

VITA PAZ VII
HOME OWNERS ASSOCIATION

CONDUCT RULES
AND
ARCHITECTURAL GUIDELINES
2017

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1: INTRODUCTION

1.1: Objective

The objective of the Home Owners Association (hereinafter referred to as VITA PAZ VII HOA) is to regulate the existence of a high quality, crime free, aesthetically acceptable and community driven environment for residents of Sonneveld Extension 20 Township, excluding Erf 716. Various rules pertaining to conduct, environment and security have been compiled as required by the Memorandum and Articles of Association (or constitution) of the HOA for the protection of this lifestyle. These rules are binding on all registered owners of properties in the Township, as is any decision taken by the Board of Directors of the VITA PAZ VII HOA in interpreting these rules but shall at all times be subject to the provisions of the Community Schemes Ombud Service Act No. 9 of 2011.

The registered owners of the properties are responsible for ensuring that members of their families and their tenants, clients, visitors and employees abide by these rules.

These rules may be subject to change from time to time.

1.2: The Homeowners' Association

It is recorded that the Association is a community scheme as defined in the Community Schemes Ombud Service Act No. 9 of 2011 and is subject to the provisions of the aforementioned Act.

The Homeowners Association comprises all property owners in the Township excluding Erf 716, and is assigned the job of managing and running the Township for the benefit of its members. It is a legally registered Association not for Gain, which is incorporated in terms of Section 21 of the Companies Act, has no share capital and does not pay dividends nor distribute assets to its members. A Board of Directors elected by the members assumes the various fiduciary duties imposed by the Companies Act. The Board members are assigned the responsibility for ensuring that the Township is well run and maintained and that the Association remains financially sound and applies fundamental corporate governance principles.

The Association is legally bound by its registered Articles of Association, which contains details of all applicable legislative requirements and statutory procedures. A copy of the Articles of Association may be viewed at the Township management offices, 74 Farquharson Road, Sonneveld, Brakpan and copies are available to members at a nominal charge.

1.3: Membership

With the purchase of a stand or completed dwelling comes obligatory membership of the Association, which entitles members to one voting right per stand or dwelling bought. Multiple or bodies corporate (trusts, close corporations,

companies) ownerships are required to nominate one party only as “the representative member”. Owners may not resign their membership unless they dispose of their property in the Township, and obligations of existing owners are transferable to new owners in the event of a resale of the property.

1.4: Services and Facilities

1.4.1: General

Utility services are provided in good faith and on the understanding that they will meet Homeowners’ requirements. Every effort is made by the different authorities and departments to provide their services on a continuous basis. However, as with any house in any suburb of any town in the country, no guarantee is, or can be given that all services will operate all day, every day, year in and year out. Outages do occur, and such temporary inconveniences do not entitle members to reduce, or refuse to pay, amounts or levies due to the relevant authority or to the Association.

1.4.2: Municipal Services

The Ekurhuleni Metropolitan Municipality supplies electricity, water, refuse and sewerage services to the Township.

1.4.3: Television

Terrestrial and satellite TV installations are both the prerogative and responsibility of individual property owners. It is their responsibility to ensure that external accessories such as satellite dishes are installed discreetly and without compromise to the overall aesthetic appearance of the Township.

1.4.4: Refuse

A wheelie bin as obtained from the Municipality will be supplied upon completion of construction of each dwelling. The Local Authority collects refuse on Monday morning of each week. All refuse is to be stored in refuse bags in the bins supplied to each unit.

1.5: Domestic Staff

Each homeowner is required to register their domestic worker at the Guard House prior to commencement of their services. Domestic workers who have not been registered as required will be requested to leave the Township immediately.

1.6: Property Maintenance

Common Property – The maintenance of the gate house, gates, perimeter fence, common areas and community facilities is the responsibility of the Association, and the costs associated therewith are included in the VITA PAZ VII HOA levy.

Any member may invoke the provisions of inter alia sections 38 and 39 of the Community Schemes Ombud Service Act No. 9 of 2011.

Should the Ombud not have powers to order relief not contemplated in section 39 of the Community Schemes Ombud Service Act No. 9 of 2011, the Board shall be the final arbiter and its decision shall be binding upon the members.

Freehold houses – The internal and external maintenance of freehold houses, including railings, boundary walls, paving, roofs and gutters is the responsibility of the individual homeowner. Owners are required to maintain the exterior of their houses at the high standard expected in the Township. Homeowners are not permitted to alter, improve or remove any part of the common property without the prior written approval of the VITA PAZ VII HOA. In the event of default, the Association at its discretion may order a contractor to carry out suitable maintenance and charge the owners accordingly.

