

MOOIKLOOF RIDGE HOA RULES AND REGULATIONS



Rules and Regulations are established for the Mooikloof Ridge Home Owners Association in terms of Article 6 of the Articles of Association

These rules are applicable with immediate effect.

Owners are to ensure that their tenants receive a copy of these Rules and Regulations

ESTATE VISION STATEMENT

*We strive to become **a Model Estate** creating a harmonious, secure and safer living environment*

ESTATE VALUE SYSTEM

- ❖ *Respect for others*
- ❖ *Aesthetically pleasing environment*
- ❖ *Adherence to Rules*
- ❖ *Leading by example*



MOOIKLOOF RIDGE HOA RULES AND REGULATIONS

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1 INTRODUCTION

- 1.1 Harmonious community living is achieved when residents use and enjoy their private property as well as the public areas of the Estate. General consideration of all residents by and for each other is a prerequisite for harmonious relations within the Estate.
- 1.2 The principal objective of these Rules and Regulations is to preserve and enhance the security, aesthetics and environment for the common good of the Mooikloof Ridge community, whilst at the same time protecting the financial interests of Home Owners.
- 1.3 The rules have been established in accordance with the Memorandum and Articles of Association of the Mooikloof Ridge Home Owners Association (hereinafter referred to as HOA, a company incorporated in terms of Article 21 of the Companies Act 61 of 1973). These rules are binding upon all occupants of the Estate, as is any decision taken by the HOA Board of Directors (hereafter referred to as Board) in interpreting these rules.
- 1.4 The owners of the properties at the Estate are responsible for ensuring that members of their families, their tenants, visitors, friends and employees abide by these rules.
- 1.5 These rules are subject to change from time to time at the discretion of the Board, who will cause any such additions or amendments to be ratified at a subsequent Annual General Meeting or by means of a Special Resolution as the Board in its discretion may deem fit.
- 1.6 The decision of the Board is final and binding in respect of the interpretation of these rules.
- 1.7 The rules pertaining to Tenants, Visitors, Contractors and Employees (including the stated fines) shall be implemented by the Board or persons duly delegated with the appropriate responsibilities to act on behalf of the Board

2 RULES OF THE STREETS

- 2.1 The streets of the Estate are for the use of all residents, whether it be on foot, bicycle, motorcycle or any other licensed vehicle. It is to be noted that bicycles, motorcycles or licensed vehicles are considered to be part of the street environment, but not necessarily the dominating factor.
- 2.2 All roads within the Estate are subject to the relevant road traffic ordinances or by-laws.
- 2.3 The speed limit is strictly restricted to a maximum of 40 km per hour or as specifically indicated by the Speed Limit Signs.
- 2.4 Unless contradicted by the express provisions stated hereunder, the local Road Traffic Ordinances regarding road and street usage shall apply, and may be enforced by the Board as is specifically stated herein.
- 2.5 Parents are responsible for ensuring that their children are made aware of the dangers relating to the use of streets and must take responsibility for their children's safety.
- 2.6 Engine powered vehicles, e.g. cars, four-wheelers and motorcycles are permitted to drive on the streets of the Estate only. Parks, grass and pavements are off-limits for engine

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- powered vehicles. Only licensed drivers may operate and drive engine powered vehicles in the streets or anywhere else within the Estate.
- 2.7 The use of bicycles, skateboards, roller-blades or roller-skates on the grass and/or swimming pool area and/or Club House and/or tennis court is prohibited.
- 2.8 Parking on sidewalks and in the streets opposite traffic islands or non-demarcated areas is prohibited.
- 2.9 Pedestrians will frequently cross streets at designated crossings within the Estate and have the right of way. Motorists are reminded to always approach crossings with caution.
- 2.10 The use of motorcycles or other vehicles with noisy exhaust systems save for entering or exiting from the Estate, is prohibited.
- 2.11 Only licensed and roadworthy vehicles, which would be permitted to be operated on public roads, are allowed to be used in the Estate.
- 2.12 The use of vehicle sound systems in parking and/or demarcated areas are prohibited.
- 2.13 Walkways and sidewalks are for the exclusive use by pedestrians. No motor cycles, bicycles, four-wheelers, skateboards, roller-blades or roller-skates are allowed to be used on any walkway or sidewalk.
- 2.14 Any damage caused to the curb side, traffic signs, lamp posts and other road markings, shall be for the account of the person/persons who caused the damage or the persons who are responsible for their actions.
- 2.15 The offender / person who is responsible for the offender's actions shall be given a maximum of 7 days to fully rectify the damage referred to in paragraph 2.14 above, failing which the HOA, through its authorised representatives, shall be entitled to repair the damages, which repair will be for the account of the relevant offender / person who is responsible for the offender's actions.
- 2.16 Visitors using the common property parking areas may only use such areas for a maximum period of 12 hours, unless expressly authorised by the HOA, through its authorised representatives, to use such parking areas for longer.
- 2.17 Only properly licensed drivers are permitted to operate engine powered vehicles in the Estate in accordance with the provisions of their respective license.
- 2.18 The HOA, through its authorised representatives, has the authority to clamp the wheels of vehicles not parked and/or stopped in accordance with the provisions of the rules of the streets and to apprehend and fine persons who disregard the rules of the streets.
- 2.19 The fine to be levied in terms of the rules of the streets, will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R500.00 (FIVE HUNDRED RAND) for a first offence and R750.00 (SEVEN HUNDRED RAND AND FIFTY RAND) for a second offence or to release a wheel clamp referred to in paragraph 2.18 above.



