



HOUSE RULES & CONDUCT
STATUTORY ASSOCIATION DOCUMENTATION

THORN VALLEY RESIDENTIAL ESTATE : RULES AND GUIDELINES

HOUSE RULES & CONDUCT

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 Owners 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 abided 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 Building Contractor 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.

THORN VALLEY RESIDENTIAL ESTATE : RULES AND GUIDELINES

HOUSE RULES & CONDUCT

The objective of Thorn Valley Estate is to establish a high quality lifestyle, with a distinctive and harmonious character. It also seeks to ensure an orderly process of development, to provide owners and residents with a secure and comfortable environment.

1.0 ESTATE RULES

1.1 Legal Status

In accordance with the conditions of title of every property on the Estate, the registered Owner is obliged to comply with the rules and guidelines and with any interpretation thereof made by the Directors in terms of the Constitution of the Association (the Estate Rules).

1.2 Registered Owner's Responsibility

The registered owner of the property ("the Owner") is responsible for ensuring that all members of his family, tenants, visitors, employees, contractors, sub-contractors, and delivery persons also comply with the Estate Rules.

1.3 Amendments To Rules

In terms of the Constitution, the Directors are entitled at any time to amend, add or delete from the Estate Rules in whatever manner they deem necessary, but provided such amendments are in accordance with the Constitution, in order to protect the interests of the Association. The Directors may amend the Estate Rules without incurring any liability to any person and any amendment shall immediately become binding upon all Owners. All Owners, both new and existing, should be notified in writing of the amendments.

1.4 General Behaviour

In order to preserve and enhance the residential amenity and lifestyle within the Estate, all Owners shall at all times behave in a considerate, reasonable and civilised manner and shall in particular make every effort to avoid causing inconvenience or nuisance to other Owners. Owners shall comply with any rules made by the Directors in order to regulate behaviour in the Estate.

1.5 Good Neighbourliness

- 1.5.1 No business activity or hobby, which could cause aggravation or nuisance to fellow occupants, may be conducted, including auctions and jumble sales.
- 1.5.2 The volume of music or electronic instruments, partying and the activities of domestic staff should be tuned to a level so as not to be heard on neighbouring properties.
- 1.5.3 The mechanical maintenance and use of lawn mowers, trimmers, power tools generally of any nature and the like, is only permitted on all week days between the hours of 08h30 to 18h00 and 10h30 to 13h00 on Saturdays and preferably no works on Sundays.
- 1.5.4 Washing should only be hung on lines screened from the street and neighbouring properties.
- 1.5.5 Refuse – garden or household refuse must be stored in a correct "wheelie bin" within the property generally and out of sight and may not be placed on the pavement except on the prescribed bin collection day, where the refuse is scheduled to be removed within a period of 8 hours. Residents are requested not to leave refuse out the night before, if at all possible. Wheelie bins must be stored on each property out of sight of anybody outside the premises.

- 1.5.6 Any generators installed by Owners must be of the silent type and all residents and Owners are to ensure that the noise level of generators is not intrusive.

(See Item 1.16)

1.6 Maintenance Of Properties

- 1.6.1 Owners shall at all times maintain the exterior of their houses, gardens, boundary walling or fencing and the sidewalk between the kerb and the street boundaries of their property to the satisfaction of the Directors.
- 1.6.2 Every Owner has a responsibility to the Estate community as a whole to maintain in a neat and tidy condition the area between the road kerb and the boundary of his property.
- 1.6.3 Garden fences/walls and outbuildings forming part of the streetscape should be maintained and painted whenever reasonably necessary, failing which the TVEHOA will have the matter repaired or painted and the cost charged to the Owner. All garage doors must be kept closed (and preferably locked) for security reasons, as well as for the general neat appearance of the Estate.
- 1.6.4 Caravans, trailers, boats, tool sheds, equipment tools, engine and vehicle parts, as well as accommodation for pets, should be located out of sight and screened from neighbouring properties.
- 1.6.5 No trees, plants, or sidewalk lawn may be removed without the permission of the TVEHOA. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.
- 1.6.6 Gardens abutting any park or common open space area must be kept neat and tidy at all times, failing which, the TVEHOA will have the right to clean the garden at the cost of the Owner.
- 1.6.7 Wendy houses are only permitted as temporary builder's sheds. Immediately after completion of building they are to be removed.
- 1.6.8 No "lean-to" sheds, temporary car ports or similar will be permitted.
- 1.6.9 Garden lapa's and similar structures will only be permitted at the discretion of the TVEHOA and prior consent is required in this matter.

