



FERNKLOOF VILLAGE PROPERTY OWNERS ASSOCIATION

INFORMATION and RULES

Updated March 2024

1. INTRODUCTION

- 1.1. This document itemises the rules applicable to the residents of and visitors to Fernkloof Village. The intention of these rules is to achieve, enhance and protect the objective of the estate. Such objective is the creation and maintenance of an environment which promotes a lifestyle conducive to the expectations of residents who have bought into the estate.
- 1.2. Estate living necessitates a higher level of control than would be the case of a residential property not located within an estate, and these rules have been designed to allow for the orderly management of the estate for the benefit of all owners.
- 1.3. In terms of the Constitution of the Fernkloof Village Property Owners Association, the trustees are authorised to amend, substitute or repeal the rules from time to time. Such rules are binding upon all owners, residents, visitors and contractors.
- 1.4. The registered owners of properties are responsible for ensuring that members of their families, tenants, visitors, friends and all their employees are aware of and abide by these rules.
- 1.5. This document should be read in conjunction with the other documentation that is available on our website www.fernkloofestate.co.za, which documentation includes:
 - the ***Fernkloof Estate Architectural Design Guidelines***;
 - the ***Fernkloof Estate Master Property Owners Association (MPOA) Constitution***;
 - the ***Fernkloof Village Property Owners Association (POA) Constitution***;
 - the ***Fernkloof Estate Contractors Agreement*** which stipulates the conditions under which construction may take place on the estate; and
 - the ***Hermanus Golf Club Rules*** relevant to Fernkloof Estate.

- 1.6. Any uncertainty as to the interpretation of the rules, or concerns around alleged transgression of the rules, should as a first step, be referred to the Estate Manager.

2. ACCESS CONTROL

- 2.1. Important elements of a secure lifestyle are that of prevention and deterrence. The goal is to have minimum disruption at our entrance gates whilst at the same time protecting the residents.
- 2.2. Residents are requested to familiarise themselves with the procedures which have been developed to manage the entrance and exit of people and vehicles. From time to time certain changes may be made to some of these procedures. Residents will be advised accordingly.
- 2.3. Access for owners and residents is via a Number Plate Recognition (NPR) system and Biometrics (fingerprint reading).
- 2.4. Access for visitors and contractors is controlled by the scanning of a valid driver- and vehicle licence.
- 2.5. Residents have the responsibility for the conduct of their visitors and for ensuring that they adhere to the access control procedures.
- 2.6. The estate management shall be entitled to require that details of domestic staff be supplied and to implement such procedures as may be applicable for the control of access to the estate.

3. USE OF THE STREETS

- 3.1. The speed limit within Fernkloof village is 25kph.
- 3.2. It is the responsibility of the owners or residents to inform their family, visitors and service providers of the speed limit.
- 3.3. Hooting at the entrance or anywhere within the village is not allowed.
- 3.4. No motorised or battery-operated vehicles (including golf carts) are allowed to be driven without the driver having a valid driver's licence.
- 3.5. Vehicles with very noisy exhaust systems are prohibited.
- 3.6. The pathways in the gardens are for pedestrian use only.
- 3.7. Owners, as well as their visitors and service providers, must make use of the off-street parking bays available on their property. Parking in the street will only be allowed for a short period for loading, because our streets are very narrow and are not suitable for parking.
- 3.8. No boats, motorised homes, caravans or trailers may be parked in the street, or any other place where it may be visible, for longer than 3 (three) days.
- 3.9. No vehicle which has external attachments or equipment, or has modifications for use in a commercial operation may be parked overnight or over weekends on any verge or visually within an owner's property without the consent of the Estate Manager.

4. SECURITY/SAFETY

- 4.1. A central feature to the quality of life in Fernkloof Village is security. To minimise unauthorised access to the estate the village is protected by Closed-Circuit Television (CCTV) infra-red cameras, beams, and electrified fencing. The fence is also intended to deter baboons from entering the estate. The cameras, beams and electrified fence are monitored by the on-site security office as well as an off-site service provider.
- 4.2. Interference or tampering with any security or access control installations i.e. cameras, beams, fencing, lighting, gates, booms, signage, etc. is not permissible.
- 4.3. The installation of homeowner's external and/or security lights should not have an adverse effect on any properties within the village or neighbouring villages.
- 4.4. All house alarms must be internally mounted and must preferably be 'silent' alarms.
- 4.5. When not in use garage doors are to remain closed.
- 4.6. No person shall discharge any firearm, air-rifle, crossbow, bow and arrow, or similar weapon or device within the Fernkloof Estate other than in self-defence.
- 4.7. Drones may not be operated within the boundaries of the entire Fernkloof Estate without the prior written approval of the Estate Manager.

5. NOISE/PARTYING

- 5.1. Persistent and excessive noise such as loud music and partying should be restricted so as not to offend neighbours or other villages.
- 5.2. Owners should advise neighbours if a party is to be held.
- 5.3. No partying with loud music may continue beyond 23h00.

