

# “77 on Dummer” HOUSE RULES

Tuesday 13<sup>th</sup> November 2012  
Revision version 1.2

*These House Rules have been drawn up by the Executive Committee  
and in accordance Item 3 of the Constitution and as per decision by the Executive Committee on 19 October 2006*

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## **PRELIMINARY**

### **A. APPLICABILITY**

- (1) *The House Rules shall be binding all owner, lessee or occupier of all property situated in 77 on Dummer Estate.*
- (2) *It shall be the duty and responsibility of an owner to ensure compliance with these House Rules by the lessee or occupier of his property, including the employees, guests and any family members of the owner, of his lessee or of his occupier.*
- (3) *Should any damages be caused by or penalties (fines) be imposed on any of the persons referred to in sub-rule (2) above, the owner shall be strictly liable to pay for the damages or to pay the penalties (fines) imposed.*
- (4) *Damages, penalties (fines), all legal costs (including costs between an attorney and client) and expenses and charges incurred by the 77 on Dummer Home Owners Association in enforcing compliance with the House Rules, shall be deemed to be a levy and shall be added to the owner's levy statement and shall bear interest as a levy debt, and shall be recovered as a levy.*

### **B. INTERPRETATION**

- (1) *In the interpretation of these Rules, unless the context otherwise indicates:-*
  - (a) *Words and expressions used shall bear the meanings assigned to them.*
  - (b) *Words importing:-*
    - (i) *The singular number only shall include the plural and the converse shall also apply;*
    - (ii) *The masculine gender shall include the feminine and neuter genders and the neuter gender shall include the masculine and feminine genders.*
  - (c) *The headings to the respective Rules are provided for convenience of reference only and are not to be taken into account in the interpretation of the Rules.*

- (d) *All definitions shall have the meanings assigned to them in the Definitions of the 77 on Dummer Home Owners Association Constitution & Development Control Parameters.*
  - (e) *Erf or "Property" shall mean in respect of which the owner has the right of occupation and unless the context indicates to the contrary, shall include any servant's room, parking bay or garage in respect of which the owner has the right to use.*
  - (f) *The "H.O.A." shall mean the "77 on Dummer Home Owners Association".*
  - (g) *The "EXCOM" shall mean the "Executive Committee" of the H.O.A.*
  - (h) *The "Homeowner" shall mean the individual registered homeowner of 77 on Dummer Residential Estate.*
- (2) *When any number of days is prescribed in these Rules, the same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or proclaimed public holiday in the Republic of South Africa, in which event the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday.*

### **C. DIRECTIVES**

- (1) *The H.O.A. may issue Directives in connection with any House Rule.*
- (2) *The Directives shall not be in conflict with any 77 on Dummer Home Owners Association Constitution & Development Control Parameters or House Rules.*
- (3) *The Directives shall provide direction as to the practical application of a House Rule. The H.O.A. may through their Directives regulate, guide and clarify practical matters pertaining to the House Rule. The H.O.A. is not authorized to create further House Rules through their issuing of Directives.*
- (4) *The H.O.A. shall cause copies of any Directives introduced during any financial year, together with copies of Directives approved during previous financial years, to be tabled at the next Annual General Meeting for approval by ordinary resolution majority.*
- (5) *At the Annual General Meeting any Directive tabled shall remain in force unless voted "as scrapped" by majority vote.*
- (6) *A contravention to the House Rules should preferably be first addressed with a warning to rectify the problem within a time limit and only if the problem is not rectified, then a fine shall be imposed. Repeated same offences shall not require warnings.*

