 16.3 The horns of vehicles may not be sounded at any time in the Estate, except as a warning of imminent danger or in case of an emergency.
- 16.4 No fireworks or crackers may be lit or exploded in the Estate.
- 16.5 No pellet guns may be fired on the Estate.
- 16.6 No firearm or weapon may be discharged in the Estate, except in self defence or for related purposes.
- 16.7 Skateboards, roller skates, roller blades, or similar items used on the roads are done at the sole risk of the person engaging in such activities and may not be used in such a manner as to cause a disturbance to other residents. The AEPOA will not accept any liability for any injuries or other harm caused by such activities.
- 16.8 Traffic rules as laid down in local or national legislation applies on all roads on the Estate unless where any additions thereto are mentioned in the Estate Rules.

17. COMMON AREAS

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



- 17.1.1 Residents shall use and enjoy the common areas, and amenities in such a manner as not to unreasonably interfere with the use and enjoyment thereof by other owners or residents.
 - 17.1.2 Residents shall respect the privacy of residents whose properties front onto the common areas and amenities.
 - 17.1.3 Noise must be kept to a minimum so as not to disturb other residents, birds, and animals.
 - 17.1.4 The trapping, shooting, harassing, disturbing, destroying or in any way harming of the birds or animals in the Estate is prohibited.
 - 17.1.5 Residents shall not interfere with the plant vegetation on the common areas or with the irrigation system of the Association. No trees or plants may be removed or replaced on the common areas, without the written authorisation of the Trustee Committee. Residents shall not in any way damage the common areas and amenities.
 - 17.1.6 Littering or discarding of any item whatsoever on common areas should only occur within the receptacles provided.
- 17.2 No resident shall cause or permit the destruction or degradation of the environment.

18. AMENITIES

Residents shall comply with the reasonable conditions imposed from time to time by the Trustee Committee regarding the usage of all amenities on the Estate.

19. OBLIGATIONS WITH REFERENCE TO PERIMETER FENCE

- 19.1 Residents and occupants of Erven situated adjacent to the perimeter fence, are obliged to allow a Trustee, Estate Manager and/or Security reasonable access to the fence to inspect and maintain the fence when required
- 19.2 Owners or residents of erven situated adjacent to the perimeter fence shall keep the fence clean and clear from grass and plants and must notify a Trustee or the Estate Manager of any problems with reference to the perimeter fence. Trees, shrubs or plants that in the opinion of the Trustee Committee are likely to interfere with the proper functioning of the security system may not be planted in close proximity to the perimeter fence.
- 19.3 Any occupier seeing an intruder or a breach in the perimeter fence must immediately notify Security.

20. SECURITY, SAFETY AND RISK

- 20.1 Residents shall at all times ensure that the security and safety of other residents and their property is preserved and shall comply with the security measures imposed from time to time by the Trustee Committee. All Persons enter the Estate at their own risk and make use of the common areas and amenities at their own risk.
- 20.2 All visitors shall comply with the Rules and security systems as stipulated by the Trustee Committee from time to time.
- 20.3 Residents requiring the services of furniture removal vans must obtain a clearance permit from the Estate Manager to enable the vehicle to gain access to the Estate.
- 20.4 Sales persons will not be allowed entry other than by prior appointment with the owner or resident, as advised to Security.
- 20.5 Estate agents must have the prior approval of the owner before entering and they must provide their full credentials and contact details to Security. The estate agent or the owner must meet interested buyers at the main gate in order to affect entry to the Estate.



- 20.6 No casual visitors will be allowed entry to the Estate and all visitors are required to book a pre-arranged appointment with a homeowner or resident.
- 20.7 Residents shall meet incidental workers or gardeners at the main gate to arrange entry to the Estate. Exit will be affected in the same way.
- 20.8 Residents shall register their permanent gardeners and domestic workers with Security at the main gate and complete the necessary forms as prescribed by the Trustee Committee. Such registered worker may then proceed on foot between the main gate and the place of work, but must do so directly and similarly proceed to the main gate on exiting the Estate. Residents shall inform Security if and when the services of permanent gardeners and domestic workers are terminated.
- 20.9 Random searches may be performed on workers and visitors by the Security personnel from time to time. Residents shall supply a letter of authorisation permitting workers to take out goods and articles given to them.
- 20.10 Owners shall ensure that their contractors are registered with Security and shall furnish Security with the name or company name of the contractor, an all-day contact number of responsible person, the office telephone number, e-mail address, vehicle registration number, names and Identity numbers of all employees and workers. Should any of the required information not be available, the contractor or his employees or workers will not be allowed access to the Estate
- 20.11 Upon every entry to the Estate by a building contractor, all the employees and workers will individually be checked in at the main gate. Upon each such entry to and exit from the Estate, Security will ensure that each and every person on the building contractor's vehicle including the driver is accounted for.
- 20.12 All contractors and their employees and workers must enter and exit the Estate by vehicle, and no one will be allowed entry or exit on foot. Security has the authority to inspect the vehicles of any contractor upon entry and/or exit from the Estate. Security has the authority to search the person of any contractor, or his employee or worker upon entry and/or exit from the Estate.
- 20.13 No contractor or his employee or worker may wander freely on the Estate. Contractors, employees and workers will be regarded by Security as site specific and may at any time be challenged by Security. The movement of a contractor and his employees or workers between sites from the main gate must at all times be by vehicle. A contractor or his employee or worker caught walking on the Estate will be removed by Security. Notwithstanding the foregoing, an employee or worker of a contractor may be permitted to cycle to a site, if issued with a permit by Security. Any worker cycling without a permit will be removed from the Estate by Security.
- 20.14 No contractor's vehicles entering the Estate will be allowed to be overloaded with personnel or material. No personnel will be allowed to hang on to any moving vehicle or other equipment. The speed limit of 25 kilometres per hour is to be strictly adhered to by the contractor, his employees, and workers on the Estate. Any vehicle that exceeds the speed limit or drives in any manner considered as dangerous by a Trustee or the Estate Manager on more than one occasion will be subject to a fine and/or be barred from future entry.
- 20.15 Security may at their discretion require any laden vehicle to enter the Estate through the service entry gate, where applicable. Extra-heavy vehicles or vehicles carrying extra-heavy loads (such as brick delivery vehicles) shall enter the Estate through the service entry gate where applicable, by prior arrangement between the contractors with Security. Extra-heavy vehicles shall observe a speed limit of 20 kilometres per hour when driving on the Estate.
- 20.16 Should any contractor, or his employee or worker or any other worker not adhere to these rules, such contractor, employee or worker may, at the discretion of the Security (with



