



# HOUSE RULES

## DECEMBER 2024

### Index:

1	Introduction .....	1
2	Purpose and Object of the Association .....	2
3	Management Committee .....	2
4	Use of properties .....	3
5	Road safety rules .....	3
6	Good neighbourliness .....	4
7	Ensuring a pleasing streetscape and neighbourhood .....	5
8	Environmental management and official braai areas at the two dams .....	6
9	Security and Safety .....	7
10	Perimeter fence .....	8
11	Building Code.....	9
12	Letting and re-selling of property.....	9
13	Distribution and display of marketing material.....	10
14	Num-Num HOA Committees.....	11
15	Fining Procedure.....	12
16	Pet Policy .....	12
17	Conflict of interpretation .....	13

### **Annexures**

A	List of fines and penalties .....	14
---	-----------------------------------	----

### **1. Introduction**

- 1.1 This serves as a single reference document for Num-Num Members containing relevant information from the Num-Num Constitution and Annexures as well as other official documents. This document has been compiled, as far as possible not inconsistent to the provisions of the Constitution and Annexures and must not be seen as replacement thereof.
- 1.2 These House Rules shall be binding upon all the owners of properties (henceforth referred to as Members), their successors in title, or assignees, lessees and or residents of Num-Num Estate, and should be read in conjunction with the Num-Num Constitution & Annexures, and other official documents. Members will be held responsible to communicate these rules with their entire households, workers and contractors.
- 1.3 The prime objective of the NUM-NUM ESTATE Home Owners Association (hereinafter referred to as the HOA) is to promote, enhance and protect the communal interests of its Members. This is done through the management of the building and extensions of houses and development of related facilities such as shelters, maintenance buildings, roads, green areas and storm water systems, by applying an appropriate set of house rules.

- 1.4 It is the sole responsibility of the Members, lessees and residents to familiarise themselves with the stipulations of the Constitution, Annexures and other relevant codes and rules, and furthermore to ensure that their families, lessees, visitors, friends, contractors and employees comply with the rules.
- 1.5 General consideration by all residents for the rules and each other, will greatly assist in assuring peaceful coexistence in the estate.
- 1.6 The Management Committee is responsible for the enforcement of the House Rules. It will not act as a mediator where Members and/or residents have a difference or a dispute or a quarrel regarding the invading of privacy of another member, or any other matter that is regarded as a matter between Members and/or residents.

## **2. Purpose and Object of the Association (Paragraph 3 of the Constitution)**

For the sake of convenience and information to all Members, the Management Committee would like to bring the following to your attention:

- 2.1 The Association shall have as their main objectives:
  - 2.1.1 the Environmental Management Plan;
  - 2.1.2 the promotion, advancement and protection of the Members' and the communal interests and the control over and maintenance of services and amenities arising from the subdivision of Erf 18676.
- 2.2 The Association shall at all times promote the unique and special character of the Development and maintain the Development in such a way that the Members enjoy the majority, joint benefit there from and to improve future property values.
- 2.3 The Association will promote the aesthetic, natural and architectural code as set by the Developer and maintain these principals to achieve a harmonious Development.
- 2.4 The Association will monitor that the Architectural Development Code as set out in Annexure B is adhered to at all times.
- 2.5 The Association shall at all times endeavour to promote, advance and protect the Members and shall be responsible for:
  - 2.5.1 the maintenance and repairs to the Private Area;
  - 2.5.2 the maintenance, servicing and repairs to the storm water pipes and drains, internal streets, which includes streetlights, sewage reticulation system and other services as needed from time to time;
  - 2.5.3 all responsibilities regarding aforementioned and/or as stated by any Act, ordinance or regulation;
  - 2.5.4 furthering the purpose and object of the Association.
- 2.6 The sole objective of the Association must be to manage the collective interests common to all its Members, which includes expenditure applicable to the common property of such Members and the collection of levies for which such Members are liable.

## **3. Management Committee**

- 3.1 The Management Committee (Trustees) consist of a minimum of 4 (four) Members elected at an Annual General Meeting and may co-opt additional Members as required.
- 3.2 The Management Committee shall have the right to vary, cancel or modify any of its decisions and resolutions from time to time.

- 3.3 The Management Committee may make codes, rules, regulations and by-laws, not inconsistent with the Constitution and Annexures as approved by all Members.
- 3.4 Except for environmental violations that will receive maximum penalty, a Member or tenant who transgresses any rule, shall receive a written warning to comply with the rule where applicable. Failure to comply therewith the HOA may issue a fine to the relevant Member. Should the Member still fail to comply with the rule in question, the HOA may hand the matter over to its lawyers to obtain a court order to compel the Member or tenant to comply with the rule in question, at the cost of the Member.

