

# THE ISLAND LANDOWNERS ASSOCIATION

## ESTATE RULES AND REGULATIONS

### 1. Introduction

The main objective of the development of Vaal de Grace Country Estate has been the provision of a high quality lifestyle for Estate residents.

The following rules have been established in terms of the Memorandum and Articles of Association of the Vaal de Grace Country Estate Home Owner's Association (TILOA) 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 within the Estate in compliance with these rules.

In respect of the interpretation of these rules the decision of the Directors 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 Directors.

### 2. Application

This document addresses only a part of the broader estate rules, these rules need to be read in conjunction with the documents listed below. They are not a replacement of any statutory requirements, necessary submissions or approvals, and are in addition to the National Building regulations, Occupational Health and Safety Act or any other Local Authority requirements.

- Sales Agreement
- Company MOI
- Architectural Guidelines
- Environmental Guidelines
- Contractors Code of Conduct

### 3. Pleasing STREETSCAPE

Walls and buildings forming part of the streetscape (*\*A streetscape is defined as the part of the building in view from the road*) areas shall be maintained and painted by owners where and when necessary.

Garage doors shall be kept closed except insofar as is necessary to provide egress or ingress. The cobalt forms part of the streetscape and the Environmental Guidelines will be enforced.

No washing of any nature (including but not limited to garments and household linen) may be hung or placed to dry except in areas specially designated for that purpose. All washing lines and similar devices must be placed below the level of garden/yard walls in order that they are not readily visible from any road and/or other erf.

#### **4. Good Neighbourliness**

No hobby or any other activity, which could cause aggravation or nuisance to residents, or overload or otherwise negatively affect the amenity or infrastructure of the complex, may be conducted from or within any property.

#### **5. Administration**

Interest on overdue accounts will be charged as set out in the MOI.

#### **6. Parking (in or in front of the ERF)**

- 6.1 No REGISTERED OWNER shall, without the prior written consent of the BOARD permit any commercial type vehicle, boat, caravan, trailer, or any derelict or abandoned vehicle to be parked on or in front of the ERF registered on his name or in the PRIVATE AREAS which, in the opinion of the BOARD is unsightly. Parking in the Eco belt is strictly prohibited.
- 6.2 Vehicles shall not be parked in the streets or on any portion of the road reserve or in front of garages for any protracted period of time.
- 6.3 The owner's driveway area shall be used for the parking of cars of bona fide visitors.

#### **7. Disturbance**

- 7.1 All household alarms will be silent alarms.
- 7.2 No REGISTERED OWNER shall, without the prior written consent of the BOARD do or suffer to be done on the ERF registered in his name on the property anything which in the opinion of the TRUSTEES is noisome, unsightly, injurious, objectionable or detrimental, or a public or private nuisance or a source of damage or disturbance to any owner, tenant or occupier of any other property in the Estate in which the ERF is situated.
- 7.3 The use of fireworks is prohibited at all times.

#### **8. Religious, Political and Cultural meetings**

Public, Religious, Political and Cultural meetings or gatherings will not be allowed. Gatherings like such may cause disturbance to other residents, which will not be conducive for good relations on the estate.

#### **9. Security**

- 9.1 Security protocol and procedures must be adhered to at all times, and residents are requested to always treat the security personnel in a co-operative and courteous manner.
- 9.2 All residents, tenants and other persons who reside on the estate must register with the security centre and complete the required questionnaire to ensure that an effective security service can be provided.
- 9.3 Any owner or occupier who misplaces or destroys his access card shall be liable for the replacement cost thereof.
- 9.4 Any owner or occupier causing damage to the controlled security gate or its mechanism shall be obliged to repair same at his cost.
- 9.5 The security centre at the gate should be advised in advance of the pending arrival of visitors, and particulars relating to vehicle registration number and property to be visited should be provided.
- 9.6 Where visitors arrive unannounced, the security guards will contact the relevant resident by phone in order to verify that access may be granted.
- 9.7 The estate will be patrolled on a random basis by security guards.