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3 GOOD NEIGHBOURLINESS

- 3.1 Any business activity or hobby that could cause aggravation or nuisance to fellow residents may not be conducted from any property. Auctions and/or jumble sales are strictly forbidden.
- 3.2 No business may be conducted from any property without the expressly written consent of the Board. Any person wishing to conduct business, either from a Sectional Title Complex unit or anywhere else in the Estate, shall apply for permission to the Board in writing. Such business operations must adhere to the criteria and conditions as specified by the Board and to local municipal by-laws and regulations. The business area may not exceed a maximum of 9 m² of constructed floor area. Approval will be for a maximum of two years after which a new application must be made to the Board, and any deviation from the written submissions of the owner concerned shall immediately entitle the Board to revoke such permission.
- 3.3 In making a decision with regard to the written consent referred to in paragraph 3.2 above the Board must consider:
- 3.3.1 What impact the proposed business will have on the Estate security.
 - 3.3.2 Would the proposed business be exclusively for residents or also for non-residents?
 - 3.3.3 What impact the proposed business will have on traffic into the Estate and Sectional Title Complexes.
 - 3.3.4 What impact it will have on the noise in the Estate.
 - 3.3.5 Will it impact negatively on the neighbouring units or Sectional Title Complexes?
 - 3.3.6 Will it have a negative impact on the security of the Estate?
 - 3.3.7 Will it fit in with the general character of the Estate?
 - 3.3.8 What impact will it have on the investments within the Estate?
 - 3.3.9 Have the neighbouring units or Sectional Title Complexes consented to the business?
 - 3.3.10 Will there be sufficient parking available for the business?
- 3.4 The volume of music or electronic instruments or social activities must be kept at a level so as not to create a nuisance to neighbours. Whether or not any activity amounts to a nuisance shall be determined by the Board with reference to the purpose and objectives of these Rules and Regulations.
- 3.5 The use or maintenance of any power tools, mechanical or electrical device e.g. power saws, lawn mowers, drills, vacuum cleaners, etc may only be undertaken between the following hours:
- 3.5.1 Monday - Friday (07:00 - 18:00)
 - 3.5.2 Saturdays (09:00 -13:00)
 - 3.5.3 Sundays shall be quiet throughout. **The Club House is not available for rental on Sundays**
- 3.6 Washing lines must be suitably screened from neighbouring properties and in particular shall not be visible from beyond the Sectional Title Complex or unit concerned.

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- 3.7 Refuse, refuse bins (except on official collection days), garden refuse and refuse bags may not be placed on the pavement.
- 3.8 Garden refuse must be removed on the same day.
- 3.9 Advertisements or publicity material may not be exhibited or distributed unless the consent of the Board has been obtained in writing.
- 3.10 Owners or their tenants must ensure that domestic workers and other employees do not loiter within the Estate and specifically not at any prominent places such as at the gates, road circles, streets etc.
- 3.11 In the event of annoyances or complaints, the parties involved should attempt, as far as possible to settle the matter between themselves, exercising due tolerance, reasonableness and consideration. Where a dispute cannot be resolved, and in particular a dispute between neighbours, the procedure shall be the following:
 - 3.11.1 Written submissions will be made by the parties involved in the dispute to the Board;
 - 3.11.2 The Board may, at their sole discretion, decide as to whether the Board will arbitrate on the matter or not;
 - 3.11.3 In the event that the Board is of the view that they are entitled to arbitrate on the matter, the decision of the Board shall be final and binding in respect of the resolution of the dispute;
 - 3.11.4 In the event that the Board is of the view that they are not prepared to arbitrate in the matter, the Board may either:
 - 3.11.4.1 Inform the parties involved that the Board is not prepared to arbitrate in the matter and the parties will have to resolve the dispute themselves and/or by legal action and/or arbitration; or
 - 3.11.4.2 The Board may refer the matter to an independent arbitrator, at the Board's discretion, in which event the arbitrators fees shall be paid in advance in equal shares by the parties to the dispute;
 - 3.11.4.3 In this regard, the arbitrator's decision shall be final and binding and the arbitrator shall be entitled to make an award regarding legal costs.
 - 3.11.4.4 Alternatively to rule 3.11.2 above, the Board may at its sole discretion elect to institute disciplinary proceedings in accordance with these Rules and Regulations and the Articles of Association.
 - 3.11.5 No party and/or resident shall have any claim of whatsoever nature for damages against the Board or the HOA as a result of a decision taken by the Board or the HOA, through its authorised representatives regarding the interpretation of these rules.
 - 3.11.6 The fine to be levied in terms of rules of good neighbourliness will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R500.00 (FIVE HUNDRED RAND) for a first offence and R750.00 (SEVEN HUNDRED RAND AND FIFTY RAND) for a second offence.