#### **4. Use of properties**

- 4.1 Properties may be used solely for residential purposes, either by the Member himself and his family and a maximum of one domestic worker or leasing to a tenant with the same limitations.
- 4.2 No Owner/Member is allowed to change the utilisation of his stand or residential property either by rezoning or City Council's approval or by any other means without obtaining written approval from the HOA.
- 4.3 Business activity may be conducted on a property as long as it does not cause any inconvenience for other residents. No industrial equipment of any nature may be installed on any stand for purposes other than practising hobbies. (Amended November 2023)
- 4.4 No hobbies, crafts or activity which in the opinion of the Management Committee may pose any danger and or constitutes an aggravation or nuisance to other Members, including a Jumble sale, may be conducted on any stand or home.
- 4.5 No property may be utilised as a commune and no person may occupy a caravan and or any temporary structure on the property of a Member or resident.

#### **5. Road Safety Rules**

The roads of Num-Num are for the use of all residents, whether it be on foot, bicycle, motorcycle, trucks, delivery vans, busses or cars. Please note that cars are considered to be part of the road environment, but not necessarily the dominating factor. Also, note that the roads of the Estate are private roads and not considered as public roads, therefore it allows the HOA to apply its own rules and determine fines with regard to road safety.

It must also be noted that Members of the public who enter the residential areas do so on condition that they subject themselves to these rules.

Due to dangers posed by road traffic within the Estate, it was decided by the Management Committee that the following rules will apply to all road users which includes residents, visitors, contractors and delivery vehicles;

- 5.1 Road users are not allowed to act in a way that may pose a danger to themselves and /or other road users or:
- 5.1.1 Exceed the general speed limit of 30km per hour.
  - 5.1.2 Ignore to traffic signs.
  - 5.1.3 Park on paved walkways, pavements and green areas.
  - 5.1.4 Use any motorised vehicle with a noisy exhaust system.
  - 5.1.5 Use any motor cycles or any other motorised vehicle/toy on walkways.
  - 5.1.6 Operate any powered vehicle on the roads of the Estate, without having a valid driver's license for the particular class of vehicle.

- 5.1.7 Drive an unlicensed motor cycle or motorised vehicle (including quad bikes, electric operated scooters, golf carts or any similar transportation/toys) on the streets of the Estate.
  - 5.1.8 Drive a vehicle without a helmet of which the wearing of a helmet is compulsory.
  - 5.1.9 Refuse to stop and or supplying personal detail after being requested to do so by any Trustee or Member of the Association.
  - 5.1.10 Give false information to any Trustee or Member of the Association.
  - 5.1.11 Allow a child to sit on his/her lap while driving a vehicle.
  - 5.1.12 Allow a child to lean out any open window/sunroof of a vehicle while driving
  - 5.1.13 Use a cell phone while driving a vehicle.
  - 5.1.14 Drive any motorised vehicle in a reckless manner.
  - 5.1.15 Intentionally or negligently damaging any property of any nature belonging to other Members or the Association while operating any type of vehicle.
  - 5.1.16 Operate any motorised vehicle while under the influence of intoxicating substances.
- 5.2 Parents remain responsible to ensure that their children are made aware of these rules as well as the dangers related to the use of roads and must take full responsibility for their children's safety.
- 5.3 Powered vehicles e.g. cars and motorcycles are permitted to drive on the roads of the Estate only. Public areas and pavements are off-limits. Only licensed drivers may operate and drive powered vehicles on the roads or anywhere else on the Estate. (This excludes authorised and trained employees of the HOA using company equipment while performing their duties)
- 5.4 No person may dump any building rubble, garden refuse, rubbish, dirt, muck, garbage, refuse, paper, waste or any likewise article on the roads, pavements, in public areas and green areas.
- 5.5 No person may place any object (i.e. cement balls or other type of barrier) on the cement curb directly next to the road surface as it poses danger to pedestrians and other road users. The HOA reserve the right to remove such objects without obtaining permission from the Member. The HOA will not be held liable for any injuries or damages caused by such objects.
- 5.6 Speed humps are provided at strategic places on the roads in the Estate to slow down traffic. These speed humps are painted with white diagonal lines and large rocks placed on each side of the speed hump to prevent bypassing thereof. The HOA will not be held liable for any injuries or damages caused by such speed humps and objects.
- 5.7 The Management Committee may approach the Local Traffic Department for assistance in applying and upholding the Road Safety Rules should it become necessary. This should however be the last resort.

## **6. Good neighbourliness**

- 6.1 The volume of music, electrical instruments and or any other object of such a nature should be kept at acceptable levels so as not to create a nuisance to neighbours.
- 6.2 Parties, functions etc. should be kept at an acceptable noise level and within reasonable times so as not to create a nuisance to neighbours.
- 6.3 Members are responsible to ensure that all their visitors adhere to sub-rules 6.1 and 6.2.