post-facto verification by a Trustee Committee member), summarily be forbidden entry to the Estate.

- 20 17 Remote controls should be properly controlled by residents and are only for the use of residents. The Estate Manager needs to be notified immediately if remote controls are lost or no longer in use. Remotes inactive for a period of longer than one (1) month will be deactivated unless with prior arrangement with the Estate Manager

21. WORKERS AND CONTRACTORS

- 21.1 Owners shall ensure that their workers and contractors adhere to these Rules and to the Construction Phase Management Rules, where applicable.
- 21.2 The consumption of alcoholic beverages or use of drugs by any worker or contractor or the employee or worker of a contractor on the Estate will not be tolerated
- 21.3 Any worker found in possession of alcoholic beverages or drugs or seemingly under the influence of alcohol or drugs will be summarily escorted from the Estate, at the discretion of a Trustee, the Estate Manager or Security, and will not be allowed entry in the future. In the event a decision by a Trustee, the Estate Manager or Security is contested, the relevant person must still leave the Estate and may not return until the appeal has been considered and a decision has been given by the Trustee Committee.
- 21.4 No contractor shall be allowed on the Estate outside of working hours being:
- 21.4.1 Weekdays (Monday to Friday) from 07h00 to 17h00; and
- 21.4.2 Saturdays (other than public holidays) are allowed only by prior arrangement with the Estate Manager.
- 21 5 Save for emergency repairs, no contractor is allowed on the Estate on Public Holidays or on Sundays.

22. EMPLOYEES OR OFFICIALS OF THE ASSOCIATION

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

23. IMPOSITION OF SUMMARY FINES ON OWNERS OR RESIDENTS

- 23.1 A Trustee or the Estate Manager may summarily and without warning impose a summary fine on an owner or resident (where applicable) in respect of a contravention of these Rules as specified by the Trustee Committee from time to time, including conduct which potentially endangers other residents, such as driving recklessly or speeding.
- 23 2 If an owner or resident or his family member, visitor, guest, worker, or contractor is guilty of contravention of these Rules which warrants the imposition of a summary fine, a Trustee or the Estate Manager may impose a summary fine on the owner or resident (where applicable) by written notice
- 23.3 The summary fine imposed in terms of clause 23.2 above shall immediately be due and payable by the owner or resident (where applicable) and if not paid within fourteen (14) days of the date of the written notice, the summary fine will be added to the owner's levy statement.
- 23.4 The owner or resident (where applicable) may appeal against the summary fine imposed, provided that a written appeal is lodged with the Trustee Committee within fourteen (14) days of the date of the written notice of the summary fine.
- 23.5 Upon receipt of the appeal referred to in sub-rule 23 4, the Trustee Committee may resolve to:



- 23 5 1 set the summary fine aside, in which event they shall inform the owner or resident (where applicable) of their decision, or
- 23 5 2 convene a Trustee Committee meeting for the purpose of giving the owner or resident (where applicable) the opportunity to present his case, including the calling of witnesses to substantiate his case, to cross-examine any witnesses called by the Trustee Committee, but except in so far as may be permitted by the Chairperson, he may not participate in the affairs of or voting at the meeting
- 23 6 Upon conclusion of the Trustee Committee meeting referred to in sub-rule 23 5 2 above, the Trustee Committee may resolve to
- 23 6 1 endorse the summary fine, or
- 23 6 2 reduce the summary fine, or
- 23 6 3 repeal the summary fine
- 23 7 Any summary fine endorsed or reduced in terms of sub-rule 23 6 1 or 23 6 2 above will, if it is not paid within fourteen (14) days after the Trustee Committee meeting, be added to the owner's levy statement and claimed from the owner as a levy debt
- 23 8 The Trustee Committee shall from time to time determine the amounts of the summary fines