1.7 Environmental Management

- 1.7.1 No rubble or refuse should be dumped or discarded in any public area, including parks, lakes, attenuation dams, streams or formal water courses, streets and pavements.
- 1.7.2 Residents are requested to leave open spaces they visit in a cleaner condition than in which they were found. Residents are requested to develop or foster the habit of picking up litter and disposing of any litter found in the open spaces and streets.
- 1.7.3 Picnicking is encouraged in the open spaces owned by the TVEHOA, but only where all litter etc is removed and where noise levels are maintained at acceptable levels.
- 1.7.4 Flora may not be damaged or removed from any public area.
- 1.7.5 Fauna of any nature may not be chased or trapped in any public areas, be it by humans or dogs.
- 1.7.6 Residents are responsible for maintaining trees, plants and shrubs planted on their pavements by themselves, the developer, or the TVEHOA.
- 1.7.8 Residents must ensure that declared noxious flora is not planted or growing in their gardens.

- 1.7.9 Vacant stands must be kept clean on a regular basis to the satisfaction of the TVEHOA and, if not maintained, the TVEHOA reserves the right to clean the stand at the Owner's expense.
- 1.7.10 Residents use of the open spaces is entirely at their own risk at all times.
- 1.7.11 The use of alcoholic beverages in or on parks, or open spaces owned by the TVEHOA is not permitted.
- 1.7.12 No open fires are to be lit within public spaces, sidewalks, gardens, or stands still under construction.

1.8 Estate Security

The security of the Estate is considered to be of paramount importance. Owners shall at all times assist and comply with whatever security systems, protocols and procedures relating to access control or other aspects may be implemented by the Directors.

It is recorded that the perimeter security and access control system serve a deterrent and detection function and are not guaranteed to prevent a determined attempt at intrusion into the Estate.

Accordingly, the developers, neither the Association, the Managing Agent, the security contractor, nor any of their agents or employees, shall be held liable for any loss of life, injury, damage or loss of property suffered by any person.

- 1.8.1 Every Owner must comply with the security rules and regulations laid down by the security company employed by the TVEHOA.
- 1.8.2 Every Owner must request their visitors, permanent workers, temporary workers and contractor's representatives to adhere to the security rules and regulations laid down by the security company employed by the TVEHOA.
- 1.8.3 Residents are requested to treat the security personnel in a co-operative and courteous manner.
- 1.8.4 Every Owner must ensure that contractors in his employ adhere strictly to the security stipulations of the Contractors Code Of Conduct.
- 1.8.5 All attempts at burglary or instances of fence/wall jumping must be reported immediately to a member of the security staff and for record purposes to the Managing Agent.
- 1.8.6 All residents are encouraged and recommended to install a home security system as soon as possible after occupation of the house and to link the system to the security company appointed by the TVEHOA.
- 1.8.7 The security centre at the gatehouse should be advised in advance of the pending arrival of a large number of visitors wherever possible, with details if possible - name of visitor, car make and registration and the address of the property to be visited.

1.9 Payment Of Levies

Levies are due and payable monthly in advance on the first day of each and every month at the offices of the Managing Agents appointed by the Directors.

The Directors are entitled to charge interest on levies or any other payments due to the association which are not paid on due date.

Owners are reminded that no property may be transferred until all amounts due to the Association have been paid and that they may not vote at any meeting or stand for election if they are in arrears with any payments.

