

CONDUCT RULES

HOPEWELL CONSERVATION ESTATE

These Rules and Regulations are established in accordance with the Hopewell Conservation Estate Homeowners Association Constitution and in event of any inconsistency the Constitution will take precedence.

A condition of the Constitution and Title Deeds for the Hopewell Conservation Estate is that residential property owners automatically become members of the Hopewell Conservation Estate Homeowners Association and remain members for so long as they are the registered owners of the property. These Rules and Regulations are binding on all owners, their families, guests, tenants, their invitees, employees, employees' guests and any other person present on the Residential Erven at any time.

For the purposes of these Rules and Regulations, a reference to the Hopewell Conservation Estate ("the Estate") shall include the 41 Residential Erven making up the Estate, as defined in the Homeowners Association Constitution.

Members shall observe and abide by the following conduct rules:

1. **VEHICLES AND PARKING**

1.1. Members shall:

1.1.1. observe any road signs or markings;

1.1.2. not drive their vehicles within the Estate in any manner which creates a nuisance or is considered by the Trustees not to be in the interests of safety;

1.1.3. not allow any unlicensed person to drive any vehicle within the Estate;

1.1.4. ensure that their visitors and guests do or refrain from doing likewise, as the case may be;

1.1.5. ensure that hooters shall not be sounded within the Estate other than in emergencies;

1.2. Vehicles may be parked only on such areas of the Estate as are specifically indicated or approved by the Association for that purpose and in such a way that the flow of traffic and access to and egress from garages, parking bays, carports or pathways is not obstructed.

1.3. Damaged vehicles and vehicles that are not in general use, or that drip oil or brake fluid on to the Estate or that are not roadworthy may not be parked on the Estate other than in such positions and for such short periods as may be approved by the Trustees and with their prior written consent.

- 1.4. No trucks, caravans, trailers, boats or other heavy vehicles may be parked on the Estate without the prior written consent of the Trustees.
- 1.5. No person may wash, dismantle or effect major repairs to any vehicle on any portion of the Estate or on any exclusive use area, provided that Members and occupiers of Dwellings may wash their own cars at reasonable times in the normal course while such cars are parked in accordance with these rules.
- 1.6. Garage doors shall be kept closed at all times, except when the Member or occupier of the relevant Residential Erf is personally present in the garage.
- 1.7. Trustees may cause to be removed or towed away, at the risk and expense of the Member of the vehicle, any vehicle parked, standing or abandoned in the Estate in contravention of these rules.
- 1.8. Garages, carports and parking bays shall be used only for the parking of motor vehicles, orderly storage of gardening tools, and for no other purpose whatsoever, save with the prior written consent and approval of the Trustees.
- 1.9. Parking of vehicles upon the Estate is subject to the express condition that every vehicle is parked at the Member's risk and responsibility and that no liability shall attach to the Developer, Association, the Trustees or any of their agents, employees or contractors for any loss or damage of whatever nature which the Member, or any person claiming through or under him, may suffer in consequence of his vehicle having been parked on the Estate.
- 1.10. All national, provincial and local authority laws, by-laws and regulations shall apply mutatis mutandis to all drivers, vehicles and roads on the Estate.
- 1.11. Persons using the roads do so at their own risk and must adhere to all road/traffic signs.
- 1.12. A maximum speed limit of 40 kph applies to all roads except for where lesser limits are signposted such as intersections where a different speed limit will apply.
- 1.13. Persons may not use rollerskates, skateboards, roller blades or similar equipment on the road.

2. **PETS**

- 2.1. The owner of a Residential Erf shall not, without the consent in writing of the Trustees (for which consent written request shall be made), keep any animal, reptile or bird in a dwelling, parking unit or on the Estate. The Trustees are empowered to consider any such request on its own merits and with due regard to the municipal by-laws, conditions of the Hopewell Record of Decision and the interests of other Members. When granting

such consent, the Trustees may prescribe any reasonable conditions. Any consent given by the Trustees to house a pet may be revoked at any stage by the Trustees in their discretion and such consent shall not be transferable to any replacement pet.

- 2.2. Members or occupiers of a Residential Erf shall not allow their pets to cause a disturbance at any time and shall be responsible for the removal of their pets' excrement from the Estate.
- 2.3. Pets shall be leashed or properly controlled when on the Estate.
- 2.4. Vicious animals of any nature may not be kept upon any Residential Erf.
- 2.5. Members or occupiers of each Residential Erf shall provide the Trustees with full details of any pet owned by them, including vaccination records which shall be updated from time to time.
- 2.6. Any pet found unaccompanied or unidentified on the Estate or otherwise in contravention of these rules may be removed by the Trustees. Costs incurred as a result of such removal, such as capture and pound fees, shall be borne by the relevant Member or occupier. The Association, and its agents, employees or contractors, shall not be liable for any injury to any pet thus removed or for any loss so incurred by the Member or occupier, or by any other person.