#### **D. GENERAL GUIDE LINES**

- (1) *The most effective of all Estate is the time-worn phrase: “do as you would have others do unto you”. If everybody living at 77 on Dummer Estate will show the same due care and consideration for their fellow residents which they themselves expect then there will be no need for the application of the rules or the issuing of warnings or fines.*
- (2) *Harmonious community living can only be achieved when residents use and enjoy both their own properties and the common area in a manner which respects and considers the rights of everybody else lawfully on the estate. Compliance with these House Rules and general consideration by residents for each other will greatly assist in assuring a satisfied community.*
- (3) *The rules contained in these House Rules, are legally binding on all members/residents and in fact everybody on the estate in terms of 77 on Dummer Residential Estate Constitution. Each member is responsible for ensuring that all persons residing on his/her Property and his/her guests, employees, contractors and agents comply with this House Rules and shall personally be responsible for the actions or omissions of such persons.*
- (4) *In the event of annoyances, disputes or complaints arising for any reason, the involved parties should endeavour to settle the matter between themselves amicably, exercising understanding, tolerance and consideration. In instances occurring where problems cannot be resolved, the matter should be referred to EXCOM for arbitration and settlement.*
- (5) *The H.O.A. May alter, change, amend or add to the House Rules as and when deemed necessary to ensure the happy and orderly co-existence of homeowners and/or residents. In respect of the interpretation of these rules, the decision of the H.O.A. is final and binding.*

# HOUSE RULES

## 1. SIDEWALK AREAS

The watering and upkeep of these areas adjacent to the street frontage of the property and Common areas is the responsibility of the H.O.A. The upkeep of the private properties is the sole responsibility of the respective Owner. Should a property be left vacant for any lengthy period (this does not include normal annual holidays) arrangements must be made for the watering and general upkeep of the garden. Dog's droppings, if any, in the sidewalk areas are to be removed by the owner/tenant before the lawn is mowed.

## 2. ANIMALS, REPTILES & BIRDS

- 2.1 The word PET in these Rules includes any animal, bird, or reptile.
- 2.2 Owners shall not permit any noisy or dangerous pets to be or remain in his property or on the common property without the prior written consent of the H.O.A.
- 2.3 Applications for approval to keep pets in excess paragraph 2.6 shall be made in writing and shall include full details and description of the pets.
- 2.4 The H.O.A. shall consider the merits of each application in accordance with the criteria set forth in the House Rules thereof and any approval to keep a pet shall be subject to such conditions as the H.O.A. may prescribe.
- 2.5 Approval shall only be granted in respect of specific and identifiable pets and shall not be renewable or transferable to any other pet. Neither shall any such approval granted in respect of a particular property be transferable to any other property.
- 2.6 No more than 1 (one) dog or cat shall be kept on any 1 (one) property.
- 2.7 Unattended pets shall be kept on the property and shall not be left unattended and uncontrolled in the garden and yard areas for longer than twelve daylight hours or four night-time hours.
- 2.8 Dogs and cats shall not be permitted to roam freely on the common areas. At all times when dogs are on the common areas they shall be on a leash not exceeding 2 metres in length and under the control of a responsible person. Such person shall be responsible to ensure that the dog does not soil or damage common property or private property or cause a nuisance or inconvenience to any person legally on the precincts of the Estate. Such responsible person shall be responsible to remove and dispose of in a

sanitary fashion any excrement or other offensive material left by the dog under their control.

- 2.9 Uncontrolled barking, yelping or howling constitutes an unacceptable nuisance and owners are required to take suitable action to prevent such nuisance.
- 2.10 These Rules apply to all owners, occupants and residents of 77 on Dummer Residential Estate and to their guests, visitors and lessees, who are subject to all of the requirements and conditions mentioned herein.
- 2.11 The H.O.A. reserve the right to consider any particular circumstance not falling within the ambit of the aforementioned clauses and to institute such additional conditions as may be warranted or necessary in such circumstances.
- 2.12 In the event of any breach of these Rules or any additional special conditions the H.O.A. reserve the right to withdraw any approval granted or to withhold the granting of further approvals.
- 2.13 The H.O.A., at their discretion, may apply to a Court having jurisdiction, for an order or interdict for the removal of a pet from the estate, and the owner of the relevant pet shall be liable for the costs relating to the application.
- 2.14 In the event of any owner making inadequate arrangements for their pets' care and control, for longer than 24 (twenty-four) hours, the Exco may make alternative arrangements to remove the pet at the cost of the owner, albeit without the owners consent.
- 2.15 The local authority by-laws relating to pets shall apply to homeowners/residents and they will be enforced.
- 2.16 Pets found on the 77 on Dummer roads or common areas with or without identification tags will be apprehended by the Managing Agent and handed to the SPCA or a Veterinary Clinic in the area to be determined by the H.O.A. The owner will be responsible for the collection and payment of any costs incurred.
- 2.17 A penalty fine will be imposed by the H.O.A. should any pet be apprehended, and be found not controlled on a lead. The Committee may, at any Committee meeting, from time to time, determine the amount of the initial and subsequent penalties.