Levies may only be increased at an AGM or unless a special levy is required and a 30-day notice period is required.

1.10 Road Traffic Behaviour

In order to achieve a pleasant environment which is as safe as possible for children and other pedestrians, owners shall drive on the roads of the Estate with the utmost care at all times.

- 1.10.1 A speed limit of 30kmh will apply.
- 1.10.2 Unlicensed motorised vehicles are not permitted to use any part of the Estate. Unlicensed drivers are not permitted to drive or ride any motorised vehicle within the Estate.
- 1.10.3 Engine powered vehicles of any description are not allowed to drive anywhere except in the streets of the Estate. Parks, common areas and pavements are off-limits to engine powered vehicles.
- 1.10.4 Quad Bikes are strictly prohibited within the Estate.
- 1.10.5 Parking is not permitted on sidewalks and in the street area where traffic islands are located.
- 1.10.6 Residents are requested to note that pedestrians frequently cross streets at designated and un-scheduled locations and motorists should always approach pedestrians with caution.
- 1.10.7 Owners and residents are responsible for ensuring that their children do not play in the streets unsupervised.

1.11 Pets

- 1.11 Due to the numerous complaints being received, and the unacceptable visibility, of dog faeces throughout the estate, namely the parks, the river front, and the front lawns of the many homes, within the estate; there is a necessity to introduce new measures and to strictly enforce the rules regarding the transgressions of pets.
- 1.11.1 The local authority by-laws relating to pets will be strictly enforced.
- 1.11.2 Without the written approval of the Association, no person may keep more than two dogs and two cats on a property.
- 1.11.3 No poultry, pigeons, aviaries, wild animals, or livestock may be kept on the Estate.
- 1.11.4 Pets are not allowed to roam the streets. In the event of any pet found roaming or wandering within the Estate, the property owner shall be liable for an automatic fine.
- 1.11.5 Pets must be walked on a lead in public areas and the responsible person must have full control over the animal.
- 1.11.6 One person may walk no more than two dogs on leads at any one time.
- 1.11.7 Fauna of any nature may not be chased or trapped in any public areas, be it by humans or dogs.
- 1.11.8 Pets are to be refrained from walking onto the private property of individual homes and must be restricted to the sidewalks, walkways, roadways and common property of the Estate.
- 1.11.9 Dogs must be retained on leads whilst within twenty meters of the Club House and entirely within the conservation area east of the Club House. Dogs may be permitted of the leads within the soccer field and beyond in the river front west of the Club House, but only when there is no one else in attendance, or by mutual consent of all parties present.
- 1.11.10 It is the obligation of all owners in the Estate to ensure that these rules are complied with by the owner, resident or occupant, family members, visitors and employees.
- 1.11.11 Should any excrement be deposited in a street or other public area, the owner of the pet must immediately remove it.
- 1.11.12 In the event that the party exercising the pet within the Estate is found not to be in possession of a "poop scoop" and plastic bag to remove any excrement, the property owner shall be liable for an automatic fine.
- 1.11.12 Owners and domestic staff must restrain their dogs from barking incessantly.
- 1.11.13 Preferably pets should be housed at night to prevent general disturbance of others.
- 1.11.15 Every pet must wear a collar with a tag indicating the name and telephone number of its owner. Stray pets without identification tags will be handed to the municipal pound and the property owner, when identified, shall be liable for an automatic fine.
- 1.11.16 The Association reserves the right to have a pet removed should it become a nuisance within the Estate. 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.

- 1.11.17 Security will monitor the situation and any person found not abiding with these Rules will immediately be fined and receive a final warning. A second transgression will result in the person being barred from walking their dogs on the Estate, and a third transgression will result in legal action.
- 1.11.18 Should the situation not improve, then the Trustees will have to consider imposing the following:-
- 1.11.19 Only the owners may walk their dogs [no staff members];
- 1.11.19.1 Dogs will only be allowed to walk on the Estate, at designated hours [not after dark], so that the situation may be monitored, which will take place at times that the traffic at the entrance / exit are not at their peak ;
- 1.11.19.2 If these measures fail then the Trustees will have to consider banning all dogs being walked on the Estate, which means that all individuals must then walk their dogs outside the Estate, and this means that the dogs will have to be driven off the Estate in the relevant owner cars.

