

*Thorn Valley Estate*

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G R E E N S T O N E H I L L

## **FINES AND PENALTIES**

**STATUTORY ASSOCIATION DOCUMENTATION**

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## THORN VALLEY ESTATE : RULES AND GUIDELINES

### FINES & PENALTIES

#### Introduction

1. These Rules and Regulations are designed to ensure a high quality, secure and harmonious environment and lifestyle for the Owners and residents of Thorn Valley Estate. In order to attain these objectives it is necessary for each Owner and resident to honour and abide by these Rules
2. The Rules and Regulations have been established in terms of the Memorandum and Articles of Association of Thorn Valley Estate Home Owners Association (TVEHOA). They are binding upon all Owners, residents and occupants of the Estate, as is any decision taken by the Directors in interpreting these Rules
3. It is the obligation of all Owners of any property in the Estate to ensure that these Rules are complied with by the Owner, resident or occupant of the Owner's property or present on the Estate, whether such be as family members, employees, tenants, visitors or friends
4. These Rules may be changed by the Directors of the TVEHOA from time to time and are binding on each Owner and resident of the Estate
5. The conditions stipulated in any of the individual documents that comprise the overall Rules and Regulations of the TVEHOA such as these individual Fines & Penalties Rules, shall be regarded as having been incorporated in the Rules and Regulations and will be similarly binding on all Owners and residents of the Estate

#### FINES & PENALTIES AGREEMENT SPECIFICS

STAND NUMBER : \_\_\_\_\_ SALES NUMBER : \_\_\_\_\_

This Agreement is between:

The Thorn Valley Estate Home Owners Association

The Owner (employer) \_\_\_\_\_

And the Main Contractor \_\_\_\_\_  
(Jointly hereinafter referred to as the Parties)

#### Nomenclature:

<b>TVEHOA</b>	Thorn Valley Estate Home Owners Association
<b>Estate</b>	Thorn Valley Estate
<b>Contractor</b>	Main Contractor or a sub-contractor doing work on the stand (number given above)
<b>Security</b>	the Thorn Valley Estate Security

Preamble: The rules set out below cover the Owner, main contractor, and all sub-contractors, suppliers, and specialists engaged on the works, but it is stressed that Owner and main

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contractors are to ensure that all parties adhere to all the Rules of the Estate and all building regulations.

## **FINES AND PENALTIES**

The following punitive measures shall be imposed by the Thorn Valley Estate Home Owners Association following awareness of a breach in the rules, or any form of transgression, which is in conflict with the rules and ethos of the Association.

The unacceptable matter shall be identified in writing to the Member and, where applicable, by way of a notice issued directly to the “agent” of the Member responsible for such contravention.

In certain instances, the formal notice shall act as a formal notice and warning, whilst in other circumstances, the application of a fine or penalty shall be automatic.

### **1.0 House Rules & Conduct**

- 1.1 R250 per event for any general and ongoing disturbance due to unsocial behaviour or matters in conflict with the items identified in the House Rules and conduct under Good Neighbourliness and where a Member or neighbour has made an attempt with the offending party to rectify the matter.  
(Note. The Association shall generally not intervene in any matter deemed to be one where individuals can generally address the matter personally and in similar fashion as if they were living in an open residential suburb).
- 1.2 R250 per week after identification and request to a Member to maintain his individual property, inclusive of the external sidewalk to the stand.
- 1.3 R250 per week after identification and request to a Member to undertake a matter of maintenance on his private property which has been identified as an “eye-sore” by the Estate Manager.
- 1.4 R250 per week after identification and request to a Member to undertake a matter of maintenance on any vacant stand within the Estate, inclusive of the adjacent sidewalk.
- 1.5 R650 per event to grass cut or tidy a vacant stand where the Association was required to undertake such works after the failure of the registered owner to respond to the formal notice of demand to attend to such works.
- 1.6 R250 per week after identification and request to a Member to remove from a vacant stand, any temporary dumping of rubble, temporary storage of building material, placement of builder’s sheds, containers, or other form of temporary storage, etc., and thereafter, R250 per week for ongoing non-compliance.
- 1.7 A one-off R2,000 Fine where a Member continues to park a caravan, boat, trailer, or other moveable or temporary objects identified by the Estate Manager where a warning has been issued and, thereafter, R250 per week for ongoing non-compliance.
- 1.8 R250 per week after identification and request to a Member to remove any rubble, refuse, garden refuse, or similar dumped by a Member on the sidewalk outside of the Member’s property, on any other property or in the public spaces.
- 1.9 R250 per week after identification and request to a Member to remove any lean-to sheds, temporary car ports, wendy houses, or similar which are banned by the Association.

