

Stanhaven

Summary of general rules (SGR)

*This is an abbreviated version/summary of the complete set of STANHAVEN GENERAL RULES (GR)
It has been prepared as a convenience for members*

**This summary of general rules (SGR) does not replace the complete document entitled
General Rules (GR)**

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1. Introduction

Stanhaven (SH) provides its residents the opportunity for a relaxed, country lifestyle. The members and residents work to ensure a positive ethos and a spirit of support and 'looking out for one another'.

Organisations do however require rules for the common good of members in the longer-term. This **summary of general rules** (SGR) is for those who want an idea of the rules but don't wish to wade through the complete and lengthier document of rules (GR). This document offers a summarised version of the full set of rules, which were formulated to assist the Home Owners' Association (HOA) in dealing with potential problems.

IT IS IMPORTANT TO NOTE

This summary version DOES NOT replace the complete version and the HOA takes no responsibility for the contents of the summary version. If in doubt, or you require clarity, kindly refer to the complete version.

The design and landscape guidelines (DLG) is a set of two separate documents that were drawn up at the inception of the development and these documents are acknowledged by potential buyers when the deed of sale is signed.

The DLG falls under the umbrella of the Stanhaven constitution (SC) of the Stanhaven Homeowners' Association (HOA).

The complete set of rules — entitled General Rules (GR) — supports the SC and the DLG by expanding and clarifying certain aspects of communal living. The GR may be considered as an annexure to the SC.

In summary, the SC, GR (and SGR) and DLG are all binding on the owners and residents of SH, their visitors and the contractors and other suppliers/service providers who access SH on behalf of members and residents.

2. Definitions

Unless stated otherwise, the words and expressions as defined in the SH constitution (SC) share the same meaning as the GR; for the full definitions kindly refer to the complete document of General Rules (GR).

3. Interpretation

Kindly refer to the complete document of General Rules (GR), for matters of interpretation. The following examples are relevant:

- The singular shall include the plural and vice versa;
- A reference to any gender shall include all other genders;
- Reference to natural persons includes legal entities and vice versa;
- The amendment of any rule in the GR is at the discretion of the HOA and should not be considered as a precedent.

Owner/resident/occupant/tenant may be used interchangeably and means anybody owning, renting, occupying or using a property in SH for any reason whatsoever, whether the owner, a family member, tenant, resident employee, visitor, paying or non-paying guest etc.

4. Legal status and members' responsibilities

Every owner is automatically a member of the HOA and subject to all the rules. A member cannot resign from the HOA while he owns property in SH.

All rules are binding on owners and their family members, tenants, employees, guests, visitors, clients, contractors and service providers. This compliance responsibility cannot be transferred or renounced by the owner while a member of the HOA. If circumstances so require, a breach of the GR by any of the above shall be deemed to have been committed by the member.

An owner residing in SH chooses his street address as his *domicilium citandi et executandi*. An owner not residing in SH chooses the street address provided to the MA as his *domicilium citandi et executandi*. It remains the responsibility of the member to provide contact/address details and to update these as and when they change.

5. Limitation of an owner's property rights

Under South African law the rights of a property owner are not absolute. This means that an owner's entitlements towards his property are limited by certain other laws e.g. building or plant encroachment, root damage, interference with the natural flow of water, dangerous acts such as storing explosives, flammable liquids, keeping dangerous pets etc.

Simply put, owners are expected to use their property with the interests of the community in mind.

6. Management and administration

The management and administration of SH is the responsibility of the trustees, appointed by the HOA in terms of the constitution at the AGM, but some managerial powers may be delegated to an independent managing agent (MA). Some MA functions may be delegated to a caretaker. A primary function of the HOA/MA is to collect monthly levies and follow up on non-payments.

7. HOA objectives and powers

Trustees are appointed for practical reasons to deal with SH business. However, broad consultation with the HOA is encouraged whenever and wherever possible, particularly on sensitive or contentious issues.