1.12 Tenants, Visitors, Contractors, and Employees

- 1.12.1 Should any Owner let his property, he will in writing advise the TVEHOA in advance of the commencement date of the lease, the name of the lessee and the period of such lease. The Owner will inform the lessee of the TVEHOA Rules and Guidelines and other rules then in existence and bind the lessee to adhere to such rules and obtain signed acceptance of the same from the lessee and submit copy of such undertaking to the Managing Agents of the TVEHOA.
- 1.12.2 The occupiers of any property within the Estate are liable for the conduct of their visitors, contractors and employees and must ensure that such parties adhere to the Rules and Guidelines of the Association.
- 1.12.3 Every Owner must ensure that the contractors in his employ have signed the Contractor's Code Of Conduct.

1.13 Leasing or Re-selling Property

- 1.13.1 Should an Owner wish to sell or lease his property (hereinafter referred to as "seller" or "lessor"), then only an accredited estate agent may be selected to manage the sale or lease.
- 1.13.2 The accredited agent must ensure that the buyer/lessee is informed about and has received a copy of the TVEHOA Rules and Guidelines, incorporating the Architectural, Building Contractor's Codes Of Conduct and any other codes and regulations applicable at the time.
- 1.13.3 A Clearance Certificate must be obtained from the HOA at a cost of R350, or such other amount as may be approved by the TVEHOA from time to time, prior to any transfer of property in the Estate.
- 1.13.4 Any approval granted to the seller (in the case of a resale) or lessor by the TVEHOA prior to the time of sale or lease will pass on to the buyer or lessee (as the case may be) must be communicated by the seller or lessee (as the case may be) to the buyer or lessee at the time of purchase or lease.
- 1.13.5 The seller of a property in the Estate will ensure that the sale/lease agreement contains the following clauses :

Home Owners Association

A - SALE

The Purchaser or Owner agrees to :

- a) Become, with effect from the date of transfer and whilst he is a registered owner of the property remain, a member of the Association.

The purchaser shall, prior to date of transfer, do all things and sign all documents as may be necessary to enrol the purchaser as a member of the Association with effect of the date of transfer.

In addition, the purchaser hereby irrevocably authorises the seller to do all things and sign all documents on behalf of the purchaser as may be necessary to enrol the purchaser as a member of the Association with effect of the date of transfer.

- b) Conform to and comply with the Memorandum and Articles of Association of the TVEHOA.
- c) Conform to, and comply with, the aesthetic and construction guidelines as well as any regulatory standards formulated from time to time by the Directors of the Association in accordance with the powers vested in them in the said Articles Of Association.
- d) Whilst it is a member of the Association and with effect from the transfer date, pay all fees, levies and/or special levies raised and charged by the Association in pursuance of the Memorandum and Articles of Association of the TVEHOA.
- e) Not sell the property to any person who has not bound himself to become a member of the Association with effect from the date of registration of transfer of the property into that person's name; nor shall the purchaser be entitled to transfer the property unless and until it has received from the Association a certificate stating that all amounts owing by the purchaser to the Association have been paid and that the purchaser has bound himself as aforesaid.

1.13.6 The seller must personally ensure that the buyer is informed about and receives a copy of the TVEHOA Rules and Guidelines, Architectural, Building Contractor's Codes of Conduct and any other codes and regulations applicable at the time.

1.13.7 The Lessor of a property in the Estate will ensure that a written lease agreement concluded before the lessee takes occupation of the premises contains the following clauses :

B - LEASE

1.13.8 The lessee hereby acknowledges that he and his family, his visitors and staff are aware of and will adhere to the TVEHOA Rules and Guidelines, Architectural, Building Contractor's Codes of Conduct and any other codes and regulations applicable at the time.