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4 ENSURING A PLEASING STREETScape

- 4.1 Boundary walls forming part of the street scope must be regularly maintained and painted where necessary.
- 4.2 The Board has the right to effect repairs at the cost of the Sectional Title Complex, should it be considered necessary.
- 4.3 Building material may under no circumstances be dumped on the sidewalks or streets. The owner will be liable for all damages in this regard.
- 4.4 No trees, plants or sidewalk lawn may be damaged, removed or planted without the permission of the Board.
- 4.5 Planting should not interfere with pedestrian traffic or obscure the vision of motorists.
- 4.6 No Wendy Houses or tool sheds may be erected. If the owner refuses to remove such structures, the Board may remove such structures at the cost of the owner, without further notice.
- 4.7 Caravans, trailers, boats, equipment, tools, engines and vehicle parts, as well as accommodation for pets, should be located out of view and screened from neighbouring properties and the street.
- 4.8 The fine to be levied in terms of the rules of pleasing streetscapes will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R250.00 (TWO HUNDRED AND FIFTY RAND) for a first offence and R500.00 (FIVE HUNDRED RAND) for a second offence.

5 GENERAL RULES

- 5.1 Building according to approved standards obviates the necessity of making costly changes at a later stage.
- 5.2 The position, size and placement of TV antennae and satellite dishes must not be unsightly.
- 5.3 Any form of shade netting is strictly not permitted within the Estate or any Sectional Title Complex.
- 5.4 Thatched lapas are only permitted within the Estate or Sectional Title Complex if originally built and handed over by the developer.
- 5.5 Owners must have prior Sectional Title Complex approval for the attachment of external structures, including, but not limited to, car ports, louvers, verandas, awnings, etc. to the outside of a unit and/or the common property, including, but not limited to, balconies, patios, verandas and gardens. Any attachment which, in the opinion of the Board, has an effect on the outside appearance of the unit or the aesthetic look of the common property and/or Mooikloof Ridge scheme is prohibited, unless approved in writing by the Board, which written approval must be obtained prior to such attachment and/or installation and



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which written approval must prescribe the nature, design and colour of the apparatus to be attached and/or installed as well as the manner in which it will be attached or installed.

- 5.6 The fine to be levied in terms of the rules of these general rules will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R500.00 (FIVE HUNDRED RAND) for a first offence and R750.00 (SEVEN HUNDRED RAND AND FIFTY RAND) for a second offence.

6 ENVIRONMENTAL MANAGEMENT

- 6.1 Rubble or refuse should be dumped or discarded in the rubbish bins or in the applicable designated areas and may not be dumped or discarded in any public area, including the parks, streets, sidewalks, or vacant land.
- 6.2 Residents and their guests are urged to leave any open space they visit in a cleaner condition than that in which it was found.
- 6.3 Residents should also develop the habit of picking up and disposing of any litter encountered in the open spaces.
- 6.4 Picnicking, ball games and sports are only permitted in designated areas.
- 6.5 Flora may not be damaged or removed from any public area.
- 6.6 Fauna of any nature may not be chased, trapped or harmed in any way, in any area of the Estate.
- 6.7 Residents shall maintain trees, plants and shrubs that have been planted on their pavements by the HOA.
- 6.8 Residents shall maintain a high standard of garden and pavement maintenance.
- 6.9 Residents must ensure that declared noxious flora are not planted or allowed to grow in their gardens, and shall be responsible for the removal thereof.
- 6.10 Vacant stands must at all times be kept clean to the satisfaction of the Board, failing which the Board reserves the right to clear the stand at the owner's expense. If the stand is not kept clean or the grass length is not maintained, the Board may without notice to the owner clean the stand / cut the grass as regularly as it may deem fit and be entitled to charge the owner for the cleaning / maintenance a minimum charge of R500.00 (FIVE HUNDRED RAND).
- 6.11 It is reiterated that the use of any amenities, including, but not limited to the swimming and/or paddling pools and/or the Club House, is strictly 'at own risk' and the HOA and/or bodies corporate shall not be liable for any harm or damage arising from their use, whatever the cause of such harm or damage may be.
- 6.12 Floodlights or garden lamps must be adequately screened so as not to cause inconvenience or nuisance to neighbours.