Trustees are expected to perform the following tasks in an *impartial* manner with the aim of promoting, advancing and protecting the interests of the members generally, and without any self-interest:

- (a) Review building plans for each erf to ensure compliance with the DLG before approval and prior to municipal submission, as well as all other building-related matters.
- (b) Manage day-to-day issues related to roads, buildings in and landscaping of the common areas, ensuring all facilities, services and amenities located in such areas are maintained at the expense of the HOA (unless determined otherwise e.g. damage by a resident).
- (c) Monitor/scrutinise HOA finances/expenses and ensure the necessary audit and other functions are performed as and when required, and to inform members as necessary.
- (d) Implement/maintain adequate security measures and systems for controlled access.
- (e) Communicate with members in a regular, transparent and unambiguous manner and ensure that social media platforms are not abused.

8. Ancillary powers

Trustees have the following responsibilities and ancillary powers to: enter service agreements, uphold the constitution, enforce all applicable rules under the constitution, review applications for waivers and special permissions and, where necessary, engage in dialogue with members to modify, amend, add to or delete the applicable rules (or part thereof) as becomes necessary from time to time.

9. Non-compliance with the GR

Owners and residents are encouraged to resolve disputes peacefully and amicably between themselves by exercising tolerance and mutual respect.

Should these attempts fail, the matter may be brought to the attention of the trustees for their consideration. The trustees may resolve to investigate or arbitrate in matters between members/residents but are not **obliged** to do so.

10. Notices

Notices from the HOA/MA for any purpose, including breaches of the GR (or associated rules) will be emailed in the first instance to the email address on record. Where necessary, the owner or resident's *domicilium citandi et executandi* (as held on record by the HOA/MA) will be used.

Owners/residents may not refuse receipt of any notices from the HOA/MA irrespective of the delivery method.

It is the owner's responsibility to update contact details with the HOA/MA whenever necessary.

11. Fines and penalties

The trustees are responsible for setting fines and penalties (from time-to-time as considered appropriate) for penalising members who wilfully or repeatedly transgress or breach the GR and associated rules, damage common/private property or ignore road/traffic signs.

The speed limit inside SH is 25kph. Members, residents, visitors must exercise care when driving on SH roads and must avoid any behaviour that would constitute an offence under the relevant traffic ordinance.

12. Appeals and complaints

Appeals against any notice of breach served, or a fine/penalty imposed by the trustees may be lodged and will be dealt with at the first trustee meeting after such written representation is received.

Owners/residents have the right to appeal in terms of the Community Schemes Ombud Service Act 9 of 2011 (CSOSA).

13. Estate agents: accreditation and services

If a property is being sold/leased/rented, an estate agent registered with the Estate Agency Affairs Board of South Africa should be used. It is the owner's sole responsibility to ensure the agent is fully aware of all the relevant information including rules, constitution and DLG. Notwithstanding the agent's role, it remains the owner's

responsibility to ensure any lessee, tenant or purchaser is informed and agrees to abide by all of the above documents.

Prospective buyers must always be accompanied on their visits to SH.

Show houses are permitted and agency signage is permitted as directed by the HOA/MA.

14. Leasing property

Long-term (longer than three months) rentals with leases are permitted provided the HOA is notified in advance and all parties agree to abide by all the relevant rules.

The provision of bed-and-breakfast-type accommodation is dealt with under rule 34. (commercial activity).

Rolling short-term lets of less than three months, long-term rentals without leases and guest houses are not permitted.

Notwithstanding any permissions granted to an owner by the HOA, the owner is solely responsible for ensuring he has the necessary local and other authority permissions to rent either part of or the whole of his property. The owner is also responsible for ensuring he complies with any relevant safety, health, fire regulations and has the required insurance in place to cover all parties.

15. Clearance certificates

A clearance certificate, issued by the HOA, is required before the sale agreement for any property is submitted to the transfer attorney. A copy of the sale agreement must accompany the owner's application for a clearance certificate.

Clearance certificates will only be issued provided the owner:

- (a) has written confirmation signed by the buyer stating that the seller has provided all relevant documentation, and is aware of the rules that are binding on owners;
- (b) is not in arrears with his levies and other charges owing to the HOA, including but not limited to fines and penalties and interest;
- (c) has provided the municipal approved plans for the existing dwelling as well as the Certificate of Occupancy relating to such plans;
- (d) has rectified any non-compliances with the DLG where a trustee/HOA waiver has not been granted.