- 6.4 Electric power tools, lawnmowers, edge cutters or similar machinery may only be used between 07:00 and 18:00 on weekdays and 07:00 to 13:00 on Saturdays. No noisy activities are allowed on Sundays or public holidays.
- 6.5 No construction work is allowed before 07:00 and after 18:00 on weekdays, and after 13:00 on Saturdays, entire Sundays and public holidays.
- 6.6 Washing lines must be suitably screened from neighbouring properties and must not be visible when standing at natural ground level. Except for the dedicated washing lines, no washing or other house linen must be hanged to be dried or aired anywhere on the property, such as handrailing, balustrading etc.,
- 6.7 All refuse must be placed inside the plastic bags presently supplied by the Municipality and must only be placed on the pavement outside the house early in the morning on the day of collection. Recyclable materials must be placed in blue recyclable bags next to the other refuse bags and will be collected by the service provider/s. Garden refuse must be placed in the green bags together with the other refuse bags for collection by the service provider.
- 6.8 Members must ensure that air conditioners or any other apparatus or item installed on or outside of their houses are installed per the Aesthetical Code and relevant Municipal Bylaw. The noise of the air conditioner or any other apparatus may not disturb the other residents, especially at night.
- 6.9 In the event of annoyance or complaints involving neighbours, the parties involved should attempt as far as possible to settle the matter between themselves, exercising due tolerance, fairness and consideration.
- 6.10 Other than assisting to enforce the rules, the Management Committee will not get involved with any squabbles between different parties.

## **7. Ensuring a pleasing Estate neighbourhood**

- 7.1 Although the HOA maintain the pavement grass right next to the roads, each Member is responsible for maintaining the area between the road curb and the boundary of his/her property in a clean and pleasing condition. The HOA can compel the Member or tenant to improve the aesthetic appearance of this area when deemed necessary, at the cost of the Member.
- 7.2 External painted surfaces should be regularly maintained and painted where necessary. The HOA can compel the Member or tenant to maintain the external painted surfaces of his/her house when deemed necessary, at the cost of the Member.
- 7.3 The HOA has the right to effect repairs at the cost of the Member should it be considered necessary if the Member neglects to respond to a written request by the Management Committee to do so. Such cost will be reflected on the Member's levy account in and will be payable immediately.
- 7.4 Building material may under no circumstances be dumped on the sidewalks, roads, or green areas. The Member will be liable for all damages in this regard. The Member must place a skip or waste bin on the stand at the commencement of any alterations to an existing house or the building of a new house.
- 7.5 No trees, plants, lawns or pathways planted or developed by the HOA on sidewalks may be damaged or removed without the permission of the HOA.
- 7.6 Planting should not interfere with pedestrian traffic or obscure the vision of motorists.
- 7.7 No "Wendy Houses" or similar type of structures will be permitted. If the Member refuses to remove such structures, the HOA may follow available legal processes to remove it which will be at the cost of the Member.
- 7.8 Caravans, trailers, boats, equipment, tools, rainwater storage tanks, engine and vehicle parts etc., should be located out of view and screened from neighbouring properties and the roads. Screening material to be approved by the Aesthetical Committee. Should there be a requirement for a caravan or a boat to be stored within view a maximum period of 7 (seven) days will be allowed. If a longer time is required a written request with motivation must be submitted to the HOA. Caravans may not be used as accommodation.(Amended May & Dec 2024)

- 7.9 No person, except when building new house, may park any ground moving equipment, industrial vehicles, or any vehicle with a capacity larger than 2.5 tons on their premises or anywhere else inside the Estate.
- 7.10 Sidewalks and green areas form part of the property of the HOA. Members may not erect any personal structures on the sidewalk or green area.
- 7.11 No direct orders must be given to the permanent estate workers. Any task that may be required from the Estate maintenance point of view, can be directed to the HOA or the Caretaker.