### **3. SERVANTS AND GARDENERS**

- 3.1 Where owners/occupants employ servants or gardeners, they should ensure that their servants or gardeners are instructed in all the House Rules regarding 77 on Dummer Residential Estate.
- 3.2 Where such servants are in charge of minors in common areas and road areas, they are at all times should exercise control of such minors so as not to cause any disturbance to resident home owners and where such

disturbances occur, the resident homeowners have the right to ask the servant and the minors to leave the common areas and road areas.

- 3.3 Servants and gardeners are restricted to their employee's property except where such servant is controlling and minding minor children in the common areas or side walk areas.

#### **4 PRIVATE OPEN SPACE**

- 4.1 An owner shall be liable for any damage caused to the common property, by him or the occupier(s) of his property, or their visitors or employees and contractors.
- 4.2 Owners may not leave any obstructions to the free flow of pedestrian or vehicular traffic on any part of the common property.

#### **5 CONTRACTORS & THEIR EMPLOYEES**

- 5.1 An owner who has appointed a contractor to undertake any form of work on his property must ensure that the contractor and his employees are properly supervised at all times and that the contractor, if he is not present at the property, has delegated a responsible person to supervise his employees.
- 5.2 The employees of contractors are specifically not allowed to have free access to the estate. Contractors and their employees shall under no circumstances be allowed free entry to 77 On Dummer Residential Estate.

#### **6 SIGNS & NOTICES**

- 6.1 No owner of a property shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a property, so as to be visible from outside the property, without the prior written consent of the H.O.A. first having being obtained.

#### **7 APPEARANCE FROM OUTSIDE**

- 7.1 The owner of a property shall not place or do anything on any part of their property, including balconies, patios, stoeps, and gardens as well as common property which, at the discretion of the H.O.A., is aesthetically displeasing or undesirable when viewed from the outside of the property.
- 7.2 Owners must ensure that their properties are provided with adequate curtaining or blinds at all times. No owner may, without written application and the prior written consent of the H.O.A., place, store, or leave any object on any part of the common property, or allow or permit it to be so placed, stored, or left.

- 7.3 Garden areas in a property must be well tended and watered at the expense of the owner.
- 7.4 No ivy or creepers that cling to boundary walls and that damage common area wall surfaces will be permitted.

## **8 LITTERING**

- 8.1 An owner of a property shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property and on any vacant property on the estate, any rubbish, including dirt, cigarette butts, food scraps or any other litter or building rubble whatsoever.
- 8.2 In particular, an owner of a property may not throw any material or object over boundary walls.
- 8.3 Owners when clearing their post-boxes must remove all items therefrom and dispose of any items or junk mail and not litter the common property.

## **9 PARKING & VEHICLES**

- 9.1 Owners/occupants are to ensure that their own and their guest's cars do not obstruct roads, garage and carport entrances, etc. and in any other way constitute a nuisance. Parking on lawns except for occasional use by temporary visitors and any parking on traffic control circles and kerbs is strictly prohibited.
- 9.2 The parking of any vehicle of any description anywhere within the boundaries of 77 on Dummer Residential Estate shall be regulated in accordance with the provisions of these Rules. No vehicle may be habitually parked in any part of the common area except in such places as are specifically approved and designated for that purpose and then only in such a way that the flow of traffic to and from Properties and garages is not obstructed.
- 9.3 The parking of any vehicle including road vehicles of any description, commercial vehicles or trucks (except for the purpose of effecting deliveries), boats, trailers and caravans on any part of the common property is prohibited. Any vehicle parked or abandoned in the common area for a period exceeding fourteen days shall be removed or towed away at the risk and expense of the owner.
- 9.4 Resident's vehicles shall be parked in their garages and on their property.
- 9.5 Resident's vehicles shall not on a regular basis be parked in common areas.
- 9.6 Any contravention of the foregoing shall be subject to the imposition of financial penalties.
- 9.7 Any vehicle parked illegally or improperly in terms of these Rules shall be liable to be removed from its position at the risk and expense of the owner of the vehicle.

