

**POORTVIEW EXT. 36
HOMEOWNERS ASSOCIATION
NO. 2010/009193/08**

*Summer
Wind*

-POORTVIEW-



ESTATE RULES

A RULES AND REGULATIONS

1. INTRODUCTION

The main objective of the development of Summer Wind is the provision of a high quality lifestyle for residents. The following rules have been established in terms of the Memorandum and Articles of Association of the Poortview Ext.36 Homeowners Association (the Association) and are binding upon all occupants and residents of the Estate.

The registered owners of the properties are responsible for ensuring that members of their families, tenants, visitors, friends and employees abide by the rules. Happy and harmonious community living is achieved when residents use and enjoy their property as well as the public areas of the Estate in compliance with these rules.

In respect of the interpretation of these rules the decision of the Trustees is final and binding. The rules are subject to change from time to time, as and how it may become necessary in the opinion of the Trustees.

2. GOOD NEIGHBOURLINESS:

- 2.1 No activity or hobby, which could cause aggravation or nuisance to fellow occupants may be conducted, including auctions and jumble sales.
- 2.2 The volume of music or electronic instruments, partying and the activities of residents, guests and domestic help should be tuned to a level so as not to be heard on adjoining properties.
- 2.3 The mechanical maintenance, and the use of power saws, lawn mowers and the like, may only be indulged between the following hours:

Weekdays & Saturdays: 07h30 – 18h00
- 2.4 Washing may only be hung on lines screened from the street and neighbouring properties.
- 2.5 Refuse, garden refuse and refuse bags may not be placed on the pavements unless, it is scheduled to be removed within a period of 12 hours.

- 2.6 Dogs barking excessively or unnecessarily must be restrained and kept quiet.

3. USE OF STREETS:

- 3.1 The speed limit is 20km per hour.
- 3.2 Residents are reminded that children and other pedestrians will frequently cross streets in the Estate, and should approach all designated crossings with extreme caution.
- 3.3 The streets are intended to allow the movement of all occupants, whether by foot or mechanical means. Note that motor vehicles are considered to be part of the street environment but not necessarily the dominating factor.
- 3.4 The use of quad bikes, go-carts, off-road vehicles, etc. within the Estate is strictly prohibited.

4. MAINTENANCE OF GARDENS AND SIDEWALKS

All residents are responsible to:

- 4.1 Maintain the area between the road curb and the boundary of their property.
- 4.2 Garden fences / walls and outbuildings forming part of the Streetscape should be maintained and painted where necessary.
- 4.3 Caravans, trailers, boats, tool sheds etc. as well as accommodation for pets must be sited out of public view and appropriately screened from neighboring properties.
- 4.4 No trees, plants or groundcover may be removed from the sidewalk without permission from the Association. Plantings should not interfere with pedestrian traffic or obscure the vision of motorists.
- 4.5 Comply with the Architectural and Landscaping Guidelines.
- 4.6 Residents are responsible for maintaining trees, plants and shrubs planted on their pavement.
- 4.7 Residents are expected to maintain a high standard of garden and pavement maintenance.

- 4.8 Residents must ensure that declared noxious flora is not planted or growing in their gardens.
- 4.9 Swimming pool water may not be emptied into the streets but must be channelized into the stormwater system or as directed by the Association.
- 4.10 Vacant stands must be kept clean on a regular basis to the satisfaction of the Association, and if not maintained, the Association reserves the right to clean the stand at the owner's expense.

5. PETS

- 6.1 The local authority by-laws relating to pets will be strictly enforced.
- 6.2 No pets are allowed to roam the streets, common property areas or neighbouring properties.
- 6.3 Pets must be walked on a leash in common property areas.
- 6.4 Should any excrement be deposited in a common property area, the immediate removal thereof shall be the sole responsibility of the owner of the pet.
- 6.5 Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification will be apprehended and handed to the Municipal Pound.
- 6.6 The Association reserves the right to insist that the owner remove a pet should it become a nuisance within the estate in the opinion of the Trustees.

6. SECURITY

In the interest of providing an effective security service and system, security protocol must be adhered to at all times, and residents are requested to always treat security personnel in a co-operative, courteous and patient manner.

- 6.1 Security protocol at the entrance gates must be adhered to at all times.