1.13.9 The lessee hereby further acknowledges having received from the Owner a copy of the TVEHOA Rules and Guidelines, Architectural, Building Contractor's Codes of Conduct and any other codes and regulations applicable at the time.

1.14 Estate Agents

In order to ensure that prospective purchasers are correctly informed about the Estate and to avoid the proliferation of unsightly signage, Owners shall be obliged to employ the estate agent or agents accredited by the Association.

Accreditation Of Estate Agents

- 1.14.1 An estate agent becomes accredited after signing an agreement with the TVEHOA. Such agent will abide by the stipulated procedures applicable to a sale and/or a lease of a property in the Estate; and having been introduced to the concepts, rules and conditions under which a buyer and/or lessee purchases and/or leases the property in Thorn Valley Estate.
- 1.14.2 The accreditation of an estate agent requires a one-off non-refundable accreditation fee of R1,500.00, payable to the TVEHOA. A number of documents are also required to be submitted to the TVEHOA. Once the fee has been paid and the required documentation received, estate agents are permitted to sell at Thorn Valley.
- 1.14.3 Upon accreditation, estate agents will receive one copy of the Thorn Valley Estate Rules and Guidelines, Architectural, Building Contractor's Codes of Conduct and any other codes and regulations applicable at the time.
- 1.14.4 All estate agents wishing to list a house on show must submit to the Managing Agents by close of business on the Thursday prior to the show day detail of each and every applicable house.
- 1.14.5 Thorn Valley Managing Agents will produce a document each Friday for issue to the estate security listing all stands and houses "On Show" advising of the relevant agent's details. A map of Thorn Valley Estate indicating each house accompanies this show day flyer. The security guards issue these documents to potential buyers. All estate agents are to sign and stamp these documents to be handed back to security upon exit from the Estate.
- 1.14.6 Accreditation of estate agents may be reviewed by the TVEHOA from time to time.
- 1.14.7 The accreditation policy for estate agents may be reviewed by the TVEHOA from time to time.
- 1.14.8 Estate agents may only operate on a "By Appointment" basis and must personally accompany a prospective buyer or lessee.
- 1.14.9 Agents are permitted to erect ONE show board at the individual stand or house indicating "For Sale" or "To Let" signage boards, all of which must be removed at close of business on the Sunday show day. No pointer boards will be permitted.
- 1.14.10 All estate agents are required to advise the Managing Agents of the TVEHOA of any new resident's or purchaser's details on completion of a sale or lease agreement. Failure to do so may jeopardise the accreditation of that estate agent.

1.15 Fireworks

No person may detonate, set off, or in any other fashion, use fireworks of any description whatsoever at any time on the Estate. The Association has determined that this rule shall be imposed without exception and that should any member (or other person, who is on the Estate as a guest or invitee or employee of any member, or who is a member of the household of any member) contravene this Rule, a fine of R 2,000.00 shall be imposed upon the member responsible.

1.16 Power Outages and Alternate Electricity Generating Mechanisms

The purpose of this clause is to permit the installation of alternative electricity generating mechanisms to assist during power outages or blackouts. These could be generators,

solar power, uninterrupted power supplies (UPS) etc (collectively “alternative resources”).

It should be noted that the consent for such alternative resources does not transfer any legal responsibility to the Association due to damage, injury, or death, which may result, due to the installation and/or usage of these mechanisms.