- 1.10 R250 per week after identification and request to a Member to plaster and paint the outer face of any external boundary wall facing onto a park or the common property of the Association.
- 1.11 R250 per individual incident of a Member being abusive to the Estate Security where recorded on the estate cameras, or confirmed by a witness.
- 1.12 A one-off R250 fine and thereafter R25 per individual point of access via the Estate Gate Houses where a Member refuses to purchase an access card.
- 1.13 A one-off R2,500 fine for on-going disregard for any of the Association rules and failure to rectify any specific individual rule or request by the Thorn Valley Estate Home Owners Association and, thereafter, a further fine of R250 per week for the on-going non-rectification of the matter.
- 1.14 R250 per individual incident of a Member or visitor driving recklessly (in excess of the speed limit) or speeding through the Estate, causing a general disturbance in a motor vehicle or motorbike, playing loud music in the vehicle, etc., driving a prohibited vehicle within the grounds of the Estate.
- 1.15 R250 per individual incident of a Member's pet being reported for a rule violation or causing anti-social behaviour of exceptional nature, where such matter persists after formal notification of the same by the Estate Manager.
- 1.16 R250 per individual incident where visitors or guests of a Member conduct a rule violation or cause anti-social behaviour of exceptional nature and where the specific conditions referred to in Item 1.1 also prevail.
- 1.17 R2,000 per individual incident where a Member sets off or detonates any form of fireworks.
- 1.18 A one-off R2,000 fine where a Member continues to disregard a notice of demand by the Association to screen from sight, any service pipes, AC plant, geysers or solar geysers, general plant and equipment, etc and, thereafter, R250 per week for ongoing non-compliance.

## **2.0 Plan Approval, Etc**

Note : Penalties shall be levied by the TVEHOA to the Owner and not to the building contractor, or his agents. It is the responsibility of the Owner to recover such penalised amounts from the building contractor.

- 2.1 R5,000 once-off fine for commencing building activities prior to official plan approval, either by the Thorn Valley Estate Home Owners Association or the Local Authority. Thereafter, R1,000 per week for continuance of the illegal building activities.
- 2.2 R1,000 per week where a water-borne or chemical WC is not installed on a building site, or where temporary consent dispensation has been granted by the Thorn Valley Estate Home Owners Association.
- 2.3 R1,000 per week where an approved water connection has not been installed and where the TVEHOA shall also report the illegal activity to Johannesburg Water who operates a separate and expensive system of fines.
- 2.4 R500 per week where the building contractor has not signed off the Building Code Of Conduct.
- 2.5 R500 per week where the builder's board is not displayed or, alternatively, the use of an unapproved builder's board.

### 3.0 Building Activities

Note : Penalties shall generally be levied by the TVEHOA to the Owner and not to the building contractor, or his agents.

Specific penalties may also be levied directly to the building contract or further access to the Estate denied until the matter is resolved.

It is the responsibility of the Owner to recover such penalised amounts from the building contractor.

- 3.1 Time limits for construction. Construction must commence within twelve months of the date of the original registration of the property and be completed within a further twelve months, i.e., twenty-four months are permitted from the date of the original registration of the property until the house is completed.

In the event that construction is not commenced or completed within the said time periods, the Association shall impose on all Owners who have failed to do so, a monthly penalty of twice the monthly levy as determined by the Board of Directors. The said penalty shall be imposed in arrears on the first day of each month for which the Owner remains in breach of the time limits for construction.

Currently such fine is recorded at R2 070, being twice the prevailing levy as the fine and not including the actual standard monthly levy due.

- 3.2 In the event of the sale of a property, all fines already imposed, together with any outstanding debt to the Association, shall be due and payable prior to any Levy Clearance Certificate being issued to permit the registration process of the property.
- 3.3 Where a vacant property has been sold and exceeds the prescriptive time frame for the commencement of building activities, the Seller is obliged to inform the Purchaser by way of the Seller/Purchaser Declaration Form (See Estate Agent Protocols). The new Purchaser is afforded a period of grace of three months post registration in which submit plans for approval and commence the formal building works on the vacant stand.
- 3.4 Where works commence and building progress is recorded as having ceased to all intent and purpose, the Owner shall be issued with a warning notice to recommence and failure to comply within a further seven days shall invoke the application of a R1,000 fine for the entire recorded period of inactivity. Should the overall period extend beyond the twelve months permitted for construction activities, the alternate higher fine of twice the prevailing levy shall immediately become applicable.
- 3.5 Persistent infringement of the rules will result in the building site being closed until a "good behaviour" deposit of R 10,000.00 is paid.
- 3.6 R5,000 for deviation from the approved building plans.
- 3.7 R5,000 for non-rectification of any illegal deviation.
- 3.8 R5,000 plus immediate dismissal from the Estate, plus full reimbursement/repair by the contractor should the employee or sub-contractor be caught stealing material, damaging any property, or using site requirements other than his own.
- 3.9 R2,000 per incident or per week for illegal dumping.
- 3.10 R2,000 for damages to services.
- 3.11 R2,000 per incident where builder's sheds, materials, plant, or equipment, are dumped, placed, or stored on the sidewalks of the Estate roads, adjacent vacant stands, or in any area of public open space.

