

AQUA VISTA HOME OWNERS ASSOCIATION

CONDUCT RULES

ISSUE 2

AMENDMENTS

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

A INTRODUCTION

- 1. THE AQUAVISTA HOME OWNERS ASSOCIATION (the "Association")**
is a non-profit company as defined in Section 1 of the Companies Act 71 of 2008.
2. The conduct rules have been introduced in terms of the Memorandum of Incorporation (MOI) of the said Association and are equally applicable to all members of the Association.
3. The broad objectives of the Association are the following:
 - 3.1.1 to control the character and architectural standards of buildings and other structures to be erected on the property development known as Aquavista Mountain Estate ("the township");
 - 3.1.2 to administer the security in and relating to the township;
 - 3.1.3 to control the use of roads and open areas in the township, subject to all local, Provincial and National laws;
 - 3.1.4 to provide for the maintenance of sidewalks and open areas in the township;
 - 3.1.5 to provide controls for the keeping of dogs and other animals in the township;
 - 3.1.6 to implement and control security procedures for admission to the township and generally in the township;
 - 3.1.7 to issue and thereafter vary, alter, retract or add to rules and regulations for the administration and control of properties in the township and the owners and other occupants of properties in the township as well as the movement of vehicular traffic in the township;
 - 3.1.8 to make rules for the completion of the erection of homes and other structures on erven in the township within prescribed periods.
 - 3.1.9 to levy contributions from its members of such amounts and so regularly as the Directors of the Association shall determine as sufficient to defray the expenses of the Association, as more fully set out in the MOI.
- 3.2 Every party who receives transfer of an erf in the township will upon registration of transfer automatically become a member of the Association. If the party taking transfer is not a natural person, it will be obliged prior to transfer to nominate a natural person to represent it and to notify the Association of the full names, street address and postal address of the said representative, failing which the Association may choose the identity of the representative from amongst the officers, members, trustees, partners or other similar office bearers of the owner. Every party who shall have become a member of the Association shall automatically cease being a member

as soon as such party ceases being the registered owner of an erf in the township. Where an erf is owned by more than one party all the registered owners shall together be deemed to be one member of the Association, shall together have the rights of one member of the Association, shall jointly and severally be liable for the member's obligations and shall together exercise one vote at meetings of the Association.

- 3.3 Upon the Association being established the rules set out below in this document shall become binding on all members of the Association as well as on occupants of erven in the township who are not also owners and thus not members of the Association. In this regard the registered owners of erven in the township are responsible, as members of the Association, to ensure that occupants of their erven who are not members of the Association as well as the members' families, tenants, visitors, friends, employees, contractors and invitees abide by the rules of the Association. It is important to note that the rules provide that any act or omission by any of the aforesaid persons which, had it been done or omitted by the member would have amounted to a breach of any rule of the Association, will be deemed to have been the act or omission of the member and hence a breach of the rules by the member.
- 3.4 In the quest for a happy and harmonious community residents of the township are obliged to use and enjoy the properties they own and/or occupy as well as the public areas and open spaces in accordance with their own rights, but as curtailed by the rights of other members or occupants.
- 3.5 The under mentioned rules provide for disputes to be determined in a manner more fully set out in the MOI.
- 3.6 These rules and regulations shall only be amended in accordance with the provisions of the MOI.
- 3.7 The abovementioned provisions contained in this introduction are of an operative nature and are therefore binding provisions of these rules.

4. CONDUCT RULES

A. Incorporation of constitution

The provisions of the MOI as well as the provisions of the introduction to this document are incorporated into these rules, mutatis mutandis, as if specifically repeated herein.

B. Streets - Sidewalks - Open Spaces

1. 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.

2. The speed limit is restricted to 40km per hour. Save for the above, the Gauteng Road Traffic Ordinance shall remain in force. D1
3. 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.
4. 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.
5. Parking on side-walks and in the streets is not allowed.
6. 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:
 - 6.1 Official authorisation by the Board of Directors after a written request to that effect by a member.
 - 6.2 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.

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

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 Bronkhorstspruit 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 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. Members are responsible for their families, guests, friends and tenants 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. Skippers license and COF for water vessels must be on board and be produced at any time on request.
19. 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.

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 tenant.

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

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.

I. Security

1. Security rules and protocol at the gates and elsewhere in the Township shall be adhered to at all times.

2. Members are obliged to request visitors and tenants to adhere to security protocol.
3. Members are obliged to ensure that contractors in their employ adhere specifically to the security stipulations.
4. The following rules will apply where emergency or small work is required to be carried out in the Estate:
 - 4.1 The Member / Tenant can contact security and request that the contractor be granted limited access for a period to be decided on. The Security Manager is mandated to extend this period if deemed necessary.
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 members/tenants 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 members/tenants/contractors.
9. Burglar alarm systems acquired for residences are required to be compatible with the electronics of the estate security system.
10. Any person who has entered or intends to enter the Estate may be required at any time to undergo a criminal background check by Security or the Association. Such a person will be required to comply with the following protocols:
 - 10.1 Identify himself to the satisfaction of Security.
 - 10.2 Sign the necessary consent and indemnity forms.
 - 10.3 Comply with the fingerprint policy + procedures as prescribed by Security.
 - 10.4 Furnish the necessary personal background information as requested by Security.
 - 10.5 Security will furnish the Association with a confidential report and recommendation in respect of each criminal check carried out within 48 hours after the process has been completed.
 - 10.6 A fee of R200 per person is payable "on request" before each criminal check is conducted. The fee is payable via EFT to the Association.
 - 10.7 Any unfavourable decision taken by the Security in respect of a person's right of entry into or his right to remain in the Estate is appealable to the Association and shall be referred to the Board of Directors for a final decision.