## **8. Environmental management and official braai areas at the two dams.**

- 8.1 No rubble, refuse or any foreign material may be dumped or discarded in any public area, including the green areas, roads, sidewalks, water streams or vacant stands.
- 8.2 Residents and their guests are urged to leave any open space they visit in a cleaner condition than that in which it was found. Residents should also develop the habit of picking up and disposing of any litter encountered in the open spaces.
- 8.3 Picnicking will only be permitted in designated areas at the two dams. The area must be cleaned up after the event. Except for the braai facilities in the designated areas, no other open fire is permitted in public areas and Members / tenants must ensure no unattended fires. Fires must be completely extinguished when leaving the public area.
- 8.4 The noise levels of any social activities within the official braai areas at the two dams must be limited not to cause any inconvenience to any other person using the facility or nearby residents.
- 8.5 Social activities in the braai areas will only be allowed between the hours of 08:00 to 21:00.
- 8.6 No marquees tents or gazebos may be erected without permission of the HOA.
- 8.7 With prior permission from the HOA, chemical toilets will be allowed at the cost of the Member, provided it is removed before 12:00 the very next day.
- 8.8 Flora may not be damaged or removed from any public area.
- 8.9 Wild Animals.
- 8.9.1 All wild animals must be respected and must not be disturbed or moved e.g. Tortoises, chased, trapped or killed in any area of the Estate.
- 8.9.2 Game viewing at night must be pre-arranged with the HOA so that all residents can be notified well in advance.
- 8.9.3 The bushbuck can become very aggressive when they feel threatened and also during mating season.
- 8.9.4 Snakes, although very dangerous, must not be killed as they assist to keep the rodents under control. The HOA must be contacted to arrange for catch and release.
- 8.10 Residents shall maintain a high standard of garden and pavement maintenance.
- 8.11 Residents should ensure that declared noxious flora are not allowed to grow in their gardens.
- 8.12 Floodlights must be adequately screened so as not to cause discomfort to neighbours.
- 8.13 Residents' use of any open space areas and/or foot paths is entirely at their own risk at all times. The HOA will entertain no claims for damages of whatever nature or arising from whatever cause.(Amended Dec 2024)

- 8.14 Bathing, motor boating or washing of clothes in any dams are not allowed. The use of the dams are entirely at their own risk at all times. The HOA will entertain no claims for damages of whatever nature or arising from whatever cause. (Amended Dec 2024)
- 8.15 No foreign substances and or object may be dumped into any part of the water streams or systems.
- 8.16 No fireworks or any similar types of explosives are allowed to be discharged.
- 8.17 No person may openly carry any of the items referred to in paragraph 9.9 in any public area inside the Estate.
- 8.18 Children under the age of 18 years may not possess or consume any alcohol in any public area of the Estate.
- 8.19 The use or possession of any illegal substances in any public area of the Estate is strictly forbidden.
- 8.20 Likewise any person found loitering, abusing or damaging any fauna and flora or property in the green areas and the braai areas will be severely acted against.
- 8.21 Except for the purpose of exercising, no person may use or loiter in the green public areas between the hours of 20h00 to 05h00.

## **9. Security & Safety**

- 9.1 The main access gates are operated by remote control and mobile phone. The mobile phone database and pre-programmed remote controls are maintained by the Management Committee as well as the appointed Managing Agent.
- 9.2 Residents / visitors / contractors are requested to consider the safety of our wild animals by ensuring the gates at the main entrance close after entering or exiting the Estate. No tailgating will be allowed at the main access gate.
- 9.3 The traffic signs must be honoured at all times (stop/yield signs and speed limit of 30km/hour). The trustees may request assistance from the Provincial Traffic Department should the situation require attention or on complaints from residents.
- 9.4 Members / Residents / must ensure that visitors / workers / guests / honour all rules, codes and regulations.
- 9.5 Residents are responsible for children making use of public areas / roads etc. Special care must be taken with vehicles / construction vehicles as the building rate increases and it must be kept in mind that the Estate does have wild animals and dangerous snakes.
- 9.6 Any suspicious vehicle, person/s, events etc. noted just outside the boundary, access road or inside the property must immediately be reported to a trustee of the Association for monitoring and/or action.
- 9.7 Visitors or prospective buyers must be accompanied by the Member or agent, except where visitors go directly from the gate to the residence.
- 9.8 No resident or visitor other than the Member / builder and specific contractor/s may enter any building site without permission from the Member / builder. Contravention is at own risk.
- 9.9 No person may discharge a firearm, or use an air-gun, slingshot, paintball gun or any related item anywhere inside the Estate if not for personal safety and within legal boundaries. All such incidents must be reported to the HOA immediately.
- 9.10 No fires in open / public areas are allowed except at the official picnic spots at to the two dams.

