

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act, 1973 (as amended)

## CONDUCT RULES (Effective 12 December 2013)

### INTRODUCTION

These rules have been established in terms of the constitution of the HOA. They are binding on all members of the Estate.

The members of the HOA are responsible for ensuring that their family members, employees and guests abide by and respect these conduct rules. In the absence of the home owner the occupiers of their units as well as their family members, employees and their guests also have to abide by and respect these conduct rules.

In respect of the interpretation of these rules the decision of the Directors of the HOA is final and binding on all parties  
Definitions – In this scheme unless the context otherwise indicates –

- a. "common area" means :
  - the land as defined in the Articles of Association of the Mossel Bay Golf Estate Home Owners Association.
- b. "common property" means :
  - the property as defined in the Sectional Titles Act 95 of 1986 (as amended).
- c. The meaning of "vehicle" includes :
  - Caravans, boats, trailers and golf carts

### **1. ANIMALS, REPTILES AND BIRDS**

- 1.1 An owner of a unit or erf shall not, without the consent in writing of the Directors, which approval may not be unreasonably withheld, keep any animal, reptile or bird in a unit or erf or on the common property. An owner or occupier must apply for such consent on the prescribed application form. See annexure B & C attached.
- 1.2 When granting such approval, the Directors may prescribe any reasonable condition.
- 1.3 The Directors may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule 1.2.
- 1.4 Tenants will not be allowed to keep any animal in a unit, erf or common property at all. No visitor will be allowed to bring any animal onto the Estate.

### **2. USE OF PROPERTIES**

No business activity may be conducted from any erf or unit. Rezoning of properties and Departures will not be permitted.

### **3. MOSSEL BAY GOLF CLUB**

The Mossel Bay Golf Club is a private club reserved for its members and does not in any way comprise part of the estate. By agreement owners and tenants of a unit or erf may use the club house and driving range facilities at any time under the same rules, conditions, fees and charges as would apply to any other visitor to the club. Use of the golf course and the payment of the required fees must be arranged with/paid to officials of the club prior to the commencement of play.

- 3.1 The following must be adhered to :

An owner, tenant, their family and friends, may, entirely at their own risk and subject to the rules of the Club and the rights of its members:

  - 3.1.1 Jog or walk on the course at quiet times. Such activity must not disturb or interfere with golfers.
  - 3.1.2 Drive a golf cart along roads and cart paths of the Club if in possession of a valid driver's license.

3.2 An owner may not:

- 3.2.1 Allow children and pets onto the golf course without adult supervision.
- 3.2.2 Play or practice golf on the course except by arrangement with the club's officials.
- 3.2.3 Braai or picnic on the course.
- 3.2.4 Use the course frontage as access to owner's property.
- 3.2.5 Dump or stockpile building / spoil material on the course.
- 3.2.6 Cut or trim any vegetation on the course.

4. **REFUSE DISPOSAL**

An owner or occupier of a unit or erf shall:-

- 4.1 Maintain in a hygienic and dry condition, a receptacle for refuse within his unit or erf or on such part of the common property as may be authorized by the directors/trustees in writing.
- 4.2 Ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained.
- 4.3 For the purpose of having the refuse collected, place such refuse within the area and at the times designated by the directors/trustees. See Annexure D

5. **VEHICLES**

- 5.1 No owner, occupier or visitor shall park or stand any vehicle upon a common area/common property, or permit or allow any vehicle to be parked or stood upon a common area/common property in a manner which creates a nuisance to the owner or occupier of another unit or erf.
- 5.2 The directors/trustees may instruct the removal of towing away of any vehicle parked, standing or abandoned on a common area/common property without the directors/trustees prior written consent. The risk and expense of removal of towing away pertaining to the above will be for the owner of the vehicle,
- 5.3 Owners and occupiers of units or erven shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid onto a common area/common property or in any other way deface a common area/common property.
- 5.4 No owner or occupier shall be permitted to dismantle or affect major repairs to any vehicle on any portion of a common area/common property, their unit or erf without the written approval of the directors/trustees.
- 5.5 Caravans, boats, and trailers may not be parked on a common area/common property, a unit or erf in any manner as to be visible from any common area or the golf course. See Annexure E.

