

AQUAVISTA HOME OWNERS ASSOCIATION

CONDUCT RULES

ISSUE 12

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- 4) Amendment Number 3 (11/09/2008) (D3)
- 5) Amendment Number 4 (24/10/2008) (D4)
- 6) Amendment Number 5 (30/11/2009) (D5)
- 7) Amendment Number 6 (17/09/2010) (D6)
- 8) Amendment Number 7 (20/10/2010) (D7)
- 9) Amendment Number 8 (17/04/2012) (D8)
- 10) Amendment Number 9 (27/02/2013) (D9)
- 11) Amendment Number 10 (25/04/2013) (R1)
- 12) Amendment Number 11 (25/11/2014) (R2)
- 130) Amendment Number 12 (10/02/2015) (R3)

**THE CONDUCT RULES OF THE
AQUAVISTA HOME OWNERS ASSOCIATION**

A INTRODUCTION

1. **THE AQUAVISTA HOME OWNERS ASSOCIATION (the "Association")** is a company incorporated under Section 21 of the Companies Act, 1973.
2. The conduct rules have been established in terms of the Memorandum and Articles of Association of the said Association and are equally applicable to all members of the Association.

B. Streets - Sidewalks - Open Spaces

The streets of the Township are intended for vehicular and pedestrian traffic by all occupants. Drivers of motor vehicles do not have a preferential right to use and are obliged to afford all other users of roads an equal use right.

1. The speed limit is restricted to 20km per hour. Save for the above, the Gauteng Road Traffic Ordinance shall remain in force.
2. Parents are obliged to ensure that their children do not play in the streets. In spite of this provision drivers of motor vehicles are obliged to take special care while driving so as to allow for the possible presence of people in the streets.
3. Engine power vehicles are not allowed to drive anywhere except in the streets of the township. Vehicles are not allowed in parks or on pavements.
4. Parking on side-walks and in the streets opposite traffic islands, is not allowed.
5. Scramblers, Quad Motor Bikes and Motor Bikes of any nature are not allowed to be used anywhere in the Township except under the following conditions:

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- 5.1 Official authorisation by the Board of Directors after a written request to that effect by a member.

- 5.2 Security clearance granted on request of a member solely to enable a visitor to enter and exit the township for purposes of a visit to such a member. The security clearance must be arranged beforehand with the Township Manager.

C. Streetscape

1. Every owner is obliged to maintain, trim and keep clean and tidy and manicure the area between the road kerb and the boundary of his property.
2. Garden fences/walls and outbuildings forming part of the streetscape shall be maintained, kept neat and clean and painted where necessary.
3. Caravans, trailers, boats, wendy houses, tool sheds, equipment, tools, engine and vehicle parts as well as accommodation for pets, are to be sited out of view and screened from neighbouring properties
4. Building material may not be dumped on the sidewalks or other open spaces under any circumstances.
5. No trees or plants on sidewalks and no sidewalk lawn may be removed without the permission of the Association. Plants may not interfere with pedestrian traffic or obscure the vision of motorists.
6. Should an owner or occupant fail to comply with any of the above rules, the Association is entitled to carry out the necessary work (or have it done) and to claim payment of its expenditure from the owner together with interest at a rate which from time to time is equal to the prime rate of interest charged by ABSA Bank plus 2% (two percent).

D. Water rules applicable to all watercraft as well as to the use of the Waterfront area, jetties & slipway

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1. Every owner launching or using any type of boat from any place on the shores of the Township must bind themselves to the "Boating Rules and Regulations" as enacted and condensed from the Transvaal Nature Conservation Ordinance and Regulations 12/1983 as amended as well as the Rules and Regulations of the Bronkhorstspuit Dam Water Safety Committee. Boat trailers must be removed from the communal launching slipway and parked in the area provided for them. Vehicles may not be left on the communal slipway or any place where they may cause an obstruction. Should a tractor or a truck be provided by the Association, it may only be used in accordance with the rules and guidelines laid down by the Association.
2. Only 1 Guest Watercraft per owner / resident will be allowed into the Estate per day. This Guest Watercraft must be accompanied by the owner / resident or alternate arrangements to facilitate entry to be made beforehand with Security by the Owner / Resident.
3. An Owner / Resident is limited to a maximum of 10 guests per day at the Waterfront Area or alternatively to obtain written consent from the Board to

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exceed this number.