- 9.8 No owner shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common property, or on a property.
- 9.9 No person may reside or sleep in a vehicle, trailer, mobile home or caravan, or in a garage or carport, or on any part of the estate.
- 9.10 Vehicles may not exceed a speed of strictly 20 (TWENTY) kilometres per hour on any part of the estate. Engine-powered vehicles are not allowed to drive anywhere except on paved areas provided for that purpose.
- 9.11 No owner shall be permitted to use any water source of the H.O.A. when washing a vehicle.
- 9.12 Caravans, boat trailers or other vehicles too large to be housed in the available carport and garages are not allowed to be parked on the common property. No vehicles exceeding 5 ton are allowed on the estate.
- 9.13 Any contractor, visitor, employee or agent of any member/resident/homeowner who, in the sole opinion of the H.O.A., habitually contravenes any of the provisions of this House Rules may be banned from the estate.
- 9.14 No motorised vehicle of any description may be used on the estate unless the driver/rider thereof is in possession of a valid driver's licence for the vehicle concerned.
- 9.15 No motorised vehicle of any description not requiring the driver/rider thereof to be in possession of a valid driver's licence may be used on the estate with the exception of battery powered vehicles as used by the disabled.
- 9.16 Residents should report the registration number of any vehicle that they consider contravenes the 77 on Dummer HOA House Rules, to the Estate Managing Agent.
- 9.17 Parents or their supervisors are responsible for ensuring that their children do not play in the roads.
- 9.18 All damage caused within the estate by a vehicle affecting a delivery or transporting persons/equipment to or from a property shall be the responsibility of the owner of the relevant property.

## **10 FIRE HOSES**

Municipal regulations require that the fire hoses are only to be used for the purpose intended and may NOT be used by owners/occupants for the watering of gardens, washing of motor vehicles, etc. A fine of up to R500-00 may be imposed by the Municipality on any person found acting in contravention of this regulation.

## 11 COMMUNAL WATER TAPS

Owners/ Occupants may not use water from communal water taps or from taps of unoccupied properties for any purpose whatsoever.

## 12 NOISE

- 12.1 All television, radio, and other appliances, including musical instruments, including all sound emitting devices, shall be kept at audio levels and limited to times, which are reasonable at the discretion of and with the prior approval of the H.O.A. The level of any such entertainment music shall be so limited as not to cause an unreasonable nuisance or disturbance to any other resident. All "noisy" exterior entertainment has to be stopped after 22h00 on week days and 24h00 on weekends and public holidays. As a courtesy, surrounding neighbours should be informed (if not invited) about the intended gathering.
- 12.2 The horns of motor vehicles may not be sounded at any time on the common property, except as a warning of imminent danger in the case of an emergency or for valid use as a burglar alarm.
- 12.3 No explosives, crackers, fireworks or items of similar nature may, at any time be exploded, lit or operated on the estate without the prior written consent from the H.O.A. which may be withdrawn at their absolute discretion.
- 12.4 No firearms may be discharged in a property or any part of the common property, except under such circumstances, which would reasonably justify the use of a firearm for self-defence and related purposes.
- 12.5 Motor vehicle engines may not be unduly revved on the estate so as to disturb the good peace and quiet of the estate.
- 12.6 Quad Bikes, mopeds and similar type vehicles are not to be used for joy riding purposes on the Estate, but are to be used, as quietly as possible, for entry and exit purposes.
- 12.7 No pellet gun, catapult, bow and arrow or any other weapon may be fired on or in the vicinity of the estate.
- 12.8 No burglar alarm with an outside siren may be operated on the estate where it continually operates and sounds the warning for periods longer than 60 seconds.
- 12.9 No homeowner or resident or their employees shall be permitted to use any noisy machinery including but not limited to lawnmowers, chainsaws, lathes and woodworking machinery after 16h00 on Saturday, or before 09h00 or after 12h00 on Sundays or public holidays; and on all other days not before 8h30 or after 18h00.
- 12.10 No automated irrigation systems are to be used after 22h00 or before 06h00.