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- 6.13 The resident's use of any open space areas is entirely at their own risk at all times. The HOA will entertain no claims for damages of whatsoever nature of from whatsoever cause arising.
- 6.14 The fine to be levied in terms of the rules of environmental management will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R250.00 (TWO HUNDRED AND FIFTY RAND) for a first offence and R500.00 (FIVE HUNDRED RAND) for a second offence.

7 SECURITY

- 7.1 Security is the collective responsibility of all Residents who must recognize that the security guards are doing a difficult job. They may under no circumstances be abused or diverted from their duties. Should any body be found to be abusing or diverting the guards from their duties as aforesaid a fine of R500.00 (FIVE HUNDRED RAND) will be levied.
- 7.2 Security protocol at the gate must be strictly adhered to at all times. Under no circumstances may residents or any person other than the security personnel or Board Members be allowed into the Gate House.
- 7.3 It is an offence to assist visitors, or any other person to gain unauthorised access into the Estate or any Sectional Title Complex. Any person found guilty of this offence will be levied with a minimum fine of R2000,00 (TWO THOUSAND RAND).
- 7.4 Any vehicle or person entering or exiting the Estate may be searched for security reasons.
- 7.5 All owners must request visitors to strictly adhere to security protocol and residents are requested to always treat the security personnel in a co-operative manner.
- 7.6 All owners must ensure that contractors in their employ adhere specifically to the security stipulations.
- 7.7 All attempts at burglary or instances of fence jumping must immediately be reported to either the Estate Manager or the Security Control Centre at the Gate House.
- 7.8 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.
- 7.9 Owners must adhere to the rule that no food or any gifts may be given to the security guards.
- 7.10 Should residents purchase burglar alarm systems for their residences, they are required to be compatible with the electronic systems and equipment of the Estate security. Such burglar systems must not cause any inconvenience or nuisance to other residents.
- 7.11 The Estate will be manned by security 24 hours a day, and patrolled on a random basis.
- 7.12 The Security Control Centre at the Gate House must be advised in advance of pending arrival of visitors, in particular details of vehicle registration numbers and property to be visited should be provided.

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- 7.13 New owners / residents must register at the Estate Office (Estate Manager) in order to obtain access to the Estate. The resident shall provide, at the time of registration a copy of their Identity Document as well as proof of residence.
- 7.14 Residents on the perimeter wall are responsible for keeping any overgrowth clear of the electrified fence.
- 7.15 Residents on the perimeter fence must advise any visitors of the dangers pertaining thereto.
- 7.16 No residents may issue instructions to Security Personnel.
- 7.17 Access cards, 'tags', must not be utilized by anyone other than the registered user nor may they be loaned to other persons.
- 7.18 Should buyers of property within the Estate wish to enter the Estate to inspect such property, they shall obtain specific permission from the Estate Office (Estate Manager).
- 7.19 Tailgating into and out of the Estate or any Sectional Title Complex is strictly prohibited. A minimum fine of R500.00 (FIVE HUNDRED RAND) for a first offence and R750.00 (SEVEN HUNDRED RAND AND FIFTY RAND) will be levied.
- 7.20 Entrance into a Sectional Title Complex for which a person does not have specific authorisation is strictly prohibited. Any person found entering a Sectional Title Complex without authority to enter will be levied with a minimum fine of R1000,00 (ONE THOUSAND RAND).
- 7.21 Moving into/out of the Estate (when changing residence) may only occur between the following times:
 - 7.21.1 Monday to Friday - 09:00 to 17:00
 - 7.21.2 Saturdays – 09:00 to 13:00
- 7.22 The Estate Office must be informed a minimum of 48 hours before moving in or out of the Estate. A minimum fine of R500.00 (FIVE HUNDRED RAND) will be levied for non compliance with this rule.
- 7.23 Save unless specifically stated otherwise, the fine to be levied in terms of the security rules, will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R500.00 (FIVE HUNDRED RAND) for a first offence and R1000.00 (ONE THOUSAND RAND) for a second offence.

8 TENANTS, VISITORS, CONTRACTORS AND EMPLOYEES

- 8.1 Should any owner let his property, he shall notify the HOA in writing in advance of occupation, and shall provide the following information about the tenant, name and surname, identity or passport number, vehicle registration number and period of such lease. The owner shall inform the tenant of these rules as well as the respective Sectional Title Complex Rules and ensure that the tenant signs for a copy of both these rules. Proof of such receipt must be forwarded to the Board. Should any owner fail to either inform or provide his



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tenant with the rules as contemplated herein a fine of R1000.00 (ONE THOUSAND RAND) for a first offence and R2000.00 (TWO THOUSAND RAND) for a second offence will be levied.