1.7: Disclaimer of Responsibility

The Association shall not be held liable for any injury to any person, damage to or loss of any property to whomsoever it may belong, occurring or suffered, upon the Township regardless of the cause thereof nor shall the Association be responsible for any theft of property occurring on the Township. Members shall not have any claim or right of action against the Association for damages, loss or otherwise, not be entitled to withhold or defer payment of any amount due by them. Members indemnify the Association against all claims in line with the above.

2: RULES OF THE HOMEOWNERS' ASSOCIATION

2.1: Introduction

Living in the Township means being part of a community who shares a secure high quality lifestyle. Conduct Rules for the community provide a means of protecting this lifestyle through an acceptable code by which members may live, reasonably and harmoniously, without interfering with others enjoyment, to the benefit of all concerned. Genuine respect and consideration by all residents for each other will obviously assure agreeable accord and a contented member base within the Township. In the event of differences, complaints or annoyances, the parties involved should attempt as far as possible to settle the matter between themselves (exercising respect, tolerance and consideration) before approaching the Homeowners' Association to assist. The Board of the Association subject to the provisions of the Community Schemes Ombud Service Act No. 9 of 2011, is given the task of setting out rules for the management, control administration, use and enjoyment of the Township. The Board, subject to the provisions of the Community Schemes Ombud Service Act No. 9 of 2011, has the power to substitute, add to, amend or repeal any rule. The Board will be responsible for ensuring compliance with the Rules and will address any breaches of the Rules. The Board has the right to impose financial penalties (fines) to be paid by those members who fail to comply with the rules. Fines, where imposed, shall be deemed to be part of the levy due by the homeowner.

- No business activity or hobby which could cause aggravation or be a nuisance to fellow residents may be conducted. This includes auctions or jumble sales.

- Radios, musical instruments, music stations, TV sets and home movie theatre systems shall be used in such a manner so as not to disturb owners on adjacent properties or on the common property. Party and conversation noise should be maintained at an acceptable level.
- The use of power tools and lawn mowers are restricted to the following hours:
Weekdays: 07h00 – 17h00
Saturdays: 08h00 – 12h00
Sundays: Not allowed
Public holidays: Not allowed
- Laundry may only be hung on washing lines screened from the street.
- No refuse may be placed on pavements. Bins provided to residents may only be used for the storage of refuse.

3: DESIGN GUIDELINES

3.1: Designs to Comply with Standards and Guidelines

All building plans and refurbishment or structural alteration of dwellings (including painting) shall be in accordance with the design standards applicable to the Township, and must be approved by the VITA PAZ VII HOA Design Review Committee prior to commencement of any structural work. This also applies to swimming pools and Jacuzzis. The VITA PAZ VII HOA must approve all garden walls and fencing insofar as proposed materials and dimensions are concerned. Sheds, shadecloth structures and temporary carports are not allowed.

In addition to the approval required from the VITA PAZ VII HOA, the required Local Authority approvals must be obtained for all new buildings, alterations and extensions. All structures and fencing shall adhere strictly to the comprehensive guidelines prepared by the Board, a copy of which is obtainable on request from the Homeowners' Association office.

The positioning of satellite dishes and any external TV or radio aerials shall be approved by the Association prior to installation.

3.2: Plan Approval Process

The required plans, application forms and other details as set out in the conditions of sale and the architectural guidelines attached thereto shall be submitted to the VITA PAZ VII HOA with any request for approval. It is a condition of Local Authority approval that the Association's prior approval of the building plans is attached to the request for the municipal approval of plans. No construction or installation may commence prior to written receipt of the required VITA PAZ VII HOA and Local Authority approvals.

3.3: Certificates of Occupancy and Electrical Compliance

No dwelling may be occupied without:

- issuance of an Occupation Certificate by the Local Authority concerned; and

- issuance of an Electrical Certificate of Compliance by a qualified and registered electrician appointed by the contractor or developer.

4: UPKEEP AND MAINTENANCE OF RESIDENCE

4.1: General House Maintenance

The exterior of every dwelling together with its fencing, driveways, gardens and garden verges must be continuously and at all times maintained by the owner in a clean, tidy, neat and befittingly repaired, painted and properly kept condition. The owner shall keep his dwelling free of white ants, woodborer and other destructive insects. The costs of inspection, eradication and possible replacement of woodwork shall be borne by the owner.