6. **DAMAGE ALTERATIONS OR ADDITIONS TO THE COMMON AREAS/ COMMON PROPERTY**

An owner or occupier of a unit or erf shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common areas/common property without first obtaining the written consent of the directors/trustees.

- 6.1 Notwithstanding sub-rule (1), an owner or person authorized by him, may install –
  - a. any locking device, safety gate, burglar bars or other safety device for the protection of his unit or erf; or
  - b. any screen or other device to prevent the entry of animals or insects ;

Written approval needs to be obtained from directors/trustees on the nature and design of the device and the manner of its installation.

**7. APPEARANCE FROM OUTSIDE**

The owner or occupier of a unit or erf shall not, without the consent in writing of the directors/trustees, place or do anything on any part of the common area/common property, his unit or erf including balconies, patios, stoeps, fences and gardens which is aesthetically displeasing or undesirable when viewed from the outside.

**8. SIGNS AND NOTICES**

8.1 No owner or occupier of a section, unit or erf shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common area/common property, their unit or erf so as to be visible from outside the unit or erf without obtaining written consent from the directors/trustees.

8.2 Estate agent boards will not be permitted other than on "on show" days.

**9. LITTERING**

An owner or occupier of a unit or erf shall not deposit, throw or permit or allow any rubbish, including dirt, cigarette butts, food scraps, builders rubble or any other litter whatsoever to be deposited or thrown on a common area/common property of the estate.

**10. LAUNDRY**

An owner or occupier of a unit or erf shall not, without the consent in writing of the directors/trustees, erect his own washing lines, nor hang any washing or laundry or any other items on any part of their unit or erf or the common property so as to be visible from outside their unit or erf but than in a designated walled area identified as approved on their building plan.

**11. STORAGE OF INFLAMMABLE MATERIAL**

An owner or occupier shall not store any material, or do or permit any activity in his unit or on the common property which will or may increase the rate of the premium payable on any insurance policies as may be applicable to Sectional Title or sub-divided units.

**12. LETTING OF UNITS**

All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

**13. ERADICATION OF PESTS**

An owner shall keep his section, unit or erf free of white ants, borer and other wood destroying insects and to this end shall permit the directors/trustees, the managing agent, and their duly authorized agents or employees, to enter upon his unit or erf from time to time for the purpose of inspecting the unit or erf and taking such action as may be reasonably necessary to eradicate any such pests. The costs of the inspection, eradication of any such pests as may be found within the unit or erf, replacement of any woodwork or other material forming part of such unit or erf which may be damaged by any such pests shall be borne by the owner of the unit or erf concerned.

**14. BUILDINGS, STRUCTURES and GARDENS**

An owner or occupier of a section, unit or erf shall maintain in a neat and tidy condition and in a state of good repair all buildings or structures erected on his section, unit or erf. Furthermore the owner shall establish where applicable and maintain a garden according to a standard determined by the directors.

Properties must be maintained in a manner that is consistent with the standard and image of the Estate. Special attention must be given to cracked or broken window glass, plaster conditions and painting conditions of the property exterior and boundary walls.

Garden fences/walls forming part of the streetscape should be maintained and painted where necessary.

No trees, plants or groundcover may be removed from the sidewalk without permission from the HOA. Planting should not obscure the vision of motorists and structures such as fountains, rocks, large pots and planters may not be built or erected on sidewalks outside the stand boundary.

Residents are expected to maintain a high standard of garden and pavement maintenance.

Vacant stands must be kept clean on a regular basis to the satisfaction of the HOA, and if not maintained the HOA reserves the right to clean the stand at the owner's expense with prior notification.