- 8.2 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 these rules as well as the respective Sectional Title Complex Rules.
- 8.3 The Home Owners Association and/or bodies corporate shall not be liable for any damage or loss which may arise in whatever manner on the Mooikloof Ridge scheme, and all visitor's guests and contractors shall be informed accordingly.
- 8.4 Save unless specifically provided for, should any person fail to adhere to the rules set out for tenants, visitors, contractors and employees a fine will be levied, which will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R500.00 (FIVE HUNDRED RAND) for a first offence and R750.00 (SEVEN HUNDRED RAND AND FIFTY RAND) for a second offence.

9 LETTING AND RESELLING PROPERTY

- 9.1 The concept of this Estate imposes certain restrictions on the manner in which estate and letting agents may operate therein. In order to ensure that the rules applicable to the Estate, which regulate property ownership and occupation of the premises within the Estate, are made known to new residents, the following rules relating to the re-sale or letting of property shall apply:
 - 9.1.1 An owner is permitted to sell or lease his property himself, without using an accredited agent, provided that the rules applicable to such accredited agents are strictly adhered to.
 - 9.1.2 Only accredited estate and/or letting agents (refer to clause 12) may be used to manage the sale or lease.
 - 9.1.3 The accredited agent and the owner must ensure that the buyer and/or tenant is informed of and receives a copy of these rules as well as the respective Sectional Title Complex Rules. These rules as well as the respective Sectional Title Complex Rules must be attached as an annexure to any deed of sale or lease agreement.
 - 9.1.4 A clearance certificate must be obtained from the HOA at a cost, to be determined from time to time by the HOA, prior to the lodgement with each transfer.
 - 9.1.5 Clearance certificates will only be issued when making use of the services of an accredited estate agent. Failure to use an accredited estate agent shall result in the seller being levied an interim accreditation fee of R6 000.00 (SIX THOUSAND RAND) as well as a fine of R1 000.00 (ONE THOUSAND RAND) which will be included in the costs of the certificate.
 - 9.1.6 No transfer of a property may take place without the issue of a clearance certificate.
 - 9.1.7 No property may be let or utilized for the purpose of a commune.



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- 9.1.8 Agents may only operate on a "by appointment" basis, and must personally accompany a prospective purchaser or tenant. Agents are not permitted to erect any "for sale" or "show house" or "to let" signage boards without the permission of the Board.
- 9.1.9 Save unless specifically provided for, should any person fail to adhere to the rules set out for letting and reselling property a fine will be levied, which will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R1000.00 (ONE THOUSAND RAND) for a first offence and R2000.00 (TWO THOUSAND RAND) for a second offence will be levied.

10 SALE

Home Owners Association:

The Seller shall ensure that, in addition to all other conditions of title and/or subdivision referred to, The Purchaser acknowledges that he is obliged upon registration of the property into his name to become a member of the Company and agrees to do so subject to the Memorandum and Articles of Association of this body.

Conditions of Title:

- 10.1 The Seller shall ensure that, in addition to all other conditions of title and/or subdivision referred to, the following conditions of title be inserted in the Deed of which the Purchaser takes title to the property:
- 10.1.1 "Every member of the erf, or any subdivision thereof, or any interest therein, or any unit thereon, as defined in the Sectional Title Act, shall become and shall remain a Member of the HOA and be subject to its constitution, until he ceases to be a member as aforesaid."
- 10.1.2 "Neither the erf, nor any subdivision thereof, or any interest therein, nor any unit thereon, shall be transferred to any person who has not bound himself to the satisfaction of such Association to become a Member of the HOA."
- 10.1.3 "The member of the erf, or any subdivision thereof, or any interest therein, or any unit thereon as defined in the Sectional Title Act, shall not be entitled to transfer the erf or any subdivision thereof, or any interest therein, or any unit thereon, without a clearance certificate from the HOA which certifies that the provisions of the Articles of Association of the HOA have been complied with."
- 10.1.4 "The terms "HOA" in the aforesaid conditions of title shall mean the Mooikloof Ridge Home Owners Association (incorporated Association not for gain). In the event of the Registrar of Deeds requiring the amendment of such conditions, in any manner in order to affect registration of an erf, the Purchaser hereby agrees to such amendment."
- 10.2 Should any person fail to adhere to the sale rules a fine will be levied, which will be decided by the Board from time to time and notice shall be given to any change to such fines,



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which are currently set at a minimum of R1000.00 (ONE THOUSAND RAND) for any one offence.

11 LEASE

- 11.1 The Tenant acknowledges that, upon occupation of the leased premises, he and his family, his visitors, employees and servants shall adhere to all rules and regulations as contained in this document.
- 11.2 Where tenants continuously breach the rules of the Estate, the owners can be requested to terminate the lease agreement and/or be held liable for the maximum fine allowed under these rules. This clause must be written into the lease agreement, and owners should make provision for reclaiming amounts incurred as a result of any breaches of these Rules and Regulations as well as the respective Sectional Title Complex Rules.
- 11.3 Save as specifically provided otherwise, should any person fail to adhere to the rules set out for leases a fine will be levied, which will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R3 000.00 (THREE THOUSAND RAND) for a first offence and any following on offence.