- 9.11 New tenants must provide the HOA with a copy of the lease contract before they will be registered on the access control data base.
- 9.12 Num-Num is not a security complex. Owners and/or residents are responsible for the security of their properties.
- 9.13 All Members must remind their visitors to adhere to the Num-Num security and safety protocols.
- 9.14 All Members must ensure that contractors in their employ adhere specifically to the security stipulations of this document.
- 9.15 Residents must immediately report all cases of house break, burglary, attempted burglary, intrusions and attempted intrusions to the Management Committee. This will in addition also ensure a register is maintained for statistical purposes.
- 9.16 No workers conducting paint work, plumbing, carpentry work, tiling, construction work of any nature as well as gardeners will be allowed to enter the Estate after 18:00 on weekdays and after the hours of 17:00 on Saturdays, entire Sundays and public holidays. A Contractor/worker will however be allowed after hours to attend to emergency repairs such as water leakages, sewerage repairs and electricity issues.
- 9.17 No contracted workers for house cleaning, gardening, maintenance and other contractors etc. must be allowed to walk or move around the Estate. The only exception is registered regular/permanent domestic workers and the Num-Num employees working full time on the Estate. (See Amendment Annexure "B")
- 9.18 Where possible, members / residents must transport all registered regular/permanent domestic workers and gardeners to and from their property from the outside of the main access gate. (See Amendment Annexure "B")
- 9.19 Apart from a Domestic worker registered on a particular stand, no worker/s is allowed to sleep over in the Estate.
- 9.20 Members may not employ a night-watchman to look after unoccupied houses. Members are encouraged to have alarm systems installed with armed response from a reputable service provider. Such service providers should be registered and must comply with the Private Security Regulatory Authority (PSIRA) standards.
- 9.21 Members / tenants must safekeep a copy of the identity document of any registered domestic workers, gardeners, au-pairs etc. in their employ. It is advisable to have a police clearance done by the South African Police for such employees. (See Amendment Annexure "B")

## **10. Perimeter Fence**

- 10.1 The perimeter fence is maintained by the HOA and is inspected on a regular basis.
- 10.2 Members with properties adjacent to the perimeter fence must immediately report any damages noted to the fence to the HOA for action.
- 10.3 Nothing may be attached to the security perimeter fence without prior written consent from the Management Committee.
- 10.4 No Member may alter or replace the existing perimeter fence with any alternative structure.
- 10.5 No signboards (for advertisements, show houses, businesses or any other reason) are allowed to be fixed or displayed on any part of the perimeter fence.
- 10.6 No person is allowed to either block or obstruct the storm water structures in the perimeter fence that provides for the drainage of natural water flow.

## **11. Building Code (This pertains to new construction, renovations and extensions)**



- 11.1 The HOA's Building Code relate to the control measures regarding access and building activities of contractors (and their suppliers). Owners of stands are obliged to bring the House Rules and Building Code to the attention of their building contractors (and their suppliers) since the stand owners are held responsible for any contravention of the House Rules or Building Code involving contractor's activities on the particular stand.
- 11.2 Measures defined in the Building Code comprise but not limited to the following:
- 11.2.1 Fees Payable
    - a. Building deposit.
  - 11.2.2 Access Control
    - a. Registration of main contractor for cell phone access;
    - b. No remotes will be issued to contractors;
    - c. Limiting the times of access.
  - 11.2.3 Building Activities
    - a. Provision of a durable fence around building area;
    - b. Specifying construction times;
    - c. Provisions regarding toilet facilities for workers;
    - d. Provisions regarding advertising signboards on building sites;
    - e. Restrictions on maximum loading for delivery vehicles entering the Estate.
    - f. Compliance with Municipal inspection requirements.
    - g. Provisions regarding the making of fires on the Estate.
    - h. Provisions for the protection of Fauna and Flora.
    - i. Traffic control measures for the Estate
    - j. Owners must complete construction of new dwellings within 12 months.
    - k. Additions to existing dwellings must be completed within 6 months.

## 12. Letting and selling of property

It happens that buyers/lessees move into homes or take ownership of vacant stands only to find out later that the documents that they signed and returned to the Num-Num management agent does not correspond with the rules and regulations they were made aware of by estate agents during the selling process.

The concept of this Estate imposes certain restrictions on the manner in which estate agents may operate therein. In order to ensure that the rules applicable to NUM-NUM, which regulate property ownership and occupation of premises on the Estate, are made known to new residents. Estate agents used for selling property in Num-Num must be registered with the Num-Num HOA.

- 12.1 The following rules relating to the reselling of property shall apply:
- 12.1.1 The member who wants to sell his/her property must ensure that the estate agent and the potential buyer is in possession of a copy of the latest approved Constitution and Annexures, House Rules and other official documentation of the HOA. Only an accredited estate agent should be selected to manage the sale. The same will apply should a member decide not to use an estate agent and sells the property privately.
  - 12.1.2 The member must ensure that the sales contract contains the following clause:  
"The Buyer admits that he is aware that it is mandatory that he becomes a Member of the Association upon registration of the property in his name, and that he agrees to become a Member subject to the conditions and stipulations contained in the Constitution and Annexures, as well as other codes and rules of the Association. He/she undertakes to adhere to the stipulations of the said documents and accepts that it is in all respects applicable to him/her."
  - 12.1.3 The management agent will, once a clearance document is requested, provide the applicable documents (as in paragraph 12.1.1 to new potential buyers for signing as part of the selling process. It often occurs that occupation is taken by potential buyers before the management agent is aware of the transaction and any possible intermediate agreements between the seller/member and potential buyer. Should the

seller/member make such agreements with a potential buyer, the management agent must be informed before the potential buyer occupies the property, failing which, the Members' cell phone and remote access to the Estate will be cancelled.

