CONDUCT RULES

of the

Oewerlust Estate Home Owners Association

A statutory body established in terms of Section 29 of the
Swellendam Municipality By-Law on Municipal Land Use Planning

OEWERLUST ESTATE
COUNTRY LIVING

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1. INTRODUCTION

1.1 The conduct rules contained in this document are binding on all members/residents and visitors to the Estate. Each member is responsible for ensuring that all persons residing at his/her property, his/her guests, employees, contractors, and agents comply with these Conduct Rules and shall personally be responsible for the actions or omissions of such persons.

1.2 The Trustees shall be entitled to amend, vary, delete, or make additions to these Conduct Rules from time to time, as they deem necessary.

2. GENERAL

2.1 Members/residents must acquaint themselves with the Constitution of the Oewerlust Estate Homeowners Association ("the Association", the Conduct Rules and the Architectural Guidelines.

2.2 Neither the Association, nor the trustees, the developer, their employees, servants or agents shall be responsible or liable for any loss or damage to any building person or property anywhere on the Estate howsoever and by whomsoever caused, and whether by any act or omission of any of the foregoing, and all members/residents on the Estate hereby waive any claims which may arise in consequence of any act or omission aforementioned.

2.3 Members must ensure that all persons granted rights of occupancy of their property are acquainted with and comply with these Conduct Rules.

2.4 The properties within the Estate are zoned as single residential and hence no business or trade may be conducted on any property within the Estate. This restriction does not apply to the developer and/or its agents) in respect of activities relating to the sale and development of property.

2.5 Unless the prior written permission is obtained from the Trustees, no sign, notice, board or advertisement of any nature whatsoever may be placed on the common areas or on or in the vicinity of any property within the Estate with the exception of the standard building contractor's signboard details of which permission is to be obtained from the Estate Manager. The only "For Sale" signs that will be permitted will be the standard Oewerlust Estate "For Sale" signs which will indicate only the erf number and the phone number of the estate agent or the owner. Such boards can be ordered from the Estate Manager at the Gate House at a nominal cost to the owner or the estate agent. This restriction does not apply to the developer and/or its agents) in respective of activities relating to the sale and development of property or to the Association as such.

2.6 No firearm, pellet gun, catapult, bow and arrow or any other weapon may be used/discharged on or in the vicinity of the Estate.

2.7 Littering on the Estate, including the disposal of cigarette stubs, is strictly forbidden.

2.8 No fires are permitted anywhere on the Estate except at designated indoor fireplaces or outside braai areas.

2.9 No invasive alien vegetation is permitted anywhere on the Estate. Where a member/resident fails to remove such vegetation, the Association will be entitled to remove it at the cost of the member concerned, and the employees or agents of the Association will have free and unrestricted access to the property concerned for this purpose.

2.10 All members/residents must maintain their property (main dwelling, garages, outbuildings, boundary walls, site walls and gardens) in good condition and in a neat and tidy state at all times.

2.11 No fireworks of any description may be discharged anywhere on the Estate.

2.12 No burglar alarm may be operated on the Estate unless it is linked to the in-house armed response service. Such alarm system must have the ability to reset itself.

2.13 No domestic refuse, garden refuse or refuse containers may be left outside for collection other than on the day/s scheduled for collection. All refuse is to be placed in standard refuse bags within the council bins. No refuse inclusive of garden refuse may be stored or dumped anywhere on the Estate.

2.14 All damage caused within the Estate by a vehicle effecting a delivery or transporting persons/equipment to or from a property shall be the responsibility of the member/resident concerned.

2.15 No habitation of any mobile home or caravan on the Estate will be permitted on a temporary or permanent basis.

2.16 No signs, logos or lettering will be allowed to be placed on the exterior of any building or on any wall, other than the street number of the particular home.

3. MOTOR VEHICLE REGULATIONS

3.1 The speed limit on the Estate is 30 kph. This speed limit must be complied with at all times.

3.2 Any contractor, visitor, employee or agent of any member/resident who habitually contravenes any of the provisions of these Conduct Rules may be banned from the Estate.

3.3 The use of vehicles, including motorcycles, which create excessive noise will not be permitted.

3.4 All vehicles must keep to the designated roads and drivers thereof shall observe all the road signs within the Estate.

3.5 No vehicles shall be driven in any manner, which creates a nuisance or is considered by the trustees or the Estate Manager to be unsafe.

3.6 No vehicles may be habitually parked in any part of the common area except in such places as are specifically approved and designated for that purpose and then only in such a way that the flow of traffic to and from property and garages is not obstructed.

3.7 No commercial vehicle or truck (except for the purpose of effecting deliveries), caravan, trailer or boat may be parked in the common area at any time.

3.8 Caravans, motor homes, trailers and boats must be parked in enclosed garages and shall not be allowed to park on the driveways or outside the properties.

3.9 All vehicles must be parked in the garage or on the driveway of the property. No vehicles may be parked in the road, road reserve or open spaces. The public parking areas are designated for use by the public and not property owners.

3.10 Garage doors should generally be kept closed unless occasional regular access to a garage is required.

3.11 Any vehicle parked or abandoned in the common area for a period exceeding two days may be removed or towed away at the risk and expense of the owner, unless prior written permission has been obtained from the Trustees.

3.12 No motorised vehicle of any description may be used in the Estate unless the driver/rider thereof is in possession of a valid driver's licence for the vehicle concerned.

3.13 No motorised vehicle of any description not requiring the driver/rider thereof to be in possession of a valid driver's licence may be used in the Estate.

3.14 Motorcycles may not be used as a mode of transport within the Estate and may only be driven from the entrance gate to the property and vice versa.