12 ACCREDITATION OF AGENTS

- 12.1 An agent is accredited after signing an agreement with the HOA to the effect that such agent will abide by the stipulated rules, regulations and procedures applicable to the sale and/or a lease of the property within the Estate, and after having been inducted in respect of the rules, regulations and procedures under which a purchaser and/or lessee acquires and/or leases the property in the Estate.
- 12.2 Any agent or agency not complying in full to all the Rules and Regulations of the Estate as well as the specific requirements of the signed Agent Accreditation Agreement will forthwith be prohibited to conduct business within the Estate, have their accreditation revoked and be denied access into the Estate for such purposes.
- 12.3 Accreditation of Agents may be reviewed by the HOA from time to time, and an updated list of accredited agents will be made available at the Estate Office.
- 12.4 The accreditation policy for Agents may be reviewed by the HOA from time to time.

13 PETS

- 13.1 Pets may only be kept on properties within the Mooikloof Ridge development after the resident concerned has obtained permission, in writing from the respective Body Corporate Board of Trustees. The local authority by-laws relating to pets and domestic animals will be strictly enforced.
- 13.2 A maximum of two dogs may be kept on a property unless specific permission has been obtained from the Board.



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- 13.3 Cats, poultry, pigeons, aviaries, wild animals or livestock may not be kept within the Estate. Owners with cats, at the time of approval of these Rules will be allowed to keep these cats until they have passed on, thereafter the owner may not keep cats.
- 13.4 Pets are not permitted to roam the streets and dogs must be kept on a leash at all times, when not in the confines of its owners' premises, and no pets are allowed in the swimming and/or paddling pool and/or Club House.
- 13.5 Should animal excrement be deposited in a public area, the pet owner shall be responsible for the immediate removal thereof and placing such excrement in a suitable plastic bag which is to be closed securely and disposed of into an appropriate rubbish bin. Residents must, for this purpose ensure that they have a suitable implement with them when walking their dogs.
- 13.6 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 SPCA.
- 13.7 The HOA reserves the right to request the resident to remove his pet, should it become a nuisance within the Estate; likewise the HOA may, after instituting the appropriate disciplinary measures, require that the dog be removed from the Estate.
- 13.8 All dogs must be sterilized. Dogs must be immunized against rabies. Certificates evidencing compliance must be produced and submitted when seeking authorization to keep a particular pet.
- 13.9 Complaints about pets must be submitted in writing to the respective Body Corporate Board of Trustees, who will consider the problem and bring same to the attention of the pet's owner if necessary. Should the pet's owner concerned fail to effect immediate remedial action, the matter will be decided upon by the Board whose decision on the matter will be binding and final.
- 13.10 Pet owners are required to take full responsibility for their animals, which may under no circumstances be left on the relevant premises for a maximum period exceeding 24 hours without adequate and responsible human supervision.
- 13.11 The HOA shall ensure that all animals are kept in humane conditions. In this regard, animals shall be kept in terms of the bi-laws and specific guidelines of the SPCA.
- 13.12 No vicious breed dogs shall be permitted within the Estate or at any Sectional Title Complex within the Estate.
- 13.13 Slaughtering of animals shall only be allowed for religious and cultural purposes and shall only be permitted within the confines of a section (and under no circumstances on the common property of the Estate or a Sectional Title Complex), subject to the following conditions:



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13.13.1 The person requiring to undertake such religious or cultural slaughter shall give the Board at least 21 (TWENTY) calendar days written notice of the intended slaughter and which notice must specify:

- 13.13.1.1 The date and time of the proposed slaughter.
- 13.13.1.2 The type of animal that is to be slaughtered.
- 13.13.1.3 The name and qualifications of the person who is to undertake the slaughter.
- 13.13.1.4 Confirmation and undertaking that the animal will be brought onto the Estate immediately prior to the slaughter and that the carcass, and all remains of the animal, will be removed immediately from the premises after the slaughter.

13.13.2 The following notices shall accompany the application referred to in paragraph 13.13.1 above:

- 13.13.2.1 From the applicable local authority confirming that all by-laws with regard to the religious or cultural slaughter have been / will be complied with.
- 13.13.2.2 From the applicable health department confirming that all the health regulations with regard to the religious or cultural slaughter have been / will be complied with.
- 13.13.2.3 From the Society for the Prevention of Cruelty to Animals confirming that an official from their organisation shall be present at the proposed slaughter to ensure that the animal is slaughtered in as humane a way as required by the relevant ritual or culture.
- 13.13.2.4 Confirmation that notice has been given to the neighbouring owners of the date and time of the proposed slaughter together with confirmation that they have received such notice.