4. All owners / residents must accompany their guests at launching area
5. No guest's water craft are allowed without owners / residents presence
6. Launching and docking hours are between 6h30 am to 18h30pm from 1 Sept – 30 April and 7h30 – 17h00 from 1 May -31 August
7. Day visitors, owners and residents are allowed to use the area only between 6h30 to 19h00.
8. Fisherman may use area 24 hours but after 18h30 they have to be quiet
9. No camping at all
10. Only braai's to be used
11. No wild parties, loud music, drinking and dancing at all
12. The abuse of alcohol is not allowed and persons who make themselves guilty of misuse will be removed and forbidden to enter the area again
13. Parked vehicles must keep have their doors closed to leave enough parking spaces available for other vehicles.
14. Please keep music in vehicles to a level that does not disturb other people.
15. The owner / residents are responsible for their families, guests and friends behavior. Misbehavior might lead to a fine or to be banned from the launching and picnic area.
16. Please make use of the dustbins and keep area clean.
17. Aqua vista is not a holiday resort but a residential area and the privacy of the owners / residents must be respected at all times
18. A Rule Register, containing all the rules of Aquavista Mountain Estates and water rules must be implemented and made available to any guest to be acknowledged and signed. All residents / owners must sign the Rule Register book.
19. Skippers license and COF for water vessels must be on board and be produced at any time on request.
20. A contravention of any of the above rules may result in a member's right of access and use of the Waterfront area (Erf 15) to be restricted by the Board in its sole discretion.

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E Environmental Management

1. No rubble or refuse may be dumped or discarded in any public area, including the parks, streets, lakes, river and dam.
2. A particular appeal is made to residents to leave open spaces they visit in a cleaner condition than that in which they were found. Residents are requested to develop the habit of picking up and disposing of any litter encountered in the open spaces and streets.
3. Flora may not be damaged or removed from any public places.
4. Fauna of any nature may not be chased or trapped in any public area, be it by people or dogs.
5. Residents are responsible for maintaining trees and watering and manicuring plants and shrubs planted on their pavements by the Association.
6. Residents are obliged to maintain their gardens in a neat, clean and manicured condition.
7. Residents shall ensure that declared noxious flora are not planted and do not grow in their gardens.
8. Swimming pool water must be channelled into the storm water system and must be safe at all times.
9. Should an owner or occupant fail to comply with any of the above rules, the Association is entitled to do the necessary work and to claim payments of its expenditure from the owner or occupant together with interest which from time to time is equal to the prime rate of interest charged by ABSA Bank plus 2% (two percent).
10. General refuse, garden refuse and refuse bags may not be placed on the pavement, except if they will be removed within a period of 8 hours.

F. Indemnity

The residents' use of private open spaces and communal areas is entirely at their own risk at all times. Every member of the Association hereby waives any right he may obtain against the Association to claim any damages incurred by virtue of damage to or loss of property or the personal injury of the member occasioned while anywhere in the Township. Every member indemnifies the Association against any such claim made by the member's spouse, child, parent, servant, guest or invitee.

G. Architectural Standard

All buildings or structures erected shall comply with the Architectural and Building Guidelines prepared by the Association and applicable to the township. This applies also to any additions and alterations to existing structures.

H. Good Neighbourliness

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1. No business activity or hobby, which causes aggravation or nuisance to fellow occupants, may be conducted, including but not limited to auctions and jumble sales.
2. The volume of music or electronic instruments or other sources of noise, partying and the activities of domestic workers should be restricted to a level or should take place in such manner as not to be heard on adjoining properties.
3. The use of power saws, lawn mowers, and the like (electric mowers are preferred), should only be undertaken between the following hours on Mondays to Saturdays: 07h30 - 18h00
4. Washing may only be hung on lines screened from the street and from neighbouring properties.
5. Public, religious or other similar functions are not permitted on the estate without written consent of the Board and the following guidelines will apply:
 - The Guests/Participants attending the function must be accommodated within the boundaries of the specific property.
 - No additional chemical or temporary toilets may be erected on the property.
 - No tents or other temporary shelters may be erected or placed on the property to accommodate guests and/or participants.
 - The number of people that attend the function may be limited by the Board depending on the circumstances of each function.
 - The privacy and proximity of neighbours will be a strong consideration.
 - Existing conduct rules must be strictly adhered to.

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I. Security

1. Security rules and protocol at the gates and elsewhere in the Township shall be adhered to at all times.
2. Owners are obliged to request visitors to adhere to security protocol.
3. Owners are obliged to ensure that contractors in their employ adhere specifically to the security stipulations.
4. The HOA has made an exception in the case where emergency or small work is required. In such cases the Home Owner can contact the Security Site Manager and request that the contractor be granted access with the Daily Visitors Slip. Such requests must be submitted to the Security Site Manager in writing and it will be for

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a period not exceeding 72 hours. The Security Site Manager is mandated to extend the period.