- 6.2 All residents, tenants and other persons who reside on the Estate must register with the security centre and complete the required data sheets, if so required by the association.
- 6.3 Residents are to note that all the perimeter walling and access control gate area serve as a deterrent and detection function, and are not guaranteed to prevent a determined attempt at intrusion into the Estate.
- 6.4 The security access system for permanent workers, temporary workers and contractor representatives must be conscientiously enforced by every owner with respect to people in their employ.
- 6.5 All attempts at burglary or instances of fence jumping must be reported to a member of the security staff, and / or Security sub-committee.
- 6.6 Security is an attitude, be aware that you need to enforce and apply security to make it work. Do not hesitate to question suspicious persons.
- 6.7 The gate access area will be manned 24 hours a day (from the date that construction commences on the first erf), and residents, if issued with security stickers, must attach the stickers to motor vehicle windscreens.
- 6.8 The security centre at the Gatehouse should be advised in advance of pending arrival of visitors where possible, in particular vehicle registration numbers and property to be visited should be provided.

7. TENANTS, VISITORS

- 7.1 Should any owner let his property, he shall in writing advise the Association in advance of occupation of the name of the Lessee and the period of such Lease. The owner shall inform the Lessee of the Memorandum and Articles, Rules and Regulations and other rules, and shall bind the Lessee to adhere to such rules.
- 7.2 The occupiers of any property within the Estate are liable for the conduct of their visitors, contractors and employees, and must ensure that such parties adhere to the Memorandum and Articles, and these Rules.
- 7.3 Every Owner must ensure that contractors in their employ have signed the Builder's Code of Conduct and adhere to the stipulations of the contract.

8. LETTING AND RESELLING PROPERTY

- 8.1 Should an owner wish to sell or lease their property, the Association encourages the appointment of a preferred Estate Agent to manage the sale or lease. The Trustees may, however, at any time decide to allow only preferred agents to market, operate or conduct show houses in the Estate. The requirements for an agent to be appointed as a preferred agent will be determined by the Trustees.
- 8.2 The Owner must ensure that the buyer / lessee is informed about accepts and signs for a copy of the Rules, Architectural and Landscaping Guidelines, Contractors Code of Conduct and any other administrative regulations applicable at the times and commits to be bound thereto.
- 8.3 A clearance certificate must be obtained from the Association prior to any transfer.
- 8.4 It is the responsibility of the Owner to ensure that the Estate Agent signs and adheres to the Code of Conduct for Estate Agents as laid down by the Association from time to time.
- 8.5 Agents may only operate on a "By Appointment" basis, and must personally accompany a prospective buyer or lessee, and are not allowed to erect any "For Sale" or "To Let" or "Sold" or any other signage boards unless approved by the Association.
- 8.6 Show days by agents can be a security risk for residence, and must be approved by the association. It is however strongly recommended that properties be viewed on an appointment basis only.

9. ADMINISTRATION

- 9.1 All Homeowners Association Contributions (levies) are due and payable in advance on the first day of each and every month.
- 9.2 Interest will be raised on all accounts in arrears at a rate determined by the Trustees.
- 9.3 Further penalties, to be determined from time to time, will be imposed on any accounts unpaid after 60 days.

- 9.4 The Trustees may amend or add to the Rules and Regulations from time to time, as may be deemed necessary to ensure the happy and orderly co-existence of occupants.
- 9.5 The Trustees have the right to fine transgressors where any of the rules as stipulated by the Association from time to time have been broken. Such fines or any other amount due will form part of the levy and be due and payable on due date of payment of the levy.
- 9.6 The Trustees reserve the right to take any action they deem fit in the instance of non-compliance of any obligation or of a continued contravention of a rule, after expiry of a written notice detailing the contravention. Such action can include rectification by the Association, the cost of which will be charged to the transgressor, or possible imposition of a fine and subsequent legal action.

10. BUSINESS ACTIVITY

Any member of the Association, or resident wishing to conduct any business on his / her property must apply in writing to the Association to conduct such business. The Association will consider the application on merit, after taking into consideration the following:

- 10.1 The compliance with municipal by-laws;
- 10.2 Increased traffic;
- 10.3 Parking – employees and customers;
- 10.4 Signage
- 10.5 Disturbance to other residents and community as a whole;
- 10.6 Number of employees, etc
- 10.7 Hours of business.

The decision of the Association and its Trustees is totally discretionary and will be final and binding.

11. FINES

- 11.1 Fines will be determined and imposed by the Association from time to time.
- 11.2 A written warning will be delivered via email or to the house of the offending property owner. If such an offence is not rectified within the period as requested in the written notice or happens again, then an appropriate fine will be issued and added to the Homeowners monthly contribution (levy).