16. Required sale agreement clauses

The seller of a SH property must ensure that the sale agreement contains the clause/s to cover non-negotiable matters. This wording can be obtained from the HOA/MA, or may be found in the complete set of General Rules available on the HOA hub at www.stanhaven.co.za

17. Lease agreement requirements

Owners may let their property, but the relevant details pertaining to the lessee must be provided to the HOA.

The owner must ensure that the lessee/tenant abides by all the GR, regulations and requirements of the HOA. Owners who rent out a property, or part thereof, remain jointly and severally liable for the acts and omissions of the occupant/s and for fulfilling all obligations under the GR and SC.

Sub-letting of property by a tenant requires both the permission of the owner and the HOA.

18. Occupancy: numbers

Occupancy restrictions are based on the accepted norm of two persons per bedroom in any one dwelling. Short-term exceptions are permitted over holiday periods.

19. Occupancy: general

Notwithstanding any of the SH occupancy and use rules, the onus is on members to ensure that their activities, whether these be work related or letting to guests/tenants on a paid or unpaid basis, are compatible with those of the local authority and/or any other relevant entity.

The HOA may deny access to non-resident family members, employees, guests, visitors, clients, contractors, service providers, tenants and others for whom the tenant is responsible, should they repeatedly transgress the GR and/or any other SH regulations.

20. Building and plans

Below is a broad outline of the requirements for this clause.

*Purchasers/owners planning to build are **strongly advised** to refer to the complete set of GR and other relevant documentation to ensure they are fully acquainted with all the requirements. Questions and clarification of rules may be addressed to the MA/trustees using the HOA hub.*

All building projects are subject to the DLG as amended from time to time and plans must be approved by the HOA before submission to the municipality. Before work may begin on site, certain formalities must be addressed. These include the payment of a deposit, information about the builder and the work programme, the connection of a water meter and the final municipal approved plans in an electronic format.

It is the owner's responsibility to ensure his buyer has been provided with the latest copy of the applicable documentation before the offer to purchase is signed. An owner undertaking a building project must also ensure all builders/contractors/service providers comply with the GR, DLG and any other relevant guidelines.

Builders are required to be members of the National Home Builders Registration Council. Owner builders must apply for the necessary exemption granted by the National Home Builders Registration Council from the Housing Consumer Protection Measures Act.

Builders (including owner builders), subcontractors and service providers are given access to SH during normal working hours. Weekdays (excluding public holidays): 08.00 - 17:00; Saturdays: 09:00 - 13:00.

Work outside of these hours is subject to permission from the MA at least two days in advance. Members should contact the MA to arrange and will themselves be responsible for providing access to the contractors. No builders' noise is permitted during these out-of-hours sessions unless it is emergency work that is necessary to prevent damage to the structure or interior of a building.

An 18-month timeframe from the breaking of ground is allowed for the completion of any building project.

A Certificate of Occupancy must be provided to the HOA before taking occupation of the dwelling.

21. Refuse, recycling and waste

To facilitate the weekly municipal collection, refuse and recycling must be placed inside the bins provided in the demarcated area. Refuse may not be placed in front gardens or on pavements.

General garden waste is the responsibility of residents and must be removed at their own expense within 24 hours if it is placed on the curb. Garden waste and building rubble may not be dumped on empty stands or on any common property in SH.

Fire remains a significant risk in the Overberg area. Fires are not permitted to deal with waste of any kind. Residents contravening fire regulations shall be fined three times the monthly levy.

22. Common property (read with rule 30.)

The HOA is responsible for maintaining the curbs/verges and other common areas. Residents have the right to use all areas of the common property. Common property should be used in co-operation with others, and be left clean and in the same condition as prior to its use.

Residents (and their family members, visitors etc) use common property at their own risk.

Residents may neither remove nor plant any flora; erect any structure, path, pond or other feature in the common areas without prior consultation with the HOA.

Flora and fauna may not be damaged, trapped or removed from any common property within SH.

Residents are requested to prevent their pets from chasing, stalking or killing the birds and other wildlife within SH.

Members should exercise care in preventing dogs from roaming on vacant plots or common areas and when outside their home property, should be accompanied and under control.