5. All attempts at burglary or instances of fence jumping must be reported to a member of the Association.
6. As successful security depends on attitude, owners should be aware that they need to enforce and apply security to ensure its success.
7. It is suggested that owners install a home security system as soon as possible after taking occupation of their homes, and to link the systems to the Response Company appointed by the Association.
8. For Security reasons employees of Home owners, contractors and the HOA may only enter and exit the estate via the pedestrian gate at the Main Entrance. Such employees may not remain in vehicles and may not enter and exit with Home owners, contractors or HOA Drivers. D6
9. Burglar alarm systems acquired for residences are required to be compatible with the electronics of the estate security system.
10. The Security Company contracted by the HOA will conduct a criminal check on all persons applying for a security access card. The criminal check report for each person will be made available to the HOA after 24 hours from the time that the consent form was submitted to the Security Company. The HOA will take the appropriate action as required in each individual case. The Criminal Check will be conducted at a fee of R75 per person. The Owner is responsible to pay the fee via EFT to the Security Company, before access to the estate will be granted. This fee is an administration fee and is not refundable. Owners can at any time approach the Security Company should they require additional or more frequent criminal checks to be conducted. A right to appeal any decision of the Security Company to the Town Manager or, if still not satisfied, to the Board is applicable. D6
11. The Security Company documentation that is applicable to all Owners, Visitors, Employees and Contractors is available on request. It consists of the following: D6
 - a. Standing Operational Procedures.
 - b. Site Instructions.

J. Servitudes

The members of the Association acknowledge the fact that the erven in the Township are subject to certain servitudes and also consent to the further registration of servitudes that are reasonably necessary for the protection of the interest of the Association.

K. Levies

1. Any amount due by a member by way of a levy shall be a debt due by him to the Association. The obligation of the member to pay a levy shall cease upon his ceasing to be a member of the Association without prejudice to the Association's right to recover arrear levies. No levy paid by a member shall under any circumstances be

repayable by the Association upon the member ceasing to be a member. A member's successor in title to an erf shall become liable upon the date upon which he becomes a member pursuant to the transfer of the erf into his name, to pay the levy attributed to that erf. No member shall be entitled to transfer his erf to any transferee until the Association shall have certified in writing by means of a clearance certificate that the outgoing member has as at the date of transfer paid all amounts owing by him to the Association. This condition may become a title condition of even in the Township.

2. The member shall not be entitled to enter into a Lease Agreement without the levies being fully paid up.
3. The owner shall not be entitled to vote at any meeting of members of the Association nor be a director of the Association while any amount due to the Association is in arrear. R3
4. In any action instituted against a member to recover arrear levies, the member shall pay all legal expenses, stamp duty, costs in general, including costs between attorney and client, and collection commission, which may arise out of, or as a consequence of any such claim or demand made, or legal proceedings instituted against the member in terms of these Conduct Rules. D2

L1. Letting and Reselling Property

Should an owner wish to sell or lease his property, personally or through an agent the owner is obliged to ensure that the agent is in possession of a copy of these rules and the Memorandum of Association, Architectural and Building Guidelines and that the purchaser or lessee is furnished with copies thereof and binds himself in writing to subject himself to these rules and the Memorandum of Association as from the date of occupancy or ownership, whichever is the earlier. Copies of the Rental Contract between owners and tenants must be furnished to the HOA and must provide for the following:

- Adherence to the Conduct Rules by Tenant's. The maximum number of Tenants are limited to two persons per room at any one time. The Rental Contract will be null and void unless all outstanding levies have been fully paid up on date of signature of the Contract. D9

L2. For Sale Boards

"For Sale Boards" are allowed on the estate on the following conditions:

- On private residential property only
- Only one board per erf
- A "private for sale board" with the owners name and telephone number or alternatively a board of an auctioneer / estate agency accredited in writing by the Board.
- Board measurements not to exceed 1,000 mm x 500 mm. D5

- Auctioneers / Estate Agencies who contravene these rules may be refused access to the Estate. Should the member / auctioneer / estate agency not comply with a written request from the Board to remove the offending “for sale board” within 3 days from date of the notification, officials of the Board may then themselves remove the board.
1. “Sold” Estate Agency Boards may only be placed on stands if this has been approved in writing by the Board.
- Any deviations from these rules to be authorised in writing by the Board of Directors.

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M. Pets

1. The local authority bylaws relating to pets will be strictly enforced.
2. Without the written approval of the Association no person may keep animals in the township. The permission will not be unreasonably withheld.
3. Pets are not allowed to roam the streets.
4. Pets must be walked on a leash in public areas.
5. Should any excrement be deposited in a street or other public area, the owner of the pet shall immediately remove it.
6. Every pet must wear a collar with a tag indicating the name, telephone number, and address of its owner.
7. The Association reserves the right to have a pet removed should it become a nuisance within the Township. The Association has an unfettered discretion in this regard, but will not exercise the said right without first having directed a written notice to the owner furnishing details of the complaint and the complainant and affording the owner a reasonable opportunity to eliminate the cause of the complaint.