12.1.4 The seller/member must obtain a clearance document from the managing agent of the Association before registration of any transfer, which certifies that:

- a. the seller/member does not owe any money to the HOA with regards to any contributions or payments due to the HOA;
- b. the written sales contract between the seller/member and the buyer has been submitted to the management agent and they are satisfied that the required clause referred to in paragraph 12.1.2 are included in the agreement and the HOA documents as per paragraph 12.1.1 has been signed.

12.1.5 No registration or transfer of property shall be registered until:

- a. the new owner commits himself in writing to become a Member of the HOA and to adhere to the Constitution and Annexures, House Rules and other official documentation of the HOA.;
- b. the management agent of the HOA have issued a clearance document in which it is stated that the requirements of the Constitution and Annexures, House Rules and other official documentation of the HOA have been complied with.

12.2 The following rules relating to the letting/leasing of property shall apply:

12.2.1 Letting of Num-Num properties is not administered by the management agent and it is therefore important that the lessee is well informed of the latest official House Rules and other applicable documents

12.2.2 The Member who wants to lease his/her property must ensure that he/she or their agent is responsible to discuss the latest official House Rules and other official documentation of the HOA with the Lessee and have it signed before occupation is taken. A copy of the relevant signed documents and lease agreement must be given to the management agent of the HOA to ensure that the detail of the Lessee is available in case of an emergency, failing which, the Members' cell phone and remote access to the estate will be cancelled.

12.2.3 The Member must ensure that the lease contract contains the following clauses:

- a. The Lessee admits that he/she is aware that it is mandatory that he/she undertakes to adhere to the conditions and stipulations contained in the rules of the Association and accepts that it is in all respects applicable to him/her.
- b. In cases where tenants continuously breach rules of the Estate, the Member can be requested to terminate the lease agreement and/or be held liable for the maximum fine allowed under these rules. This clause must also be written into the lease agreement

12.2.4 The Member will however still be held responsible for the conduct of the Lessee during occupation.

### **13. Distribution and displaying of marketing material.**

13.1 The door-to-door distribution of publications, leaflets, brochures or any marketing material is prohibited in the Estate. The HOA reserves the right to distribute communiqués and or newsletters to residents on a door to door basis provided it is of general interest to all residents.

13.2 No distribution of publications, leaflets, brochures, or marketing materials may take place at the entrance gates to the Estate.

13.3 Estate agents and stand owners must adhere to Municipal regulations regarding placement of "for sale" and/or "on show" and/or "to let" signage boards including other marketing material at the junction in Aalwyndal road to the entrance to the Estate.

## 14. Num-Num HOA Committees

The Constitution of the HOA provides for the co-opting of persons by the HOA Management Committee

### 14.1 The Aesthetics Committee

The Aesthetics Committee has the following powers and functions but not limited to:

- a. It manages the procedure by which building plans for all structures including alterations to existing structures, swimming pools, etc. are to be approved.
- b. Approval or rejection of building plans.
- c. Inspections are to be performed on completion of structures.
- d. Final approval of the structures is to be conducted.
- e. Unsightly construction work and/or structures are to be rectified.
- f. The Aesthetics Committee may enforce the rules applicable on a specific Member who do not adhere to the approved building plan by instructing him or her to either alter or rectify the matter in terms of the building plan or may direct the Member to rectify the matter in its discretion where it is practicable impossible to comply with the approved building plan.
- g. No occupation certificate will be issued by the Municipality until the structure or alterations to the structure have been approved by the Aesthetics Committee and a Completion Certificate issued.
- h. It manages the agreements with owners of predatory pets resulted from a historical perspective.
- i. General housekeeping on building sites:  
During construction: -
  - i. Toilet facilities for building workers;
  - ii. Building material on pavements;
  - iii. Building refuse;
  - iv. Litter in and outside construction area.

### 14.2 The Maintenance Committee

The Maintenance Committee has the following powers and functions but not limited to:  
General Neatness of the Estate:

- a. After construction: -
  - i. Maintenance roads, pavements, etc.
- b. Maintenance of HOA Assets
  - i. Green areas;
  - ii. Buildings;
  - iii. Equipment;
  - iv. Maintenance of traffic signs and lines;
  - v. Fences and gates;
  - vi. Maintenance of service ring mains, electricity, water, sewage;
  - vii. Maintenance staff compliment, structures, procedures, appointments, performance and remuneration.

### 14.3 Security, Traffic and Access Control Committee

This Committee has the following powers and functions but not limited to:

- i. Oversee the operational aspects of the security of the Estate;
- ii. Oversee the purchasing, maintenance and affectivity of all Security related electronic equipment;
- iii. Security procedures and protocols;
- iv. Implementation of traffic control measures.