- 1.16.1 The use of alternate resources is subject to the following terms and where prior approval of the installation is required from the Association.
- 1.16.2 The use of these alternative resources shall comply with all applicable legislation.
- 1.16.3 Applications in writing must be submitted to the Managing Agents in advance of any installation. The Architectural Committee shall consider applications and a response issued back to the applicant as soon as possible. The submission must include a site plan illustrating the intended position of the equipment, including the proximity to the boundary walls, etc.
- 1.16.4 Without limiting the general acceptability of the application, should an Owner wish to operate a diesel/petrol-powered generator, or any other noise emitting alternate resource, the following must be adhered to :
- A Where possible, full details of the generator to be purchased, must be detailed in the Owner’s application to the HOA. Approval may be withheld until such detail is furnished and may be limited to a specific manufacturer’s equipment or specific model.
 - B The signed approval of all surrounding neighbours must be recorded on the site plan to be submitted with the application. Should in the opinion of the Association, the approval of a neighbour is being unreasonably withheld, the Association on the basis of an inspection and sufficient motivation, may approve the application, notwithstanding the failure to obtain all neighbours’ consent.
 - C The generator must be acoustically screened off and the exhaust system must be sufficiently attenuated in order not to create a noise nuisance or disturbance.
 - D The generator may not be operated within a habitable room or in a room connected to such area due to the danger of CO poisoning. It is noted that many domestic/industrial generators are supplied with outdoor finishes and may not require an additional structure to house the generator.
 - E The alternate resource appliance must be installed as close as possible to the applicant’s residence.
 - F A qualified electrician must connect the alternate resource appliance to the electrical wiring of the residence and a copy of the Certificate of Electrical Compliance must be issued to both the Owner and the Home Owners Association.
 - G Owners are recommended to consult with their household insurance company for advice on the cover due to the installation of the alternate resource appliance.
 - H The installation must be aesthetically pleasing, in the sole discretion of the Architectural Committee.
 - I Generators should preferably not be operated before 07h00 am and after 22h00 pm when the ambient sound levels are very low and may in any event, only be operated during official power outages.
 - J The noise generated must not cause undue disturbance to adjacent neighbours.

- K The noise levels must not exceed 55 decibels during daytime operation and not exceed 45 decibels during nighttime operation – as per the Local Authority By-Laws.
- L Generators may not be installed or operated in such a fashion as to constitute a fire hazard.
- M The aforementioned rules shall also apply to small portable generators that are not connected into the existing electrical circuits/distribution boards and prior approval for the use and positioning thereof is also required.

- 1.16.5 It is noted that the ruling Penalty Clause in the Local Authority By-Laws records that :
- Any person who contravenes or fails to comply with the provision of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding R20,000, or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment, and in the event of a continuing contravention to a fine not exceeding R2,509 or to imprisonment for a period not exceeding 20 days, or to both such fine and imprisonment for each day on which such contravention continues.
- 1.16.6 A noise meter will be purchased by the Estate Manager to assist the management of noise levels. In addition to the aforesaid municipal penalties, the Association may impose penalties in terms of its Articles and rules in the event of any contravention of these rules. Habitual contraventions of these rules will result in the summary withdrawal of the permission to operate an alternate resource appliance on the Estate.
- 1.16.7 Members who have already, as at 11th February 2008, installed alternative resources are required to lodge an application for approval to the Association by no later than 28th February 2008.

1.17 Owners' Contact with Managing Agent or Directors Of The TVEHOA

The Managing Agents shall be operating a TVEHOA Customer Care Centre to address any matter or queries of an Owner.

With the TVEHOA Customer Care Centre, a clear record of the Owner's enquiry is assured, together with confirmation as to when it was issued, lodged, how it was reacted to, etc. The Customer Care Centre Schedule will be maintained historically on record for review as necessary.

It is noted that the TVEHOA Customer Care Centre protocol prevents the receipt of unintentional, but commonplace irate and most often unjustified phone calls, where the caller is belligerent or confrontational and where more often than not, such attitude is without merit.

All Owners and Members are therefore advised that the only manner in which a complaint or enquiry to the TVEHOA is to be submitted, entertained and reacted to – on any matter, save for a genuine emergency, is that such matter is committed to writing and e-mailed to the Managing Agent and possibly copied to the TVEHOA Director responsible for the portfolio in question.

ACKNOWLEDGEMENT

The Guidelines and Conditions document and all its contents have been read and are fully understood. We, the 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

Thorn Valley Estate

by the contractor and any suppliers to either contractors, sub-contractors or owners. Necessary action shall be 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 _____