### **13 REFUSE DISPOSAL**

An owner of a property shall: -

- 13.1 In terms of sub-rule 14.3, maintain in a hygienic and dry condition, a receptacle for refuse within his property, or on such part of the common property as may be authorised by the H.O.A. in writing;
- 13.2 Ensure that before refuse is placed on any such area, it is securely wrapped in suitable, strong plastic bags, and in the case of tins or other containers, that they are completely drained;
- 13.3 Comply with any directives issued by the H.O.A. from time to time regarding the disposal of refuse, and not dispose or allow the disposal of any refuse on the estate in any other manner than as provided in this Rules and such directives.
- 13.4 Put his refuse container out no earlier than 5:00 pm the preceding day of the municipal collection and return it inside his property no later than 7:00 pm on the day of collection.

### **14 STORAGE OF INFLAMMABLE MATERIAL**

- 14.1 No owner shall store any material, or do or permit or allow to be done, any other dangerous act in the building or on the common property, which will or may increase the rate of the premium payable by the H.O.A. on any insurance policy.

### **15 LETTING & OCCUPANCY OF PROPERTIES**

- 15.1 All tenants of properties and other persons granted rights of occupancy by any owner of the relevant property are obliged to comply with these House Rules, notwithstanding any provision to the contrary contained in, or the absence of provisions, in any lease or any grant of rights of occupancy.
- 15.2 No owner, lessee or occupier of a property shall allow more than 4 (FOUR) 6 (SIX) or 8(eight) persons per two, three, four-bedroomed property respectively to reside in the property at any one time.
- 15.3 Upon written application and with the prior written consent of the H.O.A., which may not be unreasonably withheld, an additional person or persons may be allowed to reside in a property temporarily, but not for a period of more than 14 (FOURTEEN) days at a time and not for an aggregate period of more than 28 (TWENTY-EIGHT) days in any calendar year.

- 15.4 An owner who wishes to let his property must inform the H.O.A. or Micsam of the tenant or lessee's name and contact details before the new tenant takes occupation.
- 15.5 The homeowner shall ensure that the tenant is in possession of the House Rules or shall provide at the owner's cost, the new tenant or lessee with a set of these House Rules. The homeowner is obliged to obtain a signed statement from the tenant agreeing to obey these House Rules. This statement has to be forwarded to the managing agent prior to occupation by the tenant.
- 15.6 Time-sharing" may be allowed as long as the tenant complies with the previous rule 15.5.
- 15.7 Subject to the provisions of these Rules, an owner of a residential property shall use his property for residential purposes only and for no other purpose whatsoever other than normal D.I.Y. work done by owners.
- 15.8 No person may reside in a property other than a property for which a municipal certificate of occupation has been issued which is still valid.

## **16 TELEVISION ANTENNAE**

No television antennae are to be affixed to any part of the exterior on any part of the common property, but must be installed within the property.

## **17 MOTOR OIL ON BRICKS PAVING AND COMMON ROAD AREAS**

Any oil spillage on the brick paving or common road areas must be cleaned off immediately by resident/owner within seven days of such spillage. Should this not be done, the oil will be cleaned away by the H.O.A. labour and an account rendered to the owner of the property in question which shall be payable within 30 days from date of the account.

## **18 STREET LIGHTS**

The streetlights are not to be tampered with or used for any purpose for which they are not intended (e.g. chaining trailers to light posts).

## **19 CREEPERS ON ROOF TIMBERS OF PATIOS**

Should the owner of a property allow coverage by creepers over patio beams to become too thick to allow maintenance of the woodwork of the beams, the owner shall be personally responsible for such maintenance and the possible replacement of the beams should they deteriorate through lack of maintenance.

## **20 STORAGE ON ROOF TIMBERS OF GARAGES**

No items are to be stored on or hung from the roof timbers of garages, unless specifically designed therefore, or on any external wall areas of the property visible from the estate roads.

## **21 LABOUR FORCE**

The H.O.A.'s labour force is under the direct control of the H.O.A. No instructions may be given to any of the workers by residents/owners. Any requests or complaints of a maintenance nature should be directed to the H.O.A.