Erf 2037 (at entrance gate) and Erf 1951 (river bank area) are dog-friendly areas where dogs are able to run free.

Cats must not cause a nuisance to neighbours and/or harm SH wildlife.

Drones may not be operated within SH unless for a specific authorised purpose.

23. Noise

Noise of all kind must be kept at a level that is not intrusive to other residents.

Municipal noise by-laws are to be used for reference if these exist, otherwise provincial by-laws apply.

Noise generated by people (including music of any kind) — particularly parties and merrymaking — should take neighbours into consideration.

Noise should be reasonable and must cease at 22h00. Reasonable noise from occasional events is permitted. On Fridays and Saturdays, such noise should reduce significantly at 22h00 and cease altogether at midnight.

Builders inevitably cause noise and in a developing estate such as SH the normal noise of construction has to be accepted. Builders (including owner builders), sub-contractors, service providers, residents using tools, power tools and garden equipment (regardless of by whom and for what purpose) shall ensure noise is within reason and limited to the commonly recognised working hours:

Weekdays: 07:00 - 17:00; Saturdays: 08:00 - 13:00; Sundays and public holidays: no noise.

Vehicles with noisy exhaust systems are prohibited. Hooters shall only be used to warn of danger to persons, birds or animals.

Fireworks are not permitted within SH. An internal fine of three times the prevailing levy will apply to offenders, irrespective of any action taken by SAPS;

House alarm systems must have the ability to reset within a reasonable time from the first activation.

24. Domestic animals

Domestic pets are welcome in SH subject to the municipal regulations. Wild and endangered animals are not permitted.

All pet owners assume responsibility for any damage caused by their pets.

Dogs that are outside the owner's property must be kept under control. Erf 2037 (at entrance gate) and Erf 1951 (river bank area) are dog-friendly areas where dogs may run free.

Residents must pick up their animal's excrement in common areas and hygienically dispose of it.

25. Dams/water channels (water features) and Kleinrivier

The water features and the river are for relaxation and general enjoyment of all residents.

The Kleinrivier forms the northern boundary to SH and use thereof is bound by the Water Services Act of 1997 and the National Water Act of 1998; any use of the river, permitted or otherwise, is at the member or residents' own risk.

Persons and domestic animals shall not enter the water features nor pollute them.

Residents are responsible for informing their guests, visitors and tenants of the existence of the water features and river.

The HOA does not take any responsibility for accidents or injury caused to anyone using the water features or Kleinrivier, including children and domestic animals.

26. Fire prevention and hazardous substances

Explosive materials, any item considered a fire hazard, any item that is a threat to health and safety, any substance that could cause contamination or destruction of any property or part thereof, may not be brought into, or stored within SH.

Open fires/fireworks are strictly prohibited in all areas and will attract a substantial fine.

27. Domestic staff

Owners assume responsibility for the domestic staff employed by them and are responsible for making them aware of all the relevant rules, particularly with regard to security, parking and access control.

28. Road use

SH roads are for the use of all residents, whether on foot, bicycles, or any other means. People, animals, birds and wild life shall always have the right of way on any road or in any common area.

The speed limit in SH is **25 km per hour**. Members, residents and visitors must exercise care when driving on SH roads and must avoid any behaviour that would constitute an offence under the relevant traffic ordinance.

Bicycles have preference over motor vehicles on SH roads. However, cyclists must adhere to all the relevant provincial and national road rules and be mindful and respectful to other users.

Guests, staff members and visitors of any kind must park on the driveway or on the street verge of the property being visited. In so doing, traffic flow must not be obstructed.

Permanent parking on verges or in roadway areas is not allowed. For special occasions such as parties, owners are to request guests to park with consideration for the surrounding residents and other road users.

29. Electricity and water supply

Only suitably qualified persons should be used to directly or indirectly connect, attempt to connect or cause to be connected any electrical or water installation or part thereof to the supply mains or service connection.

Tampering or interfering in any way with any meter or service connection or service protection device or mains supply is prohibited.

Residents shall pay for electricity and water usage using a meter that is dedicated to the property.

30. Curbs and verges (read with rule 22.)

Although the HOA is responsible for the maintenance of the common areas and the area between the road and the boundary of each property, owners, with permission from the HOA, may look after the pavement/verge by informally incorporating it into their gardens and ensuring that the provisions of the DLG apply.