3.15 Quad bikes are strictly prohibited from being driven anywhere on the Estate.

3.16 Properties may not be used as a vehicle storage facility. As such, any vehicle which is inoperative shall not be parked anywhere on the Estate unless such vehicle is parked inside the garage and the door is capable of being closed.

4. CONTROL OF PETS

4.1 The local authority by-laws relating to pets shall apply to members/residents and they will be enforced.

4.2 Dogs and cats may be kept on any property within the Estate provided that:

4.2.1 no more than two dogs may be kept.

4.2.2 dogs shall not be allowed to roam in the common area of the Estate.

4.2.3 members/residents may walk their dogs in the common area provided they are under leash and/or effective personal control.

4.2.4 no member/resident shall permit their dogs to foul the common area unless the excrement is immediately removed by the person accompanying the dogs.

4.2.5 members/residents shall not allow barking by their dogs at any time, which results or which may result in a nuisance or disturbance to any other resident.

4.2.6 Screening or other adequate preventative measures must be taken to ensure that dogs do not bark at passers-by.

4.2.7 Cats are to be fitted with collars with bells to assist in the protection of birds and other wildlife.

4.2.8 Dogs and cats must wear identity tags, detailing the telephone number of the owner.

4.3 Members/residents shall ensure that their pets do not cause a nuisance or disturbance within the common area or on or in the vicinity of the property of any other resident.

4.4 No caged wild birds or animals other than dogs and cats shall be permitted on the Estate.

4.5 The trustees shall have the right to prohibit, restrict, control the keeping of, or remove any pet, which they regard as dangerous, or a nuisance to other occupants of the Estate.

5. COMMON AREA / ROAD VERGE

5.1 No member/resident, visitor, employee, contractor or agent may collect or remove anything from the common area including but not limited to wood, stones, flora, fauna, vines and fruit. In particular no person may pick up or uproot any indigenous plant, or approach, disturb or kill any animal or bird.

5.2 Walkers are requested to keep to the paths as far as possible.

5.3 No member/resident shall remove, damage, or prune any tree or vine in the road verge or in a common area.

5.4 All members/residents must maintain the road verge (road reserve directly alongside their property boundaries) in a neat and tidy state at all times.

6. NUISANCE, DISTURBANCE, NOISE AND LIGHT POLLUTION

6.1 Members/residents and their guests may not engage in any activity, occupation or hobby that causes or is likely to cause a nuisance or disturbance to any other resident.

6.2 Construction work will only be allowed between the hours of 07h00 and 18h00 on weekdays and 08h00 to 13h00 on Saturdays. No construction work will be permitted on Sundays. Prior written permission must be obtained from the Trustees for work to be done on any Public Holiday. Transgression of this rule shall result in the property owner forfeiting the building deposit and having to pay a new building deposit before being allowed to continue with building.

6.3 No member/resident or their employees or contractors shall be permitted to use any noisy machinery including but not limited to lawnmowers and drills after 16h00 on Saturdays, or after 12h00 on Sundays or public holidays; and on all other days not before 07h00 or after 20h00.

6.4 No exterior speakers are permitted, and the level of any music played shall be limited so as not to cause or be likely to cause a nuisance or disturbance to any other resident. This will also apply to the use of generators. These noise levels will be governed by the by-laws of the municipality. Fines will be issued for any non-compliance.

6.5 No outside lights, which shine directly into a neighbouring property or are otherwise intrusive or reasonably likely to be intrusive to any other resident, shall be permitted.

7. LETTING

7.1 Members are permitted to let their houses provided that the member ensures that the tenant is acquainted with these Conduct Rules and the Constitution of the Association.

7.2 Notwithstanding the provisions of Clause 7.1 members shall not let their properties for use as a commune.

7.3 Notwithstanding the provisions of Clause 7.1 members shall not let their properties on a short-term basis (less than 30 days);

7.4 Should a tenant breach the provisions of Clause 7.1 the Trustees may deny the member concerned the right to continue to let his/her house, and may take such action as they deem necessary or expedient at the cost of the member concerned to evict the tenant and all those claiming through or under the tenant from the property concerned.

8. NON - COMPLIANCE

8.1 For the enforcement of the provisions of these Conduct Rules or the provisions of the Constitution of the Association generally the Trustees may;

8.1.1 give notice to the member/resident concerned to remedy any breach within such period as they may determine;

8.1.2 take or cause to be taken such action as they deem fit to remedy the breach of which the member/resident concerned may be guilty and debit the cost thereof, which shall be a debt due to the Association, to his/her levy account, and which shall be payable as part of his/her levy on the first day of the following month and

8.1.3 impose a fine in an amount determined by the Trustees in their sole discretion on the member/resident concerned, which amount shall be a debt due to the Association, shall be debited to his/her levy account and shall be payable as part of his/her levy on the first day of the following month.

8.2 Should the Trustees institute legal proceedings against any member/resident for the enforcement of any of the rights of the Association, the Association shall be entitled to recover the administration fee and all legal costs so incurred from the member/resident concerned, calculated as between attorney and own client, including tracing fees and collection commission.

8.3 In the event of any breach of these Conduct Rules or of any of the provisions of the Constitution of the Association by any tenant residing on a members' property, his visitors, guests, employees, contractors or agents, such breach shall be deemed to have been committed by the member himself. However, 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 may in their discretion deem fit, in addition to any action which might be taken against the member concerned.

8.4 Complaints relating to the behaviour of another resident are to be lodged with the Trustees in writing, provided that the complainant has first attempted to settle the matter amicably with the other party.