13.13.3 Failure to comply with all the above requirements shall entitle the Board to prevent the act of the religious or cultural slaughter from taking place or fining the owner for non-compliance in the amount of R5 000.00 (FIVE THOUSAND RAND) per offence.

13.13.4 Save for a fine specifically referred to above, should any person fail to adhere to the rules set out for pets a fine will be levied, which will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R500.00 (FIVE HUNDRED AND FIFTY RAND) for a first offence and R1000.00 (ONE THOUSAND HUNDRED RAND) for a second offence.

14 SWIMMING POOL AND CLUB HOUSE AREA

- 14.1 The use of glass bottles and/or glasses and/or any breakable articles in the swimming and/or paddling pool and/or parking areas is prohibited.
- 14.2 The use of any alcoholic substances in the swimming and/or paddling pool and/or parking areas is prohibited.
- 14.3 People using the swimming and/or paddling pool must be properly attired in a proper swimming costume. Swimming in underwear and/or in the nude is prohibited.



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- 14.4 All children under the age of 12 years must be accompanied by an adult when they are using the swimming and/or paddling pool and no adult may use the paddling pool unless accompanying a child.
- 14.5 The toilets must be kept clean and tidy at all times.
- 14.6 Over and above what is set out in these rules, the use of the Club House is specifically subject to the following rules:
- 14.6.1 Anyone intending to use the Club House shall book the Club House in accordance with the procedures set out by the HOA and shall pay a partly refundable deposit of R2 500.00 (TWO THOUSAND FIVE HUNDRED RAND), hereafter referred to as the "hiring person"
- 14.6.2 The balance of an amount of R2 000.00 (TWO THOUSAND RAND) of the abovementioned partially refundable deposit shall be refunded to the hiring person after the following amounts have been deducted:
- 14.6.2.1 Any damage caused to the Club House been rectified. Should the costs of repair of such damages exceed the balance of the deposit, the hiring person shall, upon written notification, become liable for any such additional costs; and
- 14.6.2.2 Any fines and penalties payable by the hiring person been deducted.
- 14.6.3 Notwithstanding what is set out in rule 14.6.2 above, any non-compliance with these rules will result in the forfeiture of the entire deposit; however, such forfeiture shall not result in the hiring person being absolved from the payment of any damages that may have been caused to the Club House and/or penalties for which he/she is liable.
- 14.6.4 Music may be played in the Club House subject to the following restrictions:
- 14.6.4.1 The playing of music shall be in the most considerate way possible and in such a way as to not cause a nuisance to other residents.
- 14.6.4.2 Should the stated music be deemed to be causing a nuisance and the hiring person is notified by a representative of the HOA and he fails to rectify the situation immediately, the HOA may cut the electricity and impose the forfeiture set out in 14.6.3 above together with any penalty that the HOA may deem appropriate.
- 14.6.4.3 The playing of music in the Club House or surrounding area **shall cease** at the following times:
- 14.6.4.3.1 Friday and Saturday - 22:00
- 14.6.4.3.2 Monday to Thursday - 20:00
- 14.6.4.3.3 Sundays – Music **may not be played** at the Club House or the surrounding area. The Club House is also not available for bookings.
- 14.6.4.4 The Club House **shall be vacated** and locked by the hiring person by no later than the following times:
- 14.6.4.4.1 Friday and Saturday - 23:00
- 14.6.4.4.2 Monday to Thursday - 21:00
- 14.6.4.4.3 Sundays (Club House is not available for bookings)



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- 14.6.4.5 The keys to the Club House shall be returned to the HOA's representative by the hiring person by no later than 10:00 on the day immediately following the day that the Club House was hired.
- 14.6.4.6 Without exception the use of bicycles, skateboards, roller blades and/or roller skates in the Club House is prohibited.
- 14.7 Save for a fine specifically referred to above, should any person fail to adhere to the swimming pool and Club House area rules a fine will be levied, which will be decided by the Board from time to time and notice shall be given to any change to such fines, which are currently set at a minimum of R1 000.00 (ONE THOUSAND RAND) for a first offence and R2 000.00 (TWO THOUSAND RAND) for a second offence.