## **22 COMMON LAW RIGHTS**

Owners/occupants are reminded of their common law rights and the existing local authority regulations regarding such matters as noise, troublesome dogs, etc.

## **23 STORM DRAINS**

As owners are responsible for any blockages, which may occur in the drains of their properties, it is in their own interest to ensure that leaves, etc. trapped by the wire mesh, are removed to obviate the possibility of flooding.

## **24 RESIDENTIAL PURPOSES**

77 on Dummer Residential Estate is strictly a residential complex, no owner/occupant shall use or permit to be used any property for other than strictly residential purposes.

## **25 SECURITY**

25.1 Owners must at all times ensure that the security and safety of all other owners and their property is preserved, and in particular must:-

25.1.1 Ensure that upon entering or leaving, all security doors and gates are properly closed; and

25.1.2 That such doors and gates are never opened for persons other than those known to occupy a property or employed by the H.O.A. and by arrangement only.

25.2 Residents are strongly discouraged from employing unknown casuals, gardeners and/or other categories of casual workers in the 77 On Dummer Residential Estate. The site security management team should be approached to assist in having persons screened prior to their employment.

- 25.3 Gardeners and casual workers who do not have with them the relevant permits issued by the H.O.A are not allowed to walk along the common areas and roads of the estate. On Entry they should be collected and returned to security gate on exit of the estate.
- 25.4 Every property must have the correct unit number displayed. This is a strict requirement by the town council who can and will enforce same. Also, it facilitates the speed with which security reaction staff responds to alarm calls.

## **26 IMPROVEMENTS ON OR TO THE PROPERTY AND THE COMMON PROPERTY AREAS**

- 26.1 No duty shall be placed upon any owner in regard to the provision of any improvement on or to the common property, unless a proposal to make such improvement has been approved by a Special Resolution at a General Meeting of owners of properties.
- 26.2 All homeowners/residents must maintain their property (which includes main dwelling, garages, outbuildings, boundary walls, site walls and gardens) in good condition and in a neat and tidy state at all times.

## **27 RESTRICTION ON OWNERS**

- 27.1 No owner or other occupant of any property shall, save with the prior written consent of the H.O.A. ;
  - 27.1.1 Make visible from any property or elsewhere any washing or articles being aired or cleaned unless contained within a walled area as far as is practicable or any garbage, rubbish or rubbish bin in a manner which the H.O.A. deem unsightly;
  - 27.1.2 Alter or add to, structurally or decoratively, externally, any portion of the premises;
  - 27.1.3 Use a property for other than strictly residential purposes;
  - 27.1.4 Hold or permit to be held any auction sale in any portion of the premises or display any advertisement on or outside the buildings or any portion thereof without the prior written permission of the H.O.A.;
  - 27.1.5 Erect any tent or other structure anywhere on the estate or alter or remove any shrub, tree or plant in the common area
  - 27.1.6 Remove any indigenous tree from their property without the prior permission of the local municipality.

- 27.2 Permit any of his possessions or the possessions of any of his household or any of his visitors, or any refuse or rubbish for the disposal of which he is responsible, to remain in any entrance or passage, staircase or other part of the property to which other occupiers of the property have common access.
- 27.3 Neglect to make good any damage caused to the premises by him, his family, tenant, or guest or any other person;
- 27.4 Neglect to repair within 3 (THREE) days any window pane broken from whatsoever cause (other than a wilful act of a servant of the H.O.A.) on the property;
  - 27.4.1 Allow that part of the property, to become unsanitary or accumulate with rubbish, a danger to health or otherwise dirty or untidy;
  - 27.4.2 Keep in the premises any materials of a dangerous or explosive nature, the keeping of which contravenes any statute or local regulation or by-law or constitutes a nuisance to occupants of other portions of the buildings or voids or renders void any insurance effected by the H.O.A. or would result in the increase in the rate of such insurance;
  - 27.4.3 Permit anything to be done in such property or upon any other portion of the premises or property which constitutes a nuisance or an unreasonable invasion of the privacy of the other occupiers at 77 on Dummer Residential Estate or permit to make any disturbance or allow his children, guests, tenants or any other person for whom he is responsible, to make any disturbance or noise which in the opinion of the H.O.A. in their sole and absolute discretion, would constitute an invasion of the right or privacy of the other occupiers of the properties.
- 27.5 No fires of any kind are permitted anywhere on the estate except at an indoor fireplace or outside braai area or a portable Weber type braai device within the property.
- 27.6 No outside lights which shine directly into a neighbouring property or are otherwise intrusive or reasonably likely to be intrusive to any other resident or owner shall be permitted.
- 27.7 No invasive alien vegetation is permitted anywhere on the estate. Where a member/resident fails to remove such vegetation when given notice by the H.O.A, the H.O.A. will be entitled to remove it at the cost of the member concerned, and the employees or agents of the Association will have free and unrestricted access to the property concerned for this purpose only.