24. IMPOSITION OF ORDINARY FINES ON OWNERS OR RESIDENTS

- 24 1 If the conduct of an owner or resident or his family member, visitor, guest, employee, or contractor constitutes a nuisance in the opinion of the Trustee Committee, or a contravention of these Rules, the Trustee Committee may furnish the owner or resident (where applicable) with a written notice. In the notice, the particular conduct, which constitutes a nuisance, must be adequately described or the Estate Rule that has allegedly been contravened must be clearly indicated, and the owner or resident (where applicable) must be warned that if he persists in such conduct or contravention, a fine will be imposed on him
- 24 2 If the owner or the resident (where applicable) nevertheless persists in the particular conduct or in the contravention of the particular Rule, the Trustee Committee may by written notice impose an ordinary fine on the owner or resident (where applicable)
- 24 3 The ordinary fine imposed in terms of sub-rule 24 2 above shall be immediately due and payable by the owner or resident (where applicable) and if is not paid within fourteen (14) days of the date of the written notice, the summary fine will be added to the owner's levy statement and claimed from the owner as a levy debt
- 24 4 The owner or resident (where applicable) may appeal against the ordinary fine imposed, provided that a written appeal is lodged with the Trustee Committee within fourteen (14) (fourteen) days of the date of the written notice of the ordinary fine
- 24 5 Upon receipt of the appeal referred to in sub-rule 24 4, the Trustee Committee may resolve to
- 24 5 1 set the ordinary fine aside, in which event they shall inform the owner or resident (where applicable) of their decision, or
- 24 5 2 convene a Trustee Committee meeting for the purpose of giving the owner or resident (where applicable) the opportunity to present his case, including the calling of witnesses to substantiate his case, and to cross-examine any witnesses called by the Trustee Committee, but except in so far as may be permitted by the Chairperson, he may not participate in the affairs of or voting at the meeting
- 24 6 Upon conclusion of the Trustee Committee meeting referred to in sub-rule 24 5 2 above, the Trustee Committee may resolve to

- 24.6.1 confirm the ordinary fine, or
 - 24.6.2 reduce the ordinary fine, or
 - 24.6.3 quash the ordinary fine.
- 24.7 Any ordinary fine endorsed or reduced in terms of sub-rule 24.6.1 or 24.6.2 above will, if it is not paid within fourteen (14) days after the Trustee Committee meeting, be added to the owner's levy statement.
- 24.8 The Trustee Committee shall from time to time determine the amounts of the ordinary fines.

25. NOTICE

- 25.1 A notice which is required to be given to an owner or resident in terms of these Rules shall be regarded as having been properly served if such notice has been given under the hand of a Trustee or the Estate Manager and delivered to the owner or resident either personally by hand or by prepaid registered post properly addressed to the owner or resident at his postal address or such other physical address reflected in the records of the Association. Any notice by post shall be deemed to have been served at the time when the letter containing the same was posted, and in proving the giving of the notice by post, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.
- 25.2 Notwithstanding the provisions of sub-rule 25.1 above it shall be competent to give any notice to an owner or resident by electronic mail where the e-mail address of the owner or resident is recorded with the Trustee Committee. Notice shall be deemed to have been properly served on the date of disposal thereof to the elected e-mail address of the owner or resident concerned.

26. COMPLAINTS

- 26.1 In the event of annoyances or complaints between residents, the parties involved should attempt to settle the issues between themselves, exercising tolerance and consideration. Where matters cannot be resolved it should be brought to the attention of the Estate Manager or the Trustee Committee, in writing.
- 26.2 Owners or residents should report contraventions of these Rules in writing to the Estate Manager or the Trustee Committee. This will be dealt with confidentially to ensure anonymity of the complainant.
- 26.3 Contraventions of these Rules seen by patrolling Security officers will be brought to the attention of the owner or resident concerned and reported to the Estate Manager or the Trustee Committee. Vehicles seen speeding or driving recklessly on the Estate by Security patrols will have their registration numbers recorded and appropriate action will be taken by the Estate Manager or Trustee Committee.
- 26.4 Communication between Members, Trustees, Estate Manager, Managing Agent, or other employees of the AEPOA need to be civil and respectful. The Trustee Committee can refuse to communicate with members who do not treat the mentioned parties with civility and respect.

27. RELAXATION OF RULES – NON-WAIVER

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

28. GENERAL RULES

- 28.1 The Association will have control of the use of all common facilities.



- 28.2 Under no circumstances may Security personnel be employed by residents on any basis to undertake work or perform errands of a temporary nature on behalf of owners or residents.
- 28.3 The Trustee Committee reserves the right to amend, revise, alter, remove, or add to the Rules from time to time as they deem necessary.

29. COMMUNITY SCHEMES OMBUD SERVICE ACT NO. 9/2011

These Rules are subject to the provisions of the Community Schemes Ombud Service Act No. 9/2011 and to the regulations promulgated thereunder.