3. **REFUSE DISPOSAL**

A Member or occupier of a Residential Erf shall:

- 3.1. maintain in a hygienic and dry condition, a receptacle for refuse (lined with a suitable plastic liner) within his Residential Erf or on such part of the Estate as may be authorised by the Trustees in writing;
- 3.2. ensure that before refuse is placed in such receptacle, wet refuse and broken glass is securely wrapped and tins and other containers completely drained; and
- 3.3. for the purpose of having the refuse collected, place the properly secured plastic liner within the area and at the times designated by the Trustees in writing.

4. **LITTERING**

A Member or occupier of a Residential Erf shall not deposit, throw, or permit or allow to be deposited or thrown on the Estate any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

5. **LAUNDRY**

5.1. A Member or occupier of a Residential Erf shall not, without the prior written consent of the Trustees, erect his own washing lines, nor place or hang any washing or laundry or any other items on any part of the buildings or the Estate where it is visible from outside the buildings or from any other Residential Erf.

5.2. Any washing hung out to dry is at the sole risk of the owner thereof.

6. **NOISE**

A Member or occupier of a Residential Erf shall ensure that he and his visitors or guests do not make or create undue noise or other disturbance. Quiet shall especially be observed between between 22h00 and 08h00.

7. **GARDENING**

7.1. A Member or occupier of a Residential Erf shall maintain same in a neat and tidy condition;

7.2. No plant or flower may be picked from, nor any damage caused to, the garden areas on the Estate and the natural flora and fauna (if applicable) shall not be destroyed, removed or damaged in any way without the prior written consent of the Trustees.

7.3. Garden tools and other equipment shall not be kept in any place where they will be visible from other Members or any portion of the Estate.

7.4. Fires may not be made in the Estate.

7.5. All Members or occupiers of Residential Erven are required to observe the rules set out the Landscaping Design Manual.

8. **EMPLOYEES**

8.1. No employee shall be employed by a Member or occupier of a Residential Erf or be permitted to enter the Estate without the prior written consent of the Association.

8.2. A Member or occupier of a Residential Erf shall:

8.2.1. be responsible for the activities and conduct of his employees and shall ensure that his employees understand and that they do not breach any applicable rules, national legislation or local authority by-laws; and

8.2.2. ensure that his employees do not cause undue noise within the Residential Erf, or on the Estate;

8.2.3. any Member or occupier of a Residential Erf whose employee fails to abide by these rules may be required to remove such employee if so instructed by the Trustees; and

8.2.4. no Member or occupier of a Residential Erf may request personal duties to be performed by any member of staff employed by the Association.

9. **SIGNS AND NOTICES**

No Member or occupier of a Residential Erf shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the Estate or on a Residential Erf, so as to be visible from outside other Residential Erf, without the prior written consent of the Trustees first having been obtained.

10. **STORAGE OF DANGEROUS MATERIALS**

A Member or occupier of a Residential Erf shall not store any material, or do or permit or allow to be done, any other dangerous act in the buildings or on the Estate which will or may vitiate any insurance policy taken out by the Association or increase the rate of the premium payable under any such policy.

11. **EXTERIOR OF DWELLINGS**

11.1. Subject to Rule 11.4, alterations, additions or decorations to the exterior of Dwellings may not be made without the prior written consent of the Trustees and then only upon the terms and conditions contained in such consent.

11.2. No radio/television aerials may be attached to the exterior of the Dwellings without the prior written consent of the Trustees and then only upon the terms and conditions contained in such consent.

11.3. Requests for consent in terms of Rules 11.1 and 11.2 shall be made in writing to the Trustees and shall be accompanied by plans and specifications showing the nature, kind, shape, height, material, colour and location of the proposed alteration, addition or decoration or installation of the radio/television aerial, as the case may be.

11.4. A Member or occupier of a Dwelling shall be obliged to maintain his Dwelling in a state of good order and repair and to take all reasonable steps to keep them in a clean, hygienic, neat and attractive condition.

11.5. If a Member or occupier of a Dwelling fails to comply with the provisions of Rule 11.4 and such failure persists for a period of 14 days after written notice to repair or maintain given by the Trustees, the Association shall be entitled, without prejudice to its

entitlement to also impose a fine, to remedy the failure in question in such manner as it deems fit and to recover the cost of so doing from such Member or occupier.

- 11.6. Notwithstanding any approval granted by the Trustees, no alteration, addition or decoration to the exterior of a Dwelling may be undertaken until any permit or approval required from any authority and written approval by the Trustees, has been obtained. It shall be the duty and responsibility of the Member or occupier of the Dwelling concerned to obtain any such necessary permit or approval.
- 11.7. Should any alteration, addition or decoration obstruct any employee or contractor of the Association in performing any work, the Member or occupier concerned shall be liable for any additional costs incurred by the Association in the performance of such work.
- 11.8. All Members are required to ensure that the painted exterior of their homes, roofs, fences, driveways and gardens are maintained to a high standard and accept the intervention of the Trustees if they do not comply.
- 11.9. No towels, clothing, blankets, sheets, laundry, etc., may be hung over balcony railings, windows or fences/walls that are visible from the roads.
- 11.10. All exterior paint colours must be selected from the approved colour palette and colour combinations available on request from the Association.