## **28 OBLIGATIONS ON OWNERS**

Every owner or other occupant of any property shall:-

- 28.1 Ensure that any drain pipes in or from such property shall be maintained, cleaned and unobstructed from time to time and shall forthwith in the event of their becoming obstructed, have the same cleaned at his expense;
- 28.2 At his own expense forthwith make good all damage done, whether accidentally or otherwise, to any part of the common property by him or any member of his household or any of his servants, or guests;
- 28.3 Homeowners must acquaint themselves with the 77 on Dummer-Constitution, Building and Landscaping Guidelines and this House Rules. Ignorance of such shall not constitute a reason for non-compliance.
- 28.4 Every homeowner or resident must also request visitors to adhere to the security protocol and treat security personnel in a co-operative and courteous manner.

## **29 CONSENT TO JURISDICTION**

- 29.1 Notwithstanding anything to the contrary contained in these Rules, all owners/occupants consent to the jurisdiction of the Magistrate's Court, Somerset West, and the H.O.A. shall be entitled to institute legal proceedings on behalf of any Homeowners by way of application, action or otherwise in the Magistrate's Court, Somerset West, for the purposes of restraining or interdicting breaches of any of these Rules and, without limiting the generality of the foregoing, in particular to restrain or interdict breaches of the House Rules in force from time to time.
- 29.2 The H.O.A. shall be entitled to recover any and all costs including legal costs on an attorney and client basis from any Homeowners against whom the H.O.A. have decided to proceed in respect of any outstanding levies, unpaid fines or unrecovered expenses arising from a breach of these Rules by a homeowner, his guest, tenant, or occupant;
- 29.3 No payment of any amount due in terms of these Rules may be withheld because of a dispute between the homeowner concerned and the H.O.A.

## **30 IMPOSITION OF PENALTIES**

- 30.1 If the conduct of an owner or an occupier of a property or his or her visitors breaches, or disobeys or disregards a House Rules, the H.O.A. shall furnish the home owner with a written notice which may in the discretion of the H.O.A. be delivered by hand or by registered post. In the notice the particular contravention of the rules, must be adequately described and the particular Rule and the penalty arising from the contravention stated,

- 30.2 If the owner or occupier persists in the contravention of the stated Rule, the H.O.A. may at its sole discretion impose a fine or other sanction contemplated by the House Rules.
- 30.3 A written notice of appeal stating details of the appellants case, against the decision of the H.O.A. may be lodged within 7 (SEVEN) days of the imposition of the fine or other sanction being advised.. A special meeting shall be convened by the H.O.A. at which the appellant shall be given the opportunity to present his or her case but except in so far as may be permitted by the chairperson, he or she may not participate in any voting at the meeting.
- 30.4 After the appellant has been given the opportunity to present his or her case, the H.O.A. shall advise the appellant of its final decision in the matter.
- 30.5 Any fine imposed in terms of the House Rules may if it is not paid within 14 days after the offender has been notified of the imposition of the fine, be added to the levy which an the owner is obliged to pay.

**31 RELAXATION OF RULES**

- 31.1 No indulgence or relaxation in respect of these Rules shall constitute a waiver or consent, or prevent their subsequent enforcement by the H.O.A.
- 31.2 The H.O.A. may, in special circumstances and at its discretion, grant an indulgence, waiver or relaxation of any House Rules, the reasons for which shall be confirmed in writing by the H.O.A.

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