4.2: Standards of House Maintenance

Where in the opinion of the Association, the condition of a dwelling does not meet the required standard of the Township, the Association shall give written notice to the owner to carry out the necessary improvements within a specified time, failing which the Association will be entitled, with due notice to the owner concerned, to effect the improvements and recover the cost from the owner by way of special levy.

4.3: Streetscape

- The maintenance of the area between the road kerb and the boundary of the property is the responsibility of every owner.
- Garden fences/walls and buildings forming part of the streetscape should be maintained and painted when necessary.
- Trailer, tools, tool sheds, equipment, engine and vehicle parts as well as accommodation for pets should be sited out of view and screened from neighbouring properties.
- Dumping of building material on sidewalks is not permitted under any circumstances.
- Cultivation of sidewalks is encouraged within the guidelines of the VITA PAZ VII HOA.
- Gardens abutting the stormwater detention dam must be kept neat at all times, failing which the VITA PAZ VII HOA reserves the right to clean the garden at the cost of the owners.
- No garden may overflow onto the stormwater detention dam without permission from the VITA PAZ VII HOA.
- Children may not interfere with the plants, decorations, house numbers, exterior lights and the like on the common property.
- Wendy houses for accommodation purposes are not permitted in the Township.

4.4: Failure to Comply

Should the owner fail to carry out such work as requested, the Association shall be entitled to carry out that work and recover the reasonable cost thereof from the owner, which shall be deemed to be additional to the levy due by the owner.

5: USE OF ROADS

The roads are for use of all, whether on foot, skates, cycles or cars. This places an extra responsibility on all those who use these roads, particularly all adults, and especially parents who need to educate, manage and control their children.

5.1: Speed Limit

The speed limit throughout the Township is 20 kilometres/hour

5.2: Right of Way

The streets are for use by vehicles and pedestrians. Pedestrians must be given the right of way on roads within the Township. Motorists must approach pedestrians with caution. Parents are obliged to teach their children the rudiments of safe road usage.

5.3: Operating Restrictions for Vehicles

No person shall operate any vehicle upon any place within the Township unless he is the holder of a valid driver's license. Engine powered vehicles, cars and motor cycles may be operated on roads only. Pavements and sidewalks and are out of bounds to vehicles. Operating any kind of vehicle in such a manner as to constitute a danger or a nuisance to

any other person or property within the Township is prohibited.

5.4: Scooter Bikes / Dune Buggies / Motor Cross Bikes / Quad Bikes

No joy riding on scooter bikes, beach or dune buggies, motor cross bikes, quad bikes or any other vehicle with noisy exhausts will be permitted within the Township.

5.5: Caravans, Boats and Trailers

All caravans, boats and trailers shall be parked out of view and screened from neighbouring properties.

6: SPORTING AND RECREATIONAL FACILITIES

6.1: Camping

Camping is not permitted anywhere within the Township.

6.2: Firearms

Discharging of any firearm, air gun or other lethal weapon is strictly prohibited, save for in self-defence or any other life threatening situation.

6.3: Signs

No sign, except the name of the relevant alarm company, may be displayed within the Township (giving the name of building contractors, decorators, furnishers, garden installers, garden maintenance contractors and the like.)

6.4: Adverts / Publicity Material

No private, religious or commercial advertising notices or brochures are permitted to be distributed in or around the Township. (This rule shall not apply to legitimate notices to residents from the Association).

6.5: Hooting

The use of car hooters within the Township or at the entrance gate is prohibited.

6.6: Fireworks

The lighting or discharge of fireworks within the Township is strictly prohibited at all times and under all circumstances.

6.7: Storage of Hazardous Material and Other Dangerous Acts

The storage of hazardous material or committing any other dangerous act within the Township, which may increase the rate of premium payable by the Association, is prohibited.

7: THE RIGHT TO KEEP AND THE CONTROL OF PETS / ANIMALS

- The Local Authority by-laws relating to pets apply to the Township.
- No more than two dogs or two cats may be kept on a property.
- No poultry, pigeons, wild animals or livestock may be kept on the Township.
- The building of aviaries must be approved by the VITA PAZ VII HOA. Plans accompanied by written consent from immediate neighbours must be submitted.
- Pets are not permitted to roam the streets. Dogs must be on a leash in public areas and at no stage shall be permitted to cause a disturbance.
- Dogs are not permitted to foul the public areas. Any excrement deposited in a public area must be removed immediately by the owner of the dog.
- Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags will be handed to the municipal pound.