No alien vegetation may be planted or transplanted.

Garden refuse may not be placed on the pavements, unless it is scheduled to be removed immediately.

**15. HOUSE RULES**

An owner or occupier of a unit or erf shall abide by the House Rules of the Mossel Bay Golf Estate Home Owners Association which may from time to time be amended or changed by the directors. See annexure "A" attached.

**16. SPEED LIMIT**

The speed limit on the Estate is 25 Km.

## **ANNEXURE A** (December 2013)

### **MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION**

Association incorporated under section 21 Of the Companies Act, 1973 (as amended)

#### **HOUSE RULES**

##### **1. SUPERVISION OF CHILDREN**

Owners and tenants will be held responsible for any damage to property incurred by their children. Lawns, walkways, gardens, etc. on the common area/common property are available for recreation and enjoyment by the YOUNG and OLD. Strict rules regarding playing games etc. are thought unnecessary provided that parents keep reasonable control of their children's activities regarding noise, games/practices, vandalism, etc.

##### **2. PROHIBITED**

- 2.1 Practicing golf in any area other than the official driving range belonging to the golf club.
- 2.2 Throwing of stones in the vicinity of buildings, cars, etc.
- 2.3 Playing or walking in flower beds.
- 2.4 Playing or climbing on roofs.
- 2.5 Ballgames, except on any future designated playground area.
- 2.6 Toys (e.g. plastic motorbikes), that cause excessive noise.
- 2.7 Fireworks.
- 2.8 Quad bikes.
- 2.9 Driving golf carts without a valid driver's license.
- 2.10 Fishing or swimming in any facility on the Golf Course.
- 2.11 Feeding wild animals including Guinea Fowl and Franklins.

##### **3. GUESTS AND TENANTS**

Owners are responsible to inform their guests and tenants of the applicability of the rules.

##### **4. NOISE/DISTURBANCE**

- 4.1 Quiet times – no drilling, grinding, hammering, sawing, etc. after 21:00. No noise capable of disturbing neighbours after 22:00.
- 4.2 Permanent residents must allow holiday makers to also enjoy themselves within reason.
- 4.3 Swimming Pool – See notice on fence. The pool and braai areas are for the enjoyment of all owners, their friends and tenants and must be kept clean at all times.
- 4.4 No activity or hobby which would cause a nuisance to fellow occupants may be conducted.
- 4.5 The volume of music or electronic instruments, partying and the activities of residents, guests and domestic help should be tuned to a level so as not to be a nuisance to adjoining properties.

##### **5. D.S.TV, ANTENNA'S & AIR CONDITIONING**

Application to install a satellite dish, TV antenna or air conditioning unit must be forwarded in writing for approval by the directors. The position will be allocated by the directors/trustees. Satellite dishes, TV antennas and air conditioning units are not allowed on balconies.

##### **6. ENVIRONMENTAL DIRECTIVE**

Invasive alien vegetation and cosmopolitan herbaceous weeds, as defined in the Environmental Management Plan of June 2001, or any amended plan may not be planted on the Estate. These species must be systematically eradicated. A copy of the EMP is available for perusal at the office of the managing agent.

## **7. SECURITY**

All owners, tenants and other persons granted rights of occupancy, are obliged to adhere to all security rules as determined by the directors/trustees.

Security protocol at the entrance gates must be adhered to at all times.

The Golf Estate shall provide an access control system, which shall be manned 24 hours per day. As all stakeholders are responsible for security, residents have to ensure the safety and protection of their own private property as well. The perimeter wall and electric fencing serve as a deterrent and detection function and are not guaranteed to prevent a determined attempt at intrusion into the Golf Estate.

The ID card system for permanent workers, temporary workers, and contractor representatives must be conscientiously enforced by every owner with respect to people in their employ.

All attempts of burglaries must be reported to a member of the security staff or the security sub-committee as soon as possible.