## **10. Use of Roads**

- 10.1. Residents are requested to remember that wildlife will frequently cross the roads in the estate and motorists should always drive with caution.
- 10.2. The riding of horses within the estate is prohibited.
- 10.3. The use of cars, motorcycles, scramblers, quads or other vehicles with noisy exhaust systems is prohibited anywhere in the estate.
- 10.4. The speed limit is 25 km per hour.
- 10.5. The rules and stipulations of the Road Traffic Act, No 29 of 1989 shall apply.

## **11. Use of Common Property**

A particular appeal is made to residents to leave any open area they visit in a cleaner condition than that in which it was found, and the lighting of fires is prohibited.

## **12. Pets**

The Island is a sensitive nature estate with rare bird and animal species whose continued existence would be threatened with the introduction of pets. Pets, in principle, as such, will not be allowed, unless approved by the association in writing.

## **13. Letting and reselling of Property**

These rules apply to and are binding upon all tenants. An owner (or his agent) who intends to let an erf shall –

- 13.1 Furnish his tenant with a copy of these rules and provide the association with a copy of the relevant signed lease which shall be for a minimum period of 3(three) months which must include a clause where tenant acknowledges and agrees that these rules are binding upon him/her and are enforceable against him/her by the association.
- 13.2 Members or their agents shall give the association prior written notice of any tenants or guests who are to occupy the member's residence in the absence of that member.
- 13.3 Every tenant shall be required to register at the offices of the estate manager within 1 (one) working day after arrival and to sign a declaration that he/she is acquainted with these rules and acknowledges that these rules are binding on him.
- 13.4 If any tenant, guest or employee fails to comply with any of the provisions of these rules, the association shall be entitled to deny that tenant, guest, employee access to the Estate.
- 13.5 Erven may be re-sold only through an estate agent, who is registered with the Estate Agents Board, to which agents shall be required to abide by such rules and directives relating to advertising, access to the Estate.
- 13.6 Any agent who fails to abide by any such rules and directions may be denied access to the Estate.
- 13.7 Erven may also be re-sold privately by owners or through an Association approved agent who may not necessarily be an estate agent.
- 13.8 An agent will be accredited only after signing an agreement with the Association that such an agent will abide by stipulated rules and procedures applicable to the sale of the property on the Estate.

## **14. Visitors**

On arrival, visitors must notify the security officer of his name, street number where he will visit and complete the guest register.

**15. Sign and Notices**

No advertisements or publicity material, of any person including maintenance contractors, may be exhibited or distributed without the consent of the Directors. The Directors shall have the right to remove any material exhibited or distributed in contravention of this rule.

**16. Household and Garden refuse**

All refuse (whether domestic or garden) shall be kept in separate suitable containers which shall not be visible from any road, except when placed on driveways (loose bags are not permitted) for purposes of collection. When containers are placed on the driveway it should be at least 10 meters from the curb.

**17. Killing, Slaughtering or Trapping**

Killing, slaughtering or trapping of any domestic or wild animals is not allowed. Culling or trapping of excess wild animals is the sole responsibility of the Board.

**18. Resident Domestic workers, Gardeners or Other workers**

- 18.1 No resident domestic servants, gardeners or other workers will be allowed.
- 18.2 Day workers must be registered at the offices of the Association and will be issued with an entry ticket which must be kept on his / her person at all times when on the estate.
- 18.3 The activities and movements of the workers must be restricted to the premises of employment.
- 18.4 Residents must encourage domestic workers and gardeners are well behaved at all times.

**19. Commercial Activities**

- 19.1 The association is entitled to regulate all commercial activity on or about the Estate.
- 19.2 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 association.
- 19.3 No advertising board or signs, including business signage of any nature, may be displayed on or about the Estate, without the approval of the association.
- 19.4 No door to door canvassing and/or selling is permitted.

**20. Disputes**

In the event of disputes between residents arising from annoyances or nuisance, the parties involved should use their best endeavours to settle the matter between themselves, exercising tolerance and consideration. Where the dispute cannot be resolved in the aforesaid manner, the matter should be referred to the Board for resolution.

**21. Arbitration**

Any dispute, question or difference arising at any time between MEMBERS or between MEMBERS and DIRECTORS out of or in regard to any matters arising will be referred for arbitration.