Curbs/verges and vacant properties (unless by arrangement with the owner) may not be used for storing sand, top-dressing, gravel, bricks, rocks, rubbish, building rubble etc. Should this inadvertently occur, it is the responsibility of the transgressor to clear the area within three working days.

Garden refuse deposited on the curb must be cleared within 24 hours.

Littering of any kind, whether in the roads or common areas, is not permitted.

Advertisement/event boards may not be mounted in SH without the prior consent of the HOA.

Residents are not permitted to effect any major repairs to any vehicle on roads or any common areas.

31. Private gardens and vacant properties

Residents should maintain a high standard of garden frontage. Paved areas and driveways must be weed-free.

Owners of vacant plots are expected to maintain them in a neat and tidy manner year-round notwithstanding the arrangement for the clearing of empty plots twice a year by the HOA.

Open fires may not be lit in private gardens (or common areas). Fires are only allowed in properly constructed braai areas or fire pits that are designed for that purpose and then only under adult supervision.

Residents are not permitted to effect any major repairs to any vehicle on private property where such activities can be seen from the street or by neighbours.

32. Homes: appearance and maintenance

All walls and structures visible from any road and any neighbouring properties must be properly maintained and kept in a good state of repair.

Caravans, trailers, boats, canoes, kennels, water tanks and rarely used vehicles etc. should be sited out of view of streets and neighbours behind appropriate garden gates and/or suitably screened from neighbouring properties so they blend in with the environment;

Laundry may not be hung/placed to dry in any area visible from the road or other properties.

33. General good neighbourly conduct

Residents should recognise each other's right to privacy and peace.

Residents shall refrain from doing anything that is dangerous, offensive, unsightly, injurious, objectionable or detrimental or that constitutes a public or private nuisance, a source of disturbance, may cause damage to any property in SH, or damage to SH's reputation.

Consideration should be given to neighbours if DIY projects, hobbies and other activities are likely to cause aggravation or nuisance.

Apart from self-defence purposes — and then only within the relevant laws — firearms, air-rifles, crossbows or similar weapons/devices may not be discharged within SH. Paintball guns and slingshots are not permitted.

34. Commercial activities

The operation of any business on any property within SH is subject to the relevant municipal laws, including the zoning laws, as well as any other applicable laws.

Business applications may be approved subject to special criteria and conditions set by the HOA. Any person wishing to run a business based in SH, including the provision of paid-for accommodation, is requested to refer to the complete set of General Rules for more information.

35. Security

SH is a gated estate and not a security estate. Access is controlled by a cell-2-gate system.

Residents are responsible for their own security and that of their family members, employees, clients, guests or visitors.

The HOA accepts no responsibility for any criminal activity which may arise in SH regardless of the nature thereof.

Security measures, procedures and general rules must be strictly adhered to by residents.

Residents should assist one another by being cooperative, vigilant, cautious and working on an 'eyes and ears' basis.

Access to SH may be denied to an owner's non-resident family members, tenants and members of their household, invitees, employees, clients or guests should rules repeatedly or wilfully be transgressed.

Any criminal activity e.g. burglaries, attempted burglaries, fence jumping etc. should immediately be reported to the HOA/MA and, where applicable, to SAPS.

Members must ensure the HOA has their (or their tenant's) correct details: names, address, contact numbers, e-mail addresses before they take up residence. Members and residents are responsible for ensuring these details are always current.

36. Alarm systems, armed response, burglar bars and security lights

A member may decide on the appropriate security system for his property provided that he complies with the provisions of the DLG and all other HOA guidelines. Burglar alarms must be in a sound working condition and not cause undue nuisance to neighbours.

Outside security lights should not affect the privacy or comfort of other residents.

Transparent burglar bars are preferred.

37. Access control

The cell-2-gate system enables members and residents to access the estate using a cell phone as well as providing access to third-party entry. For safety reasons, members and residents must use the remote access system with extreme caution.

Tailgating is strictly prohibited.

Members and residents who share SH access privileges e.g. (cell phone, remote) with any other party and for whatever reason must advise the trustees and ensure these privileges are cancelled at the appropriate time.