12. **INTERIOR OF DWELLINGS**

- 12.1. No structural alterations may be carried out to any Dwelling by any Member or occupier without the prior written consent of the Trustees after approval has been obtained by the relevant Member or occupier of the Dwelling from the municipal authorities.
- 12.2. Any interior alterations shall be carried out at reasonable hours and shall not cause any undue disturbance to Members or occupiers of neighbouring Residential Erven.
- 12.3. Interior repairs and maintenance of a Dwelling of whatsoever nature are the responsibility of the Member or occupier of that Residential Erf.

13. **APPEARANCE FROM OUTSIDE**

The Member or occupier of a Residential Erf shall not place or do anything on any part of the Estate, including balconies, patios, verandahs and gardens which, in the discretion of the Trustees, is aesthetically displeasing or undesirable when viewed from the outside of the Residential Erf.

14. **GENERAL**

Neither the Association, the Trustees, the Developer, nor any of their agents, employees or contractors shall be liable for any loss (including consequential loss) injury, loss of life or damage to person or property of any nature whatsoever which any Member, lessee or other occupier of a Dwelling or any member of his family, his employee, agent, contractor, employee, visitor, invitee or guest may sustain, directly or indirectly, in or about the Estate, its amenities or in the individual Dwellings or for any act done or for any neglect on the part of the Association, the Trustees, the Developer or any of their agents, employees or contractors.

- 14.1. All Members shall keep their properties free of termites, borer, mice, rats and other vermin and harmful insects.
- 14.2. Hobbies or other activities which produce unreasonably excessive noise, unpleasant odours or cause any nuisance to other Members and tenants are not allowed.
- 14.3. Members must ensure that all drains on their property are kept in a sanitary condition and that no foreign objects are flushed down the toilets.
- 14.4. No electricity generating plant, windmill or similar machinery may be used without the consent of the Association.
- 14.5. No boreholes, spikes or wells may be sunk on the Residential Erven without the prior written approval of the Trustees.
- 14.6. Fireworks are forbidden on the Estate.

15. **FINES**

- 15.1. For the enforcement of any of the rules made by the Trustees in terms of this clause, or of any of the provisions of this Constitution generally, the Trustees may:
 - 15.1.1. give notice to the Member concerned requiring him to remedy such breach within such period as the Trustees may determine; and/or
 - 15.1.2. take or cause to be taken such steps, as they may consider necessary to remedy the breach of the rule or provision of which the Member may be guilty, and debit the cost of so doing to the Member concerned, which amount shall be deemed to be a debt owing by the Member concerned to the Association; and/or
 - 15.1.3. take such action including the imposition of a fine, or proceedings in court, as they may deem fit.

- 15.2. Should the Trustees institute any legal proceedings against any Member or resident on the Estate for the enforcement of any of the rights of the Association in terms hereof, the Association shall be entitled to recover all legal costs so incurred from the Member or resident concerned, calculated as between attorney and own client, including tracing fees and collection commission.
- 15.3. In the event of any breach of the rules by a Member or any Member's household or his guests, invitees or lessees, such breach shall be deemed to have been committed by the Member himself, who shall be jointly and severally liable with such wrongdoer to and in favour of the Association. However, without prejudice to the foregoing, the trustees may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit.
- 15.4. Notwithstanding anything to the contrary herein contained, the Trustees may in the name of the Association enforce the provisions of any rules by criminal action or civil application or action in a court of competent jurisdiction and for this purpose may appoint attorneys and counsel, as they may deem fit.

16. **SECURITY**

- 16.1. The following regulations apply to contractors, builders and employees of Members:
- 16.1.1 Right of Admission to the Residential Erven is reserved and controlled by the Association.
- 16.1.2 Each employee must be issued with an identification tag displaying relevant information as determined from time to time and which must be visible at all times. The cost of identification tags and replacement tags will be for the account of the employer/contractor
- 16.1.3 It is the responsibility of the external contractor/builder to transport all of their employees to and from the check in point or other designated area in a manner which will avoid congestion at the main entrance
- 16.1.4 It is the responsibility of the external contractor/builder to ensure that they comply with the security formalities.
- 16.1.5 Employees of contractors are not allowed to leave their place of work, loiter or walk about the Estate under any circumstances.
- 16.1.6 Contractors and suppliers' vehicles require a vehicle identification sticker, obtainable from the Association. Vehicles without such identification stickers will be denied access.

16.1.7 The domestic employees of Members are permitted on condition that they are properly registered by their employers with the Association.