15 ADMINISTRATION

General Administration

- 15.1 The Board is solely responsible for the administration of the Estate. The Board in its sole discretion may elect to delegate certain or all of its managerial powers to the Estate Manager or an appointed Agent.
- 15.2 The appointed Estate Manager or Agent as aforesaid will collect levies on behalf of the Estate or alternatively levies will be collect by the Board. All levies are due and payable in advance on the first day of each and every month.
- 15.3 Interest will be charged on all arrear accounts, at the maximum rate allowed by law.
- 15.4 Levies shall, in addition to the amount payable as determined by a budget estimate, shall also include provision for a Special Levy aimed at creating a Reserve Fund for the purpose of meeting unanticipated expenses.
- 15.5 In the interests of uniformity and to facilitate accurate administration, levies will not be calculated on an individual unit basis and shall be calculated by taking into to account the total number of units, proposed and/or developed, in the Mooikloof Ridge scheme.
- 15.6 Further penalties or legal action, to be determined from time to time will be imposed on owners with accounts in arrears for 60 days or longer. All unpaid accounts in excess of 90 (NINETY) days will be handed to attorneys or collection agents to be recovered, in which case the HOA shall be entitled to recover all legal costs incurred by the attorney and own client scale.
- 15.7 The Board may amend or add to the Rules and Regulations from time to time, as may be deemed necessary to ensure harmonious coexistence of residents. Any such amendments or additions shall be of full force and effect pending ratification at a subsequent AGM or by means of a Special Resolution.
- 15.8 The Board has the right to fine transgressors where any of the rules as stipulated by the HOA 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 next levy.



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- 15.9 Any charge / fine referred to in these rules shall, unless specifically stated otherwise in these rules, be levied against the relevant owner's levy account and shall be due and payable on the due date of payment of the relevant levy statement.
- 15.10 All expenditure undertaken for or on behalf of the HOA shall be affected in accordance with the principles of best practice pertaining to private businesses.
- 15.11 In particular, any single expenditure in excess of R5 000.00 (FIVE THOUSAND RAND) shall be subject to the acquisition of at least 2 quotes for comparable goods or services.
- 15.12 A cash box of a maximum of R2 000.00 (TWO THOUSAND RAND) may be kept for petty expenses, and shall be subject to the control of a person designated by the Board.
- 15.13 Any expenses in excess of R3 000.00 (THREE THOUSAND RAND) shall be authorized in writing by two members of the Board, subject to the above-mentioned provisions.

Fines

- 15.14 The Board has the right to introduce and enforce the payment of fines against any transgressors of any rules contained in these rules or its annexures or any amendments thereof.
- 15.15 Should any transgressor, as referred to above, not be a owner of the HOA, the owner whose, without limitation, invitee, tenant, contractor, employer or any person who the stated owner is liable for is the transgressor shall be liable to the HOA for the payment of the fine.
- 15.16 All rules not adhered to, if no specific fine is mentioned in this document, shall be subject to a minimum fine of R250.00 (TWO HUNDRED AND FIFTY RAND). Persistent transgressions of the rules and regulations of the HOA may result in the Board taking the appropriate legal action to interdict the owner to refrain from further transgressions or to seek any alternative relief the Board may deem necessary.
- 15.17 Should an Estate Manager or appointed agent be appointed, it is hereby expressly confirmed that the stated Estate Manager or the appointed agent have been authorised to impose any fine referred to in these rules.

Notices, Decisions and Appeals

- 15.18 No resident / owner / owner may refuse receipt and/or delivery of any notices in terms of these rules and regulations. Refusal to accept will result in the placement of the notice in the ordinary course, by attaching it to the gate and/or front door of the unit and/or sent by prepaid registered post. Confirmation by the Estate Manager or appointed agent that it has been placed and/or sent as aforesaid shall be sufficient confirmation of service.
- 15.19 In the event of any appeal or dispute of the facts relating to any fine imposed and/or any decision of the Estate Manager, written representations must be addressed to the Board,



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which appeal or dispute will be dealt with at the first Board meeting following receipt of the written representations.

- 15.20 The decision of the Board shall be final and no further appeal shall be allowed thereafter.

Sectional Title Complexes within the Estate

- 15.21 These rules and regulations shall apply to the Sectional Title Complexes, owners and residents within the Estate and these rules shall be deemed to be incorporated into the rules laid down by various Bodies Corporate of the respective Sectional Title Complexes and the Board may require the stated Bodies Corporate to amend their stated rules in order to include these rules.
- 15.22 These rules and regulations shall be deemed to be the minimum standard to which all Sectional Title Complexes, owners and residents within the Estate need to comply with.
- 15.23 Should the rules of a Bodies Corporate not be amended as aforesaid and/or until the rules of a Body Corporate be amended as aforesaid these rules and regulations, **shall** be regarded as the forming part of the rules of the Body Corporate and should there be any conflict then these rules and regulations shall prevail.
- 15.24 The Board and/or the Estate Manager and/or the duly appointed agent shall be entitled to take such steps as they deem necessary to ensure the aesthetics and/or all other values of the Estate are adhered to by the Sectional Title Complexes, owners and residents within the Estate.

16 ENQUIRIES

- 16.1 For any enquiries please contact the Estate Manager.
- 16.2 Also refer to the Mooikloof Ridge Web Page at <http://www.Mooikloofridge.com>