10.8 Information acquired in this way will be dealt with as “highly confidential”

11. Failure by any person to comply with the above rules/requests will be referred to the Association for a decision regarding the appropriate penalty to be imposed for non-compliance.
12. The Security Company documentation that is applicable to all Owners, Visitors, Tenants, Employees and Contractors is available on request. It consists of the following:
 - 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

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- 1.1 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 attributable to that erf. No member shall be entitled to transfer or lease his erf to any transferee or lessee until the Association shall have certified in writing that the outgoing member or lessor has at the date of transfer or the date of the rental contract paid all amounts owned by him to the Association. If the payment of the levy is due, the owner hereby irrevocably cedes his right to collect the rental of the relevant property to the Association. The Association shall be permitted to contact the relevant rental agent/lessee directly to effect the payment and the owner hereby authorizes the agent/lessee to pay the rental directly to the Association up and until the outstanding levies are paid up to date. The owner furthermore agrees that the rental cession be made an order of Court, such order to remain in force until such time as all the arrear levies in respect of the property have been paid in full.
- 1.2 The sale of shares in a property owning company, the transfer of members' interest in a close corporation, or a change in control of any other legal entity shall be deemed to be a transfer for the purposes of clause 1.1 of this clause K. If a clearance is not obtained in the circumstances outlined above, the natural person nominated in terms of clause 3.2 of the introduction to these Rules and Regulations shall be personally liable to the Association for any arrear levies.

2. In case a member dies any amount due by way of a levy shall be a debit due and payable by his estate. Any person occupying the property after the member's death must inform the Association thereof and will be liable for payment of the monthly levies to the Association until such time as the estate of the deceased member has been finalized. Failure to inform the Association of his occupation of the property or to pay the monthly levies may result in termination of his access to the estate.
3. A member and occupant shall not be entitled to attend or vote at any meeting of members of the Association nor be an officer of the Association nor use any facility of the Association, while any amount due to the Association is in arrear, subject to the MOI.
4. A member shall be liable for and pay all legal costs, including costs as between attorney and client, collection commission, expenses and charges incurred by the Association in obtaining the recovery of arrear amounts due and owing by such member to the Association, or in enforcing compliance with these Rules and Regulations.
5. The Association shall be entitled to charge interest on arrear amounts at such a rate as it may from time to time determine.
6. The Association has the right to fine transgressors where any of the rules as stipulated by the Association from time to time have been broken or infringed upon. Such fines will form part of the levy and shall become due and payable on the due date of payment of the levy. The Association shall determine from time to time the fines which may be imposed for various transgressions.

L1. Letting and Reselling Property

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1. A member may sell or lease his property personally or through an accredited property practitioner. The member is obliged to ensure that the agent is in possession of a copy of these rules and that the purchaser or lessee is furnished with a copy thereof and binds himself in writing to subject himself to these rules as from the date of occupancy or ownership.
2. The accredited agent must also ensure that the purchaser/lessee is informed about and receives a copy of these rules, the Architectural Guidelines, the Contractor's Code of Conduct and any other administrative regulations applicable at the time. Agents may only visit the township with the written consent of the member.
3. A clearance certificate must be obtained from the Association at a cost determined by the Association (which amount may be adjusted annually at the discretion of the Association) prior to any transfer and prior to occupancy by any lessee. The Association may withhold the certificate until all amounts due to it in respect of the property have been paid and until it has been furnished with a written acknowledgement by the purchaser or tenant that he has received and read and binds himself to these rules.
4. A copy of the sale/rental agreement must be lodged with the Home Owners Association before occupation of the premises by the buyer/lessee and will be null and void unless all outstanding levies have been fully paid up on date of signature thereof.

- 4.1 The number of tenants who are allowed to stay in a house at any one time may not exceed two persons per bedroom.
5. Should an accredited agent not comply strictly with the provisions of Clause L his accreditation may immediately be withdrawn and his access to the estate denied.
6. Should a member sell or lease the property himself he will be subject to all the prescribed rules and regulations applicable to an accredited property practitioner in terms of Clause L.
7. Should a member fail to comply with any of the provisions of Clause L of these Conduct Rules he may be subject to and obliged by the Board to pay an additional fine/levy of R500 per month until such time as he has complied with the relevant provision.

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.
- 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.
- “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.

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, birds or poultry in the township. The permission will not be unreasonably

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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:

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. The further enforcement by the Directors of contraventions of any of the Rules are more fully set out in Clauses 8.2 to 8.8 of the MOI.

Authority to act in terms of Clause 8.4 of the MOI is hereby delegated to the Estate Manager.

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

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P. Domestic workers and Gardeners

1. Members/Tenants 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 members/tenants 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. Members/Tenants who contravene any of the rules as contained in Section P agree to pay the penalties as stipulated in Section O above.

Q. Colour coded reflective jackets

1. The following colour codes will apply (reflective jackets to be worn):
 - a. Domestic workers: (Lime green)
 - b. HOA staff: (Lime green)
 - c. Gardeners: (Lime green)
2. Members/Tenants and the Association are responsible to supply the reflective jackets to their staff or employees.

R. Clubhouse / Deck Rules

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.
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:

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 850.00 will the booking be official.
5. Visitors/Guests cars are not allowed to park at the waterfront if there is a lack of parking space. They will have to be transported 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. You need to clean the Clubhouse before you leave.
8. 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.
9. These Rules can be changed, by the board, without notice if so deemed necessary.
10. Using the clubhouse without booking it, carries an automatic penalty of R 1000.00.
11. 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.

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

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