Arbitration shall be held at the offices of the attorneys appointed by the DIRECTORS, informally and otherwise in terms of the provisions of the Arbitration Act No 42 of 1965 (as

amended or replaced from time to time), it being intended that if possible it shall be held and concluded within 21 (TWENTY ONE) BUSINESS DAYS after it has been demanded. Save as otherwise specifically provided herein, the Arbitrator appointed shall be, if the question in dispute is:

- Primarily an accounting/financial matter – an independent chartered account;
- Primarily a legal matter – practising counsel or attorney of not less than 10 (TEN) YEARS standing;
- Any other matter – an independent and suitably qualified person appointed by the Board;
- As such appointments may be agreed upon between the parties to the dispute.

If agreement cannot be reached on whether the question in dispute falls under a particular arbitrator within 3 (THREE) BUSINESS DAYS after the arbitration has been demanded, then:

- The President of the time being of the Law Society shall determine whether the question falls under the above, or,
- The President for the time being of the Law Society shall nominate the arbitrator within 7 (SEVEN) BUSINESS DAYS after the parties have failed to agree so that the arbitration can be held and concluded as soon as possible within 21 (TWENTY-ONE) BUSINESS DAYS.

The arbitrator shall make his award within 7 (SEVEN) BUSINESS DAYS after completion of the arbitration and shall in giving his award, have regard to the principles laid down in terms of the Memorandum of Incorporation (MOI). The arbitrator may determine that the cost of the arbitration may be paid either by one or other of the disputing parties or by the ASSOCIATION as he in his sole discretion may deem fit.

The decision of the arbitrator shall be final and binding and may be made an Order of the Supreme Court of South Africa upon the application of any party to the arbitration.

Notwithstanding anything to the contrary, the DIRECTORS shall be entitled to institute legal proceedings on behalf of the ASSOCIATION for the purposes of restraining or interdicting breaches of any of these provisions.

## **22. Leave to appeal and procedures of appeal regarding penalties imposed**

Any owner / contractor / tenant has the right of appeal against an imposed penalty if he/she feels that a legitimate reason exists for lodging such an appeal.

### **22.1 Appellate Procedures**

- The appellate must forward a written objection to the penalty within 7 (seven) calendar days of receipt of the penalty imposed by estate management to the Board.
- The Board undertakes to respond within 7 (seven) working days to the appeal.

**23. Liability**

23.1 Parking of vehicles upon the common property, or road reserve is subject to the express condition that every vehicle is parked at the owner's risk and responsibility.

23.2 No liability shall attach to the association or its agents or any of their employees for loss or damage of whatever nature which the owner, or any person claiming through or under him/her.

## INDEX

Herewith the index and reference paragraphs of the House Rules and Governance Penalties applicable to The Island Landowners Association NPC for non-compliance of the said rules.

### **1. Application**

Penalties will be imposed for repeated transgressions of the rules following the issuance of a written warning in the first instance.

### **2. Introduction**

- a. Contravention of any municipal by-laws - 750.00 for each offence. The definition and list of by-laws are available for homeowners to peruse on the Thlokwe municipal website. These laws stipulate:
- b. That, everyone has the constitutional right to an environment that is not harmful to their safety or well-being.

### **3. Administration**

- a. Interest on overdue accounts will be charged at the statutory rate which is 15.5% (This rate will be reviewed annually).
- b. 60 days overdue accounts will receive a first warning.
- c. 90 days overdue accounts will receive a final warning.
- d. 120 days overdue accounts will be handed over for collection.

### **4. Pleasing Streetscape**

- a. Not maintaining a pleasing streetscape -R 1,500.00 for each offence.

### **5. Good Neighbourliness**

- a. Unruly improper or illegal behaviour - R 500 each offence.

### **6. Parking (in or in front of the ERF)**

- a. Illegal parking - R 1,000.00 for each offence.

### **7. Disturbance**

- a. Alarms that are not silent R 200.00 per activation
- b. Disturbance of peace by loud music, noisy equipment etc. - R 500.00 for each offence.
- c. The use of fireworks is prohibited - R 5,000.00 for each offence.

### **8. Religious, Political and Cultural Meetings**

- a. Unauthorised religious, political and cultural events in private, public or common areas zones - R 5,000.00 for each offence.