#### 14.4 Financial and Newsletter Committee

This Committee has the following powers and functions but not limited to:

- i. Takes responsibility of all expenditures and is responsible for the planning of the HOA's budget/levies and make recommendations to the Management Committee in this regard.
- ii. Facilitates the Management Committee with maintenance of the SWOT analysis and 5-year plan.
- iii. Prepares newsletters to all Members.

#### 15. Fining Procedure

- 15.1 Any person contravening a provision of the HOA House Rules may be liable to a penalty as determined by the Management Committee of the HOA from time to time. Such penalties shall be deemed to be part of the levies. The HOA will publish and update such fines on the website <http://numnumlandgoed.co.za/>.
- 15.2 Penalty amounts based on a percentage of the monthly levy will automatically increase annually with the levy increases.
- 15.3 A penalty must be paid within 21 working days at the management agent office.
- 15.4 A penalty that has not been paid within 21 working days shall automatically be debited to that person's monthly levy account and be payable in the normal manner on the first day of the next month in which the fine is imposed.
- 15.5 A person who is aggrieved by the fine may within 21 working days of the date upon which the fine was issued, lodge, in writing, his or her grievance with the management agent.
- 15.6 The Management Committee shall also consider the representations of aggrieved persons, and the committee may confirm, reduce or uphold the penalty. The decision of the Management Committee is final.
- 15.7 In terms of the Road Safety Rules, the Management Committee may approach the Local Traffic Department for assistance in applying and upholding the Road Safety Rules should it become necessary. This should however be the last resort.
- 15.8 A contractor who fails to pay a penalty will have his or her access to enter the Estate suspended.
- 15.9 A visitor who fails to pay the fine may be refused access to the Estate.

#### 16. Pet policy - to keep, and control house pets

- 16.1. Home Owners are permitted to keep on their respective property, two small type/breed, domestic dogs. Although allowed by the rules, for administrative purposes written application must be made and permission obtained from the HOA before a dog will be allowed on Num-Num Cape Estate (The Estate). Permission will not be unreasonably withheld, provided that all HOA rules in respect of the keeping of dogs and cats (applicable on all previously approved cats and dogs) are complied with. Once a previously approved cat has died it may not be replaced. No new cats will be allowed on the estate.
- 16.2. The dogs or cats must not pose any danger or show aggression towards any person or animal on the Estate, they may not create any disturbance, noise or odours at any time or become a nuisance, and may be kept only if there is a suitable enclosed area for the dogs, in accordance with the Num-Num Cape Estate Architectural Guidelines, that prevents a dog from straying off their properties.
- 16.3 No aggressive dogs will be allowed on the Estate. An owner of a dog shall be obliged to immediately remove a dog from the Estate in the event that such dog causes a nuisance or displays aggressive behaviour. The Trustees reserve the right to prohibit, restrict or control the keeping of a dog which they regard as dangerous or aggressive or a nuisance.

- 16.4. The Mossel Bay Municipality by-laws relating to pets will be strictly enforced. In the light of neighbours' proximity and the openness of gardens, dogs need to be strictly controlled within the 900m<sup>2</sup> footprint on their property by residents. Dogs are not allowed to roam the streets, pathways, or common property.
- 16.5. No dog or cat may be walked freely, or on a leash, on any of the streets, pathways, or common property / area of the Estate.
- 16.6. At all times, and particularly at night, dogs must not create a disturbance or become a nuisance and should not be left unattended or outside.
- 16.7. The natural fauna on the Estate is to be protected and must not be chased or harassed or attacked by dogs or cats. If any person or animal is attacked, the dog or cat will immediately be removed from the Estate. There will be no warning or fining process after any offense of this nature.
- 16.8. Dog excrement left outside the owner's footprint area must be removed immediately. Failure to do so means the dog's owner will be liable for an immediate spot fine, as stipulated in the House Rules. Owners of cats should provide them with cat trays with sand to discourage or prevent the cats from polluting the environment outside their foot print.
- 16.9. Every dog must wear a collar with a tag indicating the name of its owner and a contact number. Cats must wear a bell on the collar with a tag indicating the name of its owner and a contact number. Stray dogs and cats without identification will be apprehended and handed to the Municipality Pound or SPCA.
- 16.10 All dogs and cats must be spayed or neutered.
- 16.11 The Trustees reserve the right to have a dog or cat removed from the Estate should it become a nuisance or display aggressive behaviour towards people or any of the animals on the Estate.
- 16.12 An independent contractor contracted by the Trustees shall carry out the removal of the undesired dog or cat. The cost of the removal shall be for the account of the owner and shall be charged to the owner's levy account.
- 16.13 The Trustees have an unfettered discretion in the removal but will not exercise the right without first having directed a notice to the owner furnishing details of the complaint and afford the owner a reasonable opportunity to eliminate the cause of the complaint, except in the case of the chasing or killing of any animal in the Estate. If the matter is not resolved or the transgression keeps recurring, the Trustees will have the right to request the member to remove the dog or cat from the Estate and the owner will then be obliged to do so.
- 16.14 For any transgressions in terms of the House Rules for the keeping of dogs and cats, the member will be liable for a fine by the Trustees in accordance with the Transgression schedule and process defined in the House Rules.
- 16.15 The respective member takes full responsibility for his dog(s) and / or cat(s) as well as any liability that should arise if a dog or cat belonging to him, causes damage to any animal, to the common area, or to any property of other homeowners, and/or any person in the Estate.
- 16.16 The Num-Num Cape Estate, through the HOA, does not accept any responsibility for any dog or cat, nor does it hold itself liable for any damages caused by any dog or cat.
- 16.17 Visitors/tenants are not allowed to bring any animals onto the Estate, with the exception of a guide dog.  
(Amended November 2023)

