

***Annexure B***



***CYCAD ESTATE HOME OWNERS  
ASSOCIATION NPC***

***Management &  
Conduct Rules***

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## **1. Introduction**

- 1.1 *The main objective of the development of the Cycad Estate by the Developer has been the provision of a high quality lifestyle for residents, and the intention of these rules is the protection of the mentioned lifestyle.*
- 1.2 *The rules have been established in terms of the Memorandum of Incorporation of the Cycad Estate Home Owners Association (hereinafter referred to as the Association). They are binding upon all occupants of the estate, as is any decision taken by the Directors in interpreting these rules.*
- 1.3 *The registered owners of the properties are responsible for ensuring that members of their families, tenants, visitors, friends and all their employees abide by these rules.*
- 1.4 *Happy and harmonious community living is achieved when residents use and enjoy their private property as well as the public areas. General consideration of all residents for each other will assist in achieving a happy community.*
- 1.5 *In the event of annoyances or complaints, the involved parties should attempt to settle the matter between themselves, exercising tolerance and consideration. In instances where problems cannot be solved, the matter should be brought to the attention of the Directors for arbitration and settlement.*
- 1.6 *In respect of the interpretation of these rules, the decision of the Directors is final and binding.*
- 1.7 *These rules are subject to change from time to time.*

## **2. Use of the streets**

- 2.1 *The streets of the Estate are intended for the movement of all residents, whether it be by foot, running shoe, roller skate, bicycle, motor cycle, trucks, delivery vans and busses or cars. Note that cars are considered to be part of the street environment, but not necessarily the dominating factor.*
- 2.2 *The speed limit is restricted to 30km per hour.*
- 2.3 *Save for the above, the Road Traffic Ordinance or any amendment thereof is still in force.*
- 2.4 *Parents are responsible for ensuring that their children are kept from the streets and kept under supervision at all times, particularly toddlers and children under the age of 12 years.*
- 2.5 *Engine powered vehicles are not allowed to drive anywhere except in the streets of the Estate.*
- 2.6 *Parking on sidewalks is prohibited.*
- 2.7 *The use of motor cycles or other vehicles with noisy exhaust systems is prohibited.*
- 2.8 *Bicycles, motorcycles and/or skateboards are prohibited from using walkways or jogging paths on the estate, and may only be used on the streets.*
- 2.9 *All road and traffic signs must be adhered to as well as road traffic rules.*
- 2.10 *Unlicensed Drivers not allowed to drive in the Estate.*

## **3. Use of open areas**

- 3.1 *A particular appeal is made to residents to leave any open space they visit in a cleaner condition than that in which it was found. It would be appreciated if all residents develop the habit of picking up and disposing of any litter encountered in the open spaces.*
- 3.2 *Picnicking is not permitted.*
- 3.3 *The lighting of fires or braais is not permitted.*
- 3.4 *Swimming is not permitted in any of the water features.*
- 3.5 *No motorized vehicle is permitted.*
- 3.6 *Residents' and their visitors' use of the open areas is entirely at their own risk at all times.*
- 3.7 *No activities that cause a nuisance to other residents may be conducted in the open areas.*

- 3.8 *No firearms, catapult, bow and arrow or any other weapon or pellet guns may be discharged in the estate.*
- 3.9 *The use of soap box carts, skate boards, roller skates etc. in the open areas is prohibited.*

#### **4. Good neighbourliness**

*“Do unto others as you would have them do unto you.”*

- 4.1 *No business activity or hobby that could cause aggravation or nuisance to fellow residents may be conducted, including auctions and jumble sales.*
- 4.2 *The volume of music or electric instruments, partying and the activities of domestic help should be at a level so as not to be heard on adjoining properties.*
- 4.3 *The mechanical maintenance and the use of power-saws, lawn mowers, and the like (electric mowers are preferred), should only be indulged between the following hours:*
- |                             |              |          |              |
|-----------------------------|--------------|----------|--------------|
| <i>May - August</i>         | <i>07:30</i> | <i>-</i> | <i>18:00</i> |
| <i>September - April</i>    | <i>07:00</i> | <i>-</i> | <i>19:00</i> |
| <i>Sundays only between</i> | <i>10:00</i> | <i>-</i> | <i>12:00</i> |
- 4.4 *Washing should only be hung on lines screened from the street and neighbours.*
- 4.5 *Refuse, bags and garden refuse bags may not be placed on the pavement, only in wheelie bins on the day of collection.*
- 4.6 *No advertisements or publicity material may be exhibited or distributed without the consent of the Association.*
- 4.7 *No fireworks of any description may be used anywhere on the estate.*
- 4.8 *No habitation of any mobile home or caravan on the estate will be permitted.*