### **9. Security**

- a. Treating security staff unfairly, with descent, foul language or in an uncooperative manner - R 1,000.00 per reported and investigated instance.
- b. Loss of security cards not reported immediately R 200.00 each offence.
- c. Labour walking on the estate without an escort. R 1,000.00 per person.
- d. (Contractors) Cannot provide positive identification upon request from security. R 1,000.00 or expel offender.
- e. Attempt, or obtaining illegal possession of access cards, or obtaining and or giving an access card to individuals who do not reside on the Estate to gain access to the estate - R 5,000.00 each offence.
- f. Illegal immigrant working on the estate - R 5,000 including police intervention.

### **10. Use of roads**

- a. Driving of quad bikes off road - R 1,500.00 each offence.
- b. Reckless, speeding and inconsiderate driving on the Estate and general traffic or driving offences - R 1,000.00 each offence.
- c. Golf carts, not registered at Estate Management Office, being driven on estate roads. R 250 each offence
- d. Speeding - R 1,000.00

### **11. Use of common property**

- a. Littering of eco belt or common areas - R 500.00 each offence.
- b. Malicious damage to estate property, including Fauna & Flora or disturbance to wildlife in any way whatsoever - R 5,000.00 – R50, 000 (depending on the severity of damage).

**12. Pets**

- a. Unregistered pets on the estate – R 100.00 per day per pet until removed.

**13. Signs and notices**

- a. All illegal signs and notices will be removed. Repeated offenders - R 500.00 for each offence.

**14. Liability**

- a. Failing to disclose malicious damage to resident's property to the owner or estate management - R 5,000.00

**15. Killing, slaughtering or trapping**

- a. Killing, slaughtering or trapping of animals - R 5000.00 per offence and police intervention.

**16. Household Refuse**

- a. Refuse not in prescribed bags – as per contract with service provider.
- b. Exceeding allocated refuse bag limit– as per contract with service provider.

**17. Domestic workers, gardeners and other workers.**

- a. Resident workers - R 5000.00 for each offence.
- b. Access gained with another individual's access card - R 2000.00 for each offence.
- c. Illegal immigrant working on the estate - R5000.00 and police intervention.
- d. Unruly improper or illegal behaviour - R 500.00 for each offence.

HOUSE RULES PENALTIES			
1	Interest on arrear amounts.	MOI	
2	Maintenance of buildings	R 1,500.00	p/m until rectified
3	Any municipal by-laws broken.	R 750.00	each offence
4	Unruly improper or illegal behaviour	R 500.00	each offence
5	Illegal parking	R 1 000.00	each offence
6	This includes any commercial type vehicle, boat, caravan, trailer, or any derelict or abandoned vehicle to be parked on or in front of the erf or on the eco-belt or road reserve.		
7	Alarm activation (those are not silent)	R 200.00	per activation
8	Disturbance of peace by loud music, noisy equipment etc.	R 500.00	each offence
9	Use of fireworks.	R 5000.00	each offence
10	Religious, political and cultural meetings or gatherings	R 5 000.00	each offence
11	Treating security staff not according to protocol or in an uncooperative manner.	R 1 000.00	each offence
12	Attempt, or obtaining illegal possession of access cards, or obtaining and or giving an access card to individuals to gain access to the estate.	R 5 000.00	each offence
13	Illegal immigrant working on the estate.	R 5 000.00	police intervention



14	Reckless, inconsiderate driving on the estate and general traffic or driving offences.	R 1 000.00	each offence
15	Speeding	R 1 000.00	each offence
16	Illegal parking	R 500.00	each offence
17	Littering of eco-belt and open areas.	R 500.00	each offence
18	Malicious damage to estate property, incl. Fauna/Flora or disturbance to wild life in any way whatsoever.	R 5 000.00 – R 50,000.00	Excluding cost of repair.
19	Unregistered pets on the estate.	R 100.00	per pet per day
20	Illegal signage	R 500.00	Removal
21	Malicious damage to resident's property which is not disclosed to relevant owner. Estate management.	R 5 000.00	plus repair cost
22	Killing, slaughtering or trapping animals	R 5 000.00	each offence
23	Resident domestic servants, gardeners or other workers	R 5 000.00	each offence