## **17 Conflict of interpretation**

Should a contradiction arise between the provisions of these rules and the stipulations of the Constitution and Annexures, the Constitution and Annexures will take precedence and the Management Committee will be obliged to amend these rules in order to bring them into agreement with the Constitution and Annexures.

## List of fines & penalties:

## Annexure "A"

	Violation	Fine
1	<p><b>All Aesthetical related incidents including but not limited to:</b></p> <ul style="list-style-type: none"> <li>- Illegal structures;</li> <li>- Caravans, trailers and other vehicles in driveways;</li> <li>- Building Code;</li> <li>- Walkways and pavements;</li> <li>- Extended gardens;</li> <li>- Encroaching green areas, public places;</li> <li>- Perimeter fences.</li> </ul>	<ol style="list-style-type: none"> <li>1. Written notice as a first step</li> <li>2. If no compliance after a written notice: a fine equivalent to 50% of the monthly levy amount for a period of three months. If not remediated after three months 100% of the monthly levy until matter is resolved (as in 3 below).</li> <li>3. No compliance after three months: hand over to HOA attorneys to initiate legal process.</li> </ol>
	<p><b>Use of stands including but not limited to:</b></p> <ul style="list-style-type: none"> <li>- Running of illegal businesses;</li> <li>- Running of a guest house;</li> <li>- Use the stand as a commune;</li> <li>- Practicing dangerous/nuisance hobbies;</li> <li>- Jumble sales;</li> <li>- Not maintaining acceptable noise levels;</li> </ul>	<ol style="list-style-type: none"> <li>1. Written notice as a first step.</li> <li>2. If no compliance after a written notice: a fine equivalent to 50% of the monthly levy amount for a period of three months. If not remediated after three months 100% of the monthly levy until matter is resolved (as in 3 below).</li> <li>3. No compliance after three months: hand over to HOA attorneys to initiate legal process</li> </ol>
	<p><b>Any traffic related violation:</b></p>	<p>50% of monthly levy amount/once off per offence.</p>
4	<p><b>Speed related violation:</b></p> <p>30-39 km/h 40-50 km/h 50-60 km/h 60-70 km/h Above 70 km/h</p>	<p>Warning: 25% of monthly levy amount/once off 50% of monthly levy amount/once off 100% of monthly levy amount/once off 200% of monthly levy amount/once off</p>
5	<p><b>Security related incidents – including but not limited to:</b></p> <ul style="list-style-type: none"> <li>- Violation of access control protocol and;</li> <li>- Assisting/Allowing unregistered workers into Estate;</li> <li>- Tailgating or allowing tailgating at the access gate.</li> </ul>	<p>1<sup>st</sup> violation: 100% of one month's levy amount. 2<sup>nd</sup> violation 200% of one month's levy amount. 3<sup>rd</sup> violation 300% of one month's levy amount.</p>
6	<p><b>Construction work – including but not limited to:</b></p> <ul style="list-style-type: none"> <li>- Walking outside enclosed area;</li> <li>- Toilet not used;</li> <li>- Speed of 30km/h not adhered to and traffic signs not obeyed;</li> <li>- Vehicle driving outside driving areas to and from the site;</li> <li>- Overloaded vehicles;</li> <li>- Allow contractors to work outside of prescribed hours;</li> <li>- Allowing workers other than registered domestic workers and gardeners to sleep inside the Estate;</li> <li>- Making fires</li> </ul>	<p>1<sup>st</sup> violation: 50% of one month's levy amount. 2<sup>nd</sup> violation 100% of one month's levy amount. When a 3<sup>rd</sup> violation occurs, all building/construction work will be stopped, the Municipality informed after which it will be handed over to the HOA attorneys to initiate a legal process. Not completing construction of new dwelling within 12 months R10,000 per</p>