#### **5. Ensuring a pleasant streetscape**

- 5.1 *The collective pride of our Estate will depend to a considerable extent on the contribution of every owner in doing his bit to create and maintain a neat and pleasing streetscape.*
- 5.2 *Each stand owner is responsible for maintaining the area between the kerb and the boundary of his property in a clean and pleasing condition.*
- 5.3 *Garden fences and/or walls and outbuildings forming part of the streetscape should be regularly maintained and painted where necessary. The Association has the right to effect repairs and painting of the fence at the cost of the owner should it be considered necessary.*
- 5.4 *Caravans, trailers, boats, equipment, tools, engine and vehicle parts as well as accommodation for pets, should be out of view and screened from neighbouring properties.*
- 5.5 *Building material may not be dumped on the sidewalks under any circumstances.*
- 5.6 *No trees, plants or sidewalk lawn may be removed without the permission of the Association. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.*
- 5.7 *Gardens abutting onto streets and open areas must be kept neat and tidy at all times failing which the Association shall have the right to clean the garden at the cost of the owner.*

#### **6. Adhering to architectural and landscape guidelines**

*The obligations of owners are set out in the Architectural Guidelines, “Annexure A” hereto and form an integral part to this agreement.*

#### **7. Environmental management**

*“The degree of environmental care exercised by a community says much of the level of culture and refinement attained by the said community.” - (Unknown citizen of Pompeii)*

- 7.1 *No rubble or refuse should be dumped or discarded in any public area, open area, street or*

water features.

7.2 *Flora may not be damaged or removed from any open areas.*

7.3 *Fauna of any nature may not be chased or trapped in any public area, be it by humans or by dogs.*

7.4 *Residents are responsible for watering trees, plants and shrubs planted on their pavements.*

7.5 *Residents must ensure that declared noxious flora are not planted or growing in their gardens.*

7.6 *Swimming pool water may only be discharged into the sewer system.*

7.7 *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 owners expense.*

## **8. Use of the tennis court**

8.1 *The use of the tennis court is reserved for the use of the owners immediately adjacent to the tennis court and any of their family members residing in the estate and these owners will be responsible for the costs of maintenance thereof.*

8.2 *The tennis court will be maintained by the Association but the owners immediately adjacent to the tennis court will share the costs of maintenance equally between themselves.*

## **9. Security**

*“Every time you break security protocol and regulations, you are making it easier for criminals to do the same.” (Ex cop)*

9.1 *The security guards may not be abused under any circumstances.*

9.2 *The Association recommend that all residents to install a home security system as soon as possible after taking occupation of their homes, and link the system to the response company appointed by the Association. Should residents purchase burglar alarm systems for their residences, it is suggested that the system be compatible with the electronics of the estate security system. The response company must have the ability to disarm the alarm.*

## **10. Access control guidelines**

### **10.1 Residents' Visitors.**

10.1.1 *The arrival of all visitors visiting residents on the Estate must be confirmed by the guards at the guardhouse with the resident.*

10.1.2 *The guardhouse must make continuous efforts to reach a resident until contact is made with the resident and confirmation has been obtained.*

10.1.3 *No escorting of visitors to the resident's house may take place without the resident's permission.*

### **10.2 Sales Office Visitors and Potential Buyer/s**

10.2.1 *Visitors and / or Potential Buyers to the Sales Office will only be allowed on the estate during normal sales office hours as specified.*

10.2.2 *The developer can be contacted to attend to potential buyers outside the office hours.*

10.2.3 *Potential buyers for resale stands and houses will only be allowed by appointment.*

10.2.4 *All visitors shall comply with any security arrangements that may be in place.*

10.2.5 *Security Supervisor and guards are to be courteous and diplomatic when dealing with visitors and potential buyers.*

### **10.3 Resident / Stand Owner**

*All residents and/or stand owners shall comply with any security arrangements that may be in place.*

### **10.4 Domestic Workers and Casual / Permanent Labourers / Gardeners**

- 10.4.1 *All regular domestics and gardeners will enter the Estate from the main security gate only.*
- 10.4.2 *The guardhouse will have a list of casual gardeners / labourers, that shall be supplied by the residents and which shall be updated regularly. It is the responsibility of the resident to inform the guard house of any such casual workers, changes, day of work, etc. This list will be matched / compared to the casual worker's ID Book for confirmation*
- 10.4.3 *Residents who enter the estate with their domestics and / or casual workers will take full responsibility of these casuals. ID Books will still be required and the (casuals must be signed in by the resident at the security gate) resident must complete the register at the security gate implemented for that purpose.*
- 10.4.4 *Foreigner Domestic / Contractors / Gardeners not allowed into the estate without a work permit or SA identification document.*

### **10.5 Denial of unrestricted access**

- 10.5.1 *If a resident, or any member of his household, or any of his/their visitors or any of its employees/contractors breach any security rules or access control rules or commit any crime within the estate, the Directors may:*
- 10.5.2 *As an interim measure instruct the guard house not to allow the visitors/employees/contractors of such household access into the estate or to exit from the estate, unless they are accompanied by the particular resident or a member of his household; and*
- 10.5.3 *After the resident concerned has been given an opportunity to answer to any complaint arising from a breach to impose and implement such other access measures i.r.o. the particular resident as the Directors may deem fit and/or also to impose a fine of up to R5 000,00 (Five thousand rand) that will be payable by the particular resident.*
- 10.5.4 *In terms of the Memorandum of Incorporation and in terms of the Management and Conduct Rules itself the Directors are empowered to amend any existing rules and/or to make new rules.*