8: ENVIRONMENTAL MANAGEMENT

- Residents use public areas at their own risk.
- No rubble or refuse may be dumped or discarded in any public area. Residents are requested to develop the habit of picking up and disposing of any litter found within the Township.
- Residents are responsible to maintain a high standard of garden and pavement maintenance.
- No noxious flora or declared weeds will be permitted to be planted in residents' gardens.
- Backwash of swimming pools is to be channelled into the sewerage system.
- Vacant stands must be kept clean on a regular basis to the satisfaction of the VITA PAZ VII HOA. If not maintained the VITA PAZ VII HOA reserves the right to clean the stands at the owner's expense.

- No vehicle building or effecting major vehicle repairs may take place on the residents' property or common areas.
- Damaged vehicles or vehicles not in use leak oil onto the property and therefore are not permitted within the Township.

9: LEVY PAYMENT

- Levies become payable from date of registration of transfer of the property into the name of the owner or occupant of the property whichever is the earlier.
- Owners must pay levies in full and in advance by the 1st of each and every month.
- Owners in arrears shall pay interest on the full amount overdue, from the 1st of the month up until the date of payment.
- Owners still in arrears after 30 days must pay immediately on being billed the full amount overdue plus the next levy due, plus interest on the full overdue amount up until the date of payment.
- Owners in arrears of 60 days shall have their overdue account and the full interest thereon, handed over for collection and possible legal action. Any costs incurred by these proceedings and all additional interest up to the date of the final settlement shall be for the owners account. (Any interest on, or collection fees for overdue levies shall be considered to be part of the levy and treated as such. In exceptional circumstances where a owner may have a singular problem regarding payment of dues he may approach the Association with a request for special consideration and any decision resulting therefrom shall be entirely at the discretion of the Board.)
- Owners who are away at month end must make arrangement to ensure the levy is paid by the due date. (Being away on holiday, away overseas or away on business and the like are excuses which are not acceptable reasons for late payments of levies. Members are encouraged to effect payment by way of debit orders).

10: FAILURE TO COMPLY WITH RULES

10.1: Failure by an owner to comply with any provision of any rules may result in:

- A call for an explanation and / or an apology and / or
- A reprimand and a request to comply and / or
- The imposition of a fine (which shall be deemed to be in addition to the levy due by the owner) and / or
- The withdrawal of any previously given consent applicable to the particular matter and / or
- An order to pay for any damages resulting from non-compliance with any rule and / or
- Application to the courts for the enforcement of the rule/s.

10.2: The actions to be taken and the penalties to be imposed for breaches or contraventions of the rules shall be entirely at the discretion of the Board of the Association, which shall consider the nature, circumstances and severity of each misdemeanour, breach or incident.

10.3: Fines imposed for the breach of or non-compliance with the rules shall be deemed to be additional to the levy due by the owner.

11: SECURITY

MISSION STATEMENT

To ensure a secure lifestyle for residents of the Township.

OBJECTIVES

To continuously update security procedures, access control and internal operations for purposes of countering the impact of crime from the external environment. To facilitate a safe and secure environment for all owners and their families and every individual including visitors and workers on the Township. To facilitate the protection of property on and supporting infrastructure of the Township.

11.1: Domestic Workers / Domestic Spouses / Gardeners

- The resident must complete and sign the form for domestic worker / spouse / gardener at the Guard House.
- The domestic worker / spouse / gardener must hand this application in at the VITA PAZ VII HOA with his/her valid South African ID document or work permit along with a photocopy thereof.
- Domestic workers / gardeners not working on the Township have no authority to sleep overnight on the Township. Should such a person be identified he/she will be removed from the Township. Should there be specific need for such authority the resident must complete the necessary application form together with a written motivation addressed to the Homeowners Association.
- No clothing material, appliances or any equipment will be allowed to leave the Township.
- Working hours for living out domestic workers / gardeners will only be permitted between 06h00 – 18h00 daily.
- When a domestic worker / gardener is dismissed it is the responsibility of the resident to hand in such notice to the VITA PAZ VII HOA.

12: ACCREDITED ESTATE AGENT AND NON-ACCREDITED TOWNSHIP AGENT POLICY

12.1: All Estate agencies/agents shall comply with the Estate Agent policy and accreditation document and will be liable for the accreditation fees, which shall be determined by the Board from time to time.

12.2: The Estate agent may under no circumstances market anywhere else on the Township except where a mandate has been granted by the resident/owner.