N. Explosives

The use of dynamite or explosives of any nature on or in the vicinity of the Township is prohibited, without the written consent of the Directors of the Association and subject to any directive issued in respect thereof.

O. Penalty Clause

1. The members of the Association acknowledge the right of the Association to enforce the rules contained herein.
2. The members of the Association who contravene any of the rules herein contained agree to pay the following penalties:
 - 2.1 First offence : R500.00

2.2	Second offence	:	R1000.00
2.3	Third or subsequent offence	:	R2000.00

The procedure which is to be followed in the case of a would-be offender is as follows:

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Details of the complaint to be forwarded to the offender in writing to which he/she may reply in writing. Written statements by witnesses may also be forwarded to the Board. Should the written evidence presented not be conclusive, the Board may request the complainant, the offender and/or witnesses to give oral evidence and be questioned whereafter a decision will be taken as to the guilt or innocence of the offender. Should the offender be found guilty he will be afforded the opportunity to present evidence in mitigation of sentence whereafter the Board may impose a fine and/or sentence authorised by the Articles of Association or the Conduct Rules of the Association. Should any of the parties involved not comply with the Rules prescribed above the Board is authorised to make a decision which is just and equitable under the circumstances. Legal representation will be allowed to be present but not take an active part in the proceedings.

3. The above penalty clauses do not preclude the Association from taking any alternative legal action provided for in Law, or in the Articles of Association and Memorandum of Association.

P. Domestic workers and Gardeners

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1. Home owners and contractors may under no circumstances employ HOA staff as domestic workers, gardeners or general labourers, or request HOA staff to execute any domestic, gardening or building chores for them.
2. HOA staff in turn may not accept any employment or may not execute any chores for Home owners and or contractors relating to domestic work, gardening or building tasks.
3. The working hours for gardeners are as follows: Monday to Friday: 07h00 to 16h00. Saturdays and Public Holidays: 07h00 to 14h00. No garden work will be allowed on a Sunday.
4. The members of the Association, (which includes any domestic workers, gardeners and contractors under their supervision) who contravene any of the rules as contained in Section P, agree to pay the penalties as stipulated in Section O above.

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Q. Colour coded reflective jackets

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1. The following colour codes will apply (reflective jackets to be worn):
 - a. Domestic workers: Green/Lime
 - b. HOA staff: Green/Lime
 - c. Gardeners: Green/Lime

d. Foreman: Orange

2. Contractors, Home owners and HOA are responsible to supply the reflective jackets to their staff or employees. To ensure that all the reflective jackets are complying with minimum standards the reflective jackets can be obtained at cost price from the security company.
3. The members of the Association, (which includes any domestic workers, gardeners and contractors under their supervision) who contravene any of the rules as contained in Section Q agree to pay the penalties as stipulated in Section O above.

R. Clubhouse / Deck Rules

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1. Only Members whose levies are paid in full are allowed to use the clubhouse facilities. The written consent of the Board must be obtained should a member wish to book the clubhouse more than once per month. Under no circumstances are members allowed to book the clubhouse for non-members or for another member of the HOA.

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2. The clubhouse is primarily a Day Function venue and must be utilised as such and vacated at the prescribed times.

3. The clubhouse is only available between:

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Monday to Thursdays: 10:00 – 19:00

Friday, Saturday and Non Religious Public Holidays: 10:00 – 23:00

Sundays and Religious Public Holidays: 10:00 – 19:00

Any deviation from the times and rules regarding the clubhouse has to be approved by the directors in writing before the function date in question.

4. All bookings to be made at the office at least three days before the clubhouse is to be used. Bookings can only be made through Marlene (013 932 1815) at the office during office hours only. Only after receipt of the booking fee of R 500.00 will the booking be official.
5. Visitors/Guests cars are not allowed to park at the waterfront because of a lack of parking space. You will have to transport them to the waterfront and back. The facility can only accommodate a maximum of 50 people at a time.
6. No loud music and no alternative sound equipment is allowed and noise levels must be such that they do not disturb other members.
7. People using the braai and jetty facilities are entitled to use the toilet facilities at the Clubhouse via the side entrance.

8. You need to clean the Clubhouse before you leave.
9. Use facility at your own risk and you are liable for any and all damages while using the facilities. Abusing the Clubhouse facility will lead to disciplinary action against the relevant member who made the booking.
10. These Rules can be changed, by the board, without notice if so deemed necessary.
11. Using the clubhouse without booking it, carries an automatic penalty of R 1000.00.
12. Should the Clubhouse not be booked in the prescribed manner it will be available to be used by any of the Directors free of charge.

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S. Firearms, Pellet (Air) Guns and Catapults (Catties), Crossbows and Bow and Arrows.

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The use of the above items in the Estate are strictly prohibited except for purposes of justifiable self protection.