- 3.12 R1,000 per individual offence where the building contractor, sub-contractors or suppliers refuse to comply with the access control protocols of the Association.
- 3.13 R500 for failure to clean site by end of each working day.
- 3.14 R500 for failing to clean the access area after trucks have offloaded.
- 3.15 R500 for not keeping the road and pavement clean and tidy.
- 3.16 R500 for stealing water or electricity from another site.
- 3.17 R500 for the first reported incident where work continues after approved hours of construction and R1,000 for every subsequent incident.
- 3.18 R500 per individual incident where a contractor's vehicle does not display the access control card for vehicles.
- 3.19 R150 per incident per worker where a builder's ID is not retrieved at the close of business daily.
- 3.20 R100 per staff member for leaving site after building times.
- 3.21 R50 per employee caught roaming the Estate with automatic ejection from the Estate and total banning should there be more than five reported incidents during the construction period recorded against the same individual employee.
- 3.22 Access to the Estate will be denied to the building contractor, his sub-contractors, specialists and suppliers should any illegal building operations be encountered.
- 3.23 All fines to be paid before re-admission to Thorn Valley Estate is granted.
- 3.24 Premature and unapproved occupation of a complete or semi-complete dwelling.

Should occupation occur of any dwelling without the prior consent of the Association, the member will automatically forfeit the sidewalk deposit and should this sum be required to repair or replace damaged property within the Estate incurred as a result of building activities on the member's property, then a separate fine of R10,000 shall be imposed.

The member shall not be entitled to the use of any of the facilities of the Estate and the general privileges extended to all other members deemed in good standing with the Association.

#### **4.0 Administration Charges**

It is noted that there shall be separate administration charges levied to a Member in respect of the additional duties related to the identification, application and processing of any fine or penalty, as imposed by the Thorn Valley Estate Home Owners Association.

- 4.1 For the identification of a matter of transgression and notice to a Member – R25.
- 4.2 For the formal warning notice issued to a Member – R50.
- 4.3 For the processing and administration of an actual fine or penalty – R150.
- 4.4 For follow up phone calls, e-mails, or similar communication with a Member in respect of any transgression, fine or penalty – R10 per event.
- 4.5 For the de-activation and subsequent re-activation of access cards and gatehouse intercom - R50 per action

**5.0 CONTACT DETAILS (In Capitals)**

**5.1 Owner**

Name : \_\_\_\_\_

5.1.2 Physical Address : \_\_\_\_\_

\_\_\_\_\_

5.1.3 Postal Address : \_\_\_\_\_

\_\_\_\_\_

5.1.4 Telephone : \_\_\_\_\_ Cell : \_\_\_\_\_

E-Mail : \_\_\_\_\_ Fax : \_\_\_\_\_

**5.2 Contractor**

5.2.1 Name : \_\_\_\_\_

5.2.2 Physical Address : \_\_\_\_\_

\_\_\_\_\_

5.2.3 Postal Address : \_\_\_\_\_

\_\_\_\_\_

5.2.4 Telephone : \_\_\_\_\_ Cell : \_\_\_\_\_

E-Mail : \_\_\_\_\_ Fax : \_\_\_\_\_

## ACKNOWLEDGEMENT

The Fines & Penalties Rules & Guidelines document and all its contents have been read and are fully understood.

We, the Building Contractor and Owner, undertake to comply with all the contents of this document in addition to any further controls, which may be instituted by the TVEHOA from time to time in the form of a written notification and to ensure compliance by any sub-contractors employed by the contractor, and any suppliers to either contractors, sub-contractors or owners.

Necessary action shall be taken on all transgressors of the above rules and regulations.

\_\_\_\_\_

Owner

\_\_\_\_\_

Contractor

\_\_\_\_\_

Name

\_\_\_\_\_

Name & signatory

\_\_\_\_\_

Witness

\_\_\_\_\_

Witness

\_\_\_\_\_

Date

\_\_\_\_\_

Date

Stand No: \_\_\_\_\_  
(As per surveyor general plan)

\_\_\_\_\_

Name of Contracting Company

Tel: \_\_\_\_\_

Tel (B) \_\_\_\_\_

Fax: \_\_\_\_\_

Tel (H) \_\_\_\_\_

Cell No \_\_\_\_\_

Cell No \_\_\_\_\_