## **11. Tenants, visitors, contractors and employees**

- 11.1 *In the final instance, the responsibility of enforcing the Rules, rests with the Owner.*
- 11.2 *Should any owner let his property, he shall notify the Association in writing in advance of such occupation, the name of the lessee, and the period of such lease. The owner shall inform the Lessee of all Management and Conduct Rules, and bind the Lessee to adhere to such rules.*
- 11.3 *The occupants 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 Rules.*
- 11.4 *All owners must ensure that contractors in their employment have signed the Management and Conduct Rules prior to commencement of work, and that they adhere to the stipulations of the rules at all times.*

## **12. Reselling Property**

*The concept of this Estate imposes certain restrictions on the manner in which Estate Agents may operate herein. In order to ensure that the rules applicable to the Cycad Estate, which regulate property ownership and occupation of the premises on the Estate are made known to new residents, the following rules relating to re-sale of property shall apply:*

- 12.1 *Only an accredited Estate Agent may be selected to manage the sale, should an owner want to sell his property.*
- 12.2 *The accredited agent must ensure that the prospective buyer is informed of and receives a copy of the Management and Conduct Rules, Architectural Guidelines, Contractors Code of Conduct and any other administrative regulations and documentation applicable at the time.*
- 12.3 *Any approval granted to the Seller (in the case of a re-sale) , prior to the time of sale must be communicated to the buyer at the time of purchase failing which the buyer will have recourse against the seller.*
- 12.4 *The seller of a property on the Estate shall ensure that the agreement contains the following clauses:*
- 12.5 *Association*
  - The following conditions are registered against the title deed of the property, in terms of which the Purchaser takes title to the property:*
  - 12.5.1 *“Any owner of the erf, or any subdivision thereof, or any interest therein, or any unit , as defined in the Sectional Titles Act 95 of 1986, shall become and shall remain a member of the Association and be subject to its Memorandum of Incorporation, until he ceases to be an owner as aforesaid. No erf, or any subdivision thereof, or any interest therein, or any unit thereon, shall be transferred to any person who has not committed himself to the satisfaction of the Association to become a member of the Home Owners Association.”*
  - 12.5.2 *“The owner of the erf, or any subdivision thereof, or any interest therein, or any unit as defined in the Sectional Title Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision, or any interest therein, or any unit thereon, without a clearance certificate from the Association which certifies that the provisions of the Memorandum of Incorporation of the Association have been complied with and that all monies have been paid.”*
- 12.6 *Building period*
  - 12.6.1 *The Property is sold subject to the conditions imposed and enforceable by the original developer or its nominee as contained in the property’s title deed.*

### **13. Pets**

- 13.1 *Let your pet not be a bone of contention between you and your neighbours.*
- 13.2 *The Local Authority bylaws relating to pets will be strictly enforced.*
- 13.3 *No person may keep more than two dogs and two cats on the property, without the written approval of the Association*
- 13.4 *No poultry, pigeons, aviaries, wild animals or livestock may be kept on the Estate.*
- 13.5 *Parrots and other caged birds may only be kept with the prior consent of the Association.*
- 13.6 *No pets allowed to roam the streets*
- 13.7 *Pets must be walked on a leach outside the erf.*
- 13.8 *Should any excrement be deposited in a public area, the immediate removal thereof shall be the sole responsibility of the proud owner of the pet.*
- 13.9 *Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags will be apprehended and handed to the Municipal Pound and/or SPCA.*
- 13.10 *The Association reserves the right to request the owner to remove his pet should it become a nuisance on the Estate.*

#### **14. Administration**

- 14.1 *All levies are due and payable in advance on the first day of each and every month*
- 14.2 *Members who have not paid the levy to date, will deny themselves access to the Estate. All members acknowledge that no member will have the right to access the Estate. Home Owners Association will suspend access to resident with levies overdue for more than 3 months*
- 14.3 *Interest will be raised on all arrear accounts.*
- 14.4 *Summons will be issued in cases of arrear accounts or breach of any of the rules imposed and the legal fees on an attorney and client basis in respect thereof will also be for the account of the owner who is in arrears.*
- 14.5 *Further penalties to be determined from time to time, will be imposed on owners with accounts in arrears for 60 (sixty) days or longer.*
- 14.6 *The Directors may amend or add to the Management and Conduct Rules from time to time, as may be deemed necessary to ensure harmonious coexistence of residents.*
- 14.7 *The Directors have the right to fine transgressors where any of the rules as stipulated by the Association from time to time have been broken or infringed upon. Such fines will form part of the levy and shall become due and payable on the due date of payment of the levy.*
- 14.8 *Any costs incurred in enforcing the rules will be for the account of the transgressor, and if the transgressor is not a home owner, then it shall be for the home owner of which the transgressor is a resident or a visitor, which will include the costs of the appointment of the attorney, which shall include the costs on an attorney and own client scale, including all costs for advice and any work the attorney needs to do before issuing the summons.*