12.3: One "For Sale" board will be allowed to be displayed at the stand / house / unit, and no pointer boards will be allowed on show days.

12.4: One "On Show" board will be allowed to be displayed at the stand / house / unit, and the Estate Agent concerned shall notify the VITA PAZ VII HOA which stand / house / unit is on show by 14h00 on the Wednesday prior to the showday.

12.5: Accreditation of Township agents may be reviewed by the VITA PAZ VII HOA as and when required.

12.6: As an accredited agent for the sale and resale of houses and stands, the agent will be required to abide by the following rules:

- Standard "for sale" boards approved by the VITA PAZ VII HOA shall be used on the pavement at least one meter from the kerbstone.
- Agents are required to abide by all Homeowners Association rules;
- "On Show" boards shall be removed by 17H00 on each showday. A fine of R100.00 (One Hundred Rand) per show board shall be imposed for late removal of boards.
- No "On Show" board whatsoever may be left on display during the week.
- No door-to-door pamphlet drops or canvassing will be permitted. The Township newsletter may be used for advertising purposes.
- The appointment of an Estate Agent shall be confirmed in writing by the owner. Notification of the appointment must be handed in at the Township Manager before marketing can commence.

12.7: Should any Township agent fail to comply with these rules (not withstanding any mandate the agent may have from the owner of a property), the VITA PAZ VII HOA reserves the right to immediately revoke any accreditation or permission previously granted, whereafter the agent will be denied access to the Township. Should the aforesaid occur, the agent will have no right of recourse against the VITA PAZ VII HOA or any member thereof.

13: RULES FOR BUSINESS ACTIVITY WITHIN THE TOWNSHIP

Any resident who wishes to conduct any business within the Township must apply in writing to the Board of Directors of the VITA PAZ VII HOA for permission to conduct such business. No such business may be conducted without the written authority and consent of the Board. The Board will not grant such permission unless it is satisfied that the proposed business activity will meet the following minimum requirements:

13.1: compliance with any applicable Municipal Regulations and By-laws;

13.2: compliance with Township signage restrictions. No signage may be displayed anywhere on the Township other than a small copper or similar plaque on the dwelling itself.

13.3: Parking for all customers and clients must be provided on the property of the applicant;

13.4: In addition, the VITA PAZ VII HOA will, in considering an application to conduct any business, assess, inter alia, the impact of the business on the following:

- Noise
- Traffic
- Aesthetics
- Morality
- Maintenance of the residential character of the Township
- View of the immediate neighbours and
- Whether the proposed business will be in the interest of the Township and the Homeowners generally.

The decision of the Board of Directors shall be final and binding.

14: OBLIGATIONS OF THE DEVELOPER RELATING TO THE MUNICIPAL ENGINEERING SERVICES

It is recorded that the developer in its capacity as the township owner is responsible for the maintenance of certain municipal engineering services to the extent and for the periods as more fully detailed in the Services Agreement entered into by and between the Ekurhuleni Metropolitan Municipality and Vita Paz VII Construction CC on 28 October 2015.

15: DISPENSATION APPLICABLE TO DEVELOPER RELATING TO THE PAYMENT OF LEVIES

Clause 9 hereof refers to the imposition of levies payable to the Home Owners Association. It is recorded that the developer of Sonneveld Extension 20 township is exempted from the payment of any levies to the Home Owners Association for the first three years, such period being calculated from the date on which the Home Owners Association is registered as a Section 21 company.

From the beginning of the fourth year the developer will be responsible for payment of an amount calculated at 5% (FIVE PER CENTUM) of the levy as determined in terms of the provisions of clause 9 hereof payable in respect of the erven still held in terms of the township title.

From the beginning of the fifth year the developer will be responsible for payment of an amount calculated at 10% (TEN PER CENTUM) of the levy as determined in terms of the provisions of clause 9 hereof payable in respect of the erven still held in terms of the township title.

From the beginning of the sixth year and every year thereafter for as long as the developer holds erven in terms of the township title, the quantum of the levy payable in respect of each erf still held by the developer in terms of the township title shall escalate by 5% (FIVE PER CENTUM) per year.

**16: OBLIGATIONS OF THE DEVELOPER IN RESPECT OF ERVEN HELD IN TERMS OF THE TOWNSHIP TITLE :
MAINTENANCE**

The developer shall in respect of all erven held in terms of the township title be responsible to maintain such erven in an acceptable condition pertaining to vegetation growing on the erf.