It will be considered a serious breach of security should a resident give their access card to any other person, for use by that person, for whatever reason.

Pedestrian visitors wishing to enter the Estate must be accompanied by the resident to be visited.

Building contractors and other contractors having business in the Golf Estate together with their permanent and temporary workers have to conform to the standing access procedure as determined by the Board from time to time. Building contractors shall furnish the Estate Manager with all the documentation as may be required including police clearance if and when required.

### **7.1 PRIVATE SECURITY**

Residents may employ private security companies should they wish to do so. This in no way excludes them from the security regulations put in place by the HOA. All private security is the responsibility of the resident.

### **7.2 ACCESS CONTROL**

The entrance to the Golf Estate is equipped with a computerized access control system for the safety of residents. The cooperation of all residents is needed to ensure the successful operation of the system. Residents shall comply with the access control procedures resulting from these rules.

Tailgating of any vehicles at any entry/exit boom is prohibited and liable to a fine.

Access by non-residents to the Mossel Bay Golf Estate via the Golf Club entrance is not allowed.

## **8. OCCUPANT DENSITY**

Pertaining to any section or unit:-

8.1 A maximum of 3 (three) persons per bedroom will be allowed.

8.2 The practice of nursing, domestic or other staff living on the Estate is not encouraged. Exceptions may, however, be approved under special circumstances subject to written application and approval from the Directors.

8.3 Caravans, tents, or similar accommodation is not permitted.

**9. COMPLAINTS**

Any complaints received regarding the breach of the requirements of the Constitution and Rules will be dealt with accordingly.

Complaints must be submitted in writing to the managing agents.

**10. USE OF THE STREETS**

Residents are expected to show consideration by adhering to the speed limit at all times. STRICT ENFORCEMENT OF THE SPEED LIMIT OF 25 KM WILL BE IMPLEMENTED. The penalty is not enforced in terms of the road traffic act but as a contravention of Conduct Rule 16

Residents are reminded that golfers, children and other pedestrians will frequently cross streets on the Estate and should approach all designated crossings with extreme caution.

The streets are intended to allow the movement of all occupants, whether by foot or mechanical means.

Unlicensed drivers are not permitted to drive any vehicle, including golf carts, on the Estate.

Vehicles may not be parked in such a manner as to cause an obstruction to traffic.

**11. TENANTS AND VISITORS**

Should any owner let his property, he shall advise the HOA in writing that the property is to be leased. The Rules and Regulations (Conduct and House Rules) shall form part of the lease pack and the Lessor shall bind the Lessee to adhere to such rules.

The occupiers of any property within the Estate are liable for the conduct of their visitors, contractors, employees and tenants, and must ensure that such parties adhere to the Rules and Regulations.

**12 BREACH OF CONDITIONS**

Any person guilty of breaching any of these conditions, will be levied a fine as per clause 13.2.3 of the constitution.

**ANNEXURE B** (3 September 2012)

**MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION**

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**APPLICATION FORM FOR THE KEEPING OF ANIMALS, REPTILES AND BIRDS**

NAME: .....

HOME ADDRESS: .....

.....

I, ..... would like to keep the following animal, reptile or bird at the above address.

.....

Size: ..... Breed: .....

Age: .....

.....  
DATE SIGNED

.....  
Your application for the keeping of the above has been approved / not approved.  
This approval is subject to the conditions per paragraph 1.2 of the Conduct Rules, as per  
the attached Annexure C.

.....

.....

.....  
DATE BOARD OF DIRECTORS

**PLEASE NOTE –**

Breach of the conditions per paragraph 1.2 of the Conduct Rules may lead to the  
withdrawal of the approval and the implementation of a fine.



**ANNEXURE C** (9 November 2015)

**MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION**

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**CONDITIONS FOR THE KEEPING OF AN ANIMAL, REPTILE OR BIRD**

**Dogs: Only ONE small type of dog (not more than 15kg) will be allowed.**

- a) No dog will at any time be allowed within the boundary of the Conservation area.
- b) Any dog outside the premises of the owner must be on a leash at all times or kept in approved enclosure.
- c) Aggressive or vicious dogs will not be tolerated.
- d) Excessive barking will be regarded as a nuisance (the Local Authority by-laws relating to pets will be strictly enforced. These by-laws make provision for criminal proceedings to be instigated in instances where due consideration is not given to neighbours).
- e) Fouling of gardens, lawns and public area will not be tolerated and the pet owner will be responsible for the removal of any droppings.
- f) Kennels housing animals shall be screened from public view and animals so housed shall not constitute a disturbance or nuisance to adjoining properties or other owners or occupiers.
- g) Every pet must wear a collar with a tag indicating the name and telephone number of the owner. Stray pets without identification will be apprehended and handed to the Municipal pound.
- h) The HOA reserves the right to insist that the owner remove a pet should it become a nuisance.
- i) Only one pet per erf will be allowed.
- j) CATS must be kept inside at all times or in an approved cattery.

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE

## **ANNEXURE D (16 April 2012)**

### **REFUSE REMOVAL DIRECTIVE**

An owner or occupier of a unit shall:

- a) for the purpose of having the refuse collected place bags outside for removal only on a Monday morning before 08:30, alternatively refuse bags must be taken to the designated area at the Church Street entrance;
- b) ensure that before refuse is placed on any such area, it is securely wrapped in a suitable, strong plastic bags, and in the case of tins or other containers therein, that they are completely drained;
- c) not allow any refuse for the disposal, of which he is responsible, to be stored on any part of the common property or in sight from any part of the common area or the golf course.
- d) comply with such directive and not dispose or allow the disposal of any refuse, waste, or rubbish in any other manner than as provided.
- e) maintain in a hygienic and dry condition, a receptacle for refuse within his unit or erf or on such part of the common property as may be authorized by the directors/trustees in writing.
- f) for the purpose of having the refuse collected, place such refuse within the area and at the times designated by the directors/trustees.

Refuse bags being put on sidewalks out of the normal time, only on Mondays before 08h30, will be removed at a rate of R100 per removal which amount will be debited to your levy account.

## **ANNEXURE E** (September 2013)

### **VEHICLES**

An owner or occupier of a unit shall:

- a) be allowed to park their caravan, trailer or boat on the owner's property for a maximum of 72 hours to be packed/unpacked or serviced.
- b) The parking of vehicles, including boats, caravans and trailers, is done at the risk of the owner of the vehicle and no responsibility or liability shall be attached to the HOA for any loss or damage of whatever nature which the owner, or any person claiming through or under him, may suffer as a consequence of his vehicle having been parked on the common property or roads within the estate.
- c) No person may reside or sleep in a vehicle, trailer or caravan on the Estate.

## **ANNEXURE F (12 December 2013)**

### CONDITIONS APPLICABLE TO SELF-CATERING ACCOMMODATION

1. All self-catering accommodation establishments must be registered with the HOA.
2. The maximum number of bedrooms in one self-catering accommodation establishment and number of guests will be dealt with individually by the Board of Directors.
3. No facilities, eg catering or meetings whatsoever may be provided by an establishment for guests non-residents of that establishment
4. Adequate onsite parking is to be provided: one bay per guest bedroom as well as parking for the permanent homeowner residents.
5. No parking in the street, or on other owner's property or common areas will be allowed.
6. No advertising or signposting is permitted on the Estate.
7. No activities that may disturb the occupants of other dwelling will be tolerated.
8. The abovementioned conditions and any other rules of the Mossel Bay Golf Estate Home Owners Association may not be contravened.
9. The Estate rules must be brought to the attention of the guests and a hard copy must be available in every guest room.
10. Tenants will not be allowed to operate a self-catering accommodation establishment.