6. PETS

- 6.1. Residents must ensure that their dogs are contained within the boundaries of their properties, unless in accordance with 6.3.
- 6.2. Pets must not be a nuisance to other residents, either within their own property or in the common areas.
- 6.3. When on common property dogs must be kept on a leash and at all times be under the control of the person walking them.
- 6.4. The person walking dogs must have plastic bags at hand to collect defecation. No defecation may be left on the verges or within the common areas.
- 6.5. Walking of dogs on the golf course property is not permitted at any time.
- 6.6. In accordance with municipal regulations the number of animals allowed is limited to two dogs and three cats per household.
- 6.7. For identification purposes it is preferable that pets have an identification collar with the telephone number of the owner.
- 6.8. In the best interest of saving our bird life it is advisable to have a bell fitted to the collar of those cats that are inclined to hunt.

7. LANDSCAPING & PROPERTY MAINTENANCE

- 7.1. It is a requirement that homeowners landscape and maintain their gardens to the high standard of an upmarket Estate and to the satisfaction of the trustee committee. This includes the street verge adjacent to their properties. Planting must be done in accordance with the landscaping guidelines.
- 7.2. No construction outside of the erf boundary lines to be done on the street verge, adjacent to the home owners' properties.
- 7.3. Gardening with motorised equipment i.e. lawnmower/weed-eater/blower/chainsaw etc., either by owner or contractor, shall be permitted only on weekdays between 08h00 and 17h00 and on Saturdays between 08h00 and 13h00 (not on Saturday afternoons, Sundays and Public Holidays).
- 7.4. No gardening on common estate property is allowed by owners or residents i.e. planting, pruning or removal of trees or shrubs etc.
- 7.5. The street adjacent to the verge of an owner's property must be kept free from sand, stone chips or any other foreign material emanating from an owner's property.
- 7.6. Owners are required to maintain all structures on their premises i.e. buildings, boundary walls, pools, etc. in an acceptable condition to the high standard of an upmarket Estate and to the satisfaction of the trustee committee.
- 7.7. External paint colours must conform to the guidelines. The guidelines are obtainable from the estate office.
- 7.8. No generators allowed, except during total grid failure and then the hours will be limited from 08h00 to 17h00. In order to ensure that security and access control remain online at all times, the Precincts' guardhouses are excluded from this rule.
- 7.9. Washing lines should not be visible to other owners.
- 7.10. The positioning of movable laundry drying racks should be done with due consideration to neighbours.

8. REFUSE REMOVAL

- 8.1. Refuse must be placed in a municipal approved bin that has been fitted with a baboon proof lock. These bins are available from the municipality.
- 8.2. Refuse bins must be stored where they are not visible from the street.
- 8.3. Household refuse as well as garden refuse (limited to one bag per week) must be placed inside the bins.
- 8.4. Refuse removal, including recycling, is undertaken by the local authority every Friday. Recyclable refuse must be placed in clear bags next to the refuse bin.
- 8.5. Bins must be put outside on Friday mornings only and must be back in the yard by night-fall on the same day.
- 8.6. In exceptional circumstances i.e. age/health, on written request, bins may be placed outside at dusk on Thursday evening.

9. BUILDING

The Estate Manager is available to advise, assist and guide owners as to the procedure/process to be followed.

9.1. Major building work

All new buildings, or major additions/alterations, should be built according to the framework of the '*Fernkloof Estate Architectural Design Guidelines*'. The guideline is available on the Fernkloof Estate website: www.fernkloofestate.co.za.

Procedure to be followed:

- 9.1.1 Plans to be drawn up by a registered draftsman or architect.
- 9.1.2 Plans to be submitted to our scrutinising architects 'AJ McIntyre Architect'.
Contact person: Alan McIntyre (083 216 2756 or fernkloof@munnikvisser.co.za).
- 9.1.3 AJ McIntyre Architect will assess the plans and liaise with the Fernkloof Estate Manager as well as the relevant trustees before approval.
- 9.1.4 Once approved and stamped by the scrutinising architect the plans to be submitted to the *Overstrand Municipality* for final approval.
- 9.1.5 The Owner to submit a completed and duly signed '*Contractors Agreement*'. This is available on the website or from the Estate Manager.
- 9.1.6 Owner and Contractor's deposits to be paid, as per clause 3.11 of the Contractors Agreement.
- 9.1.7 The building contractor will be allowed to commence work on site once the following documents are handed in at the office:
 - 9.1.7.1 A physical copy of the approved plans i.e. stamped and signed by both AJ McIntyre Architect and Overstrand Municipality.
 - 9.1.7.2 The completed and signed Contractor's Agreement.
 - 9.1.7.3 Proof of payment of the Owner and Building Contractor's deposits.

9.2. Minor building work

Minor additions/alterations should be built according to the framework of '*Fernkloof Estate Architectural Design Guidelines*'. The guideline is available on the Fernkloof Estate website: www.fernkloofestate.co.za.

Procedure to be followed:

- 9.2.1 Changes envisaged to be indicated on an existing plan of the property.
- 9.2.2 Plans to be submitted to our scrutinising architects 'AJ McIntyre Architect'.
Contact person: Alan McIntyre (083 216 2756 or fernkloof@munnikvisser.co.za).
- 9.2.3 AJ McIntyre Architect will assess the plans and liaise with the Fernkloof Estate Manager as well as the relevant trustees before approval.

- 9.2.4 Once approved and stamped by the scrutinising architect the plans will be returned to the owner. The plans, accompanied by a completed form “Application for Minor Building Work Authorisation”, to be submitted by the owner to the Overstrand Municipality.
- 9.2.5 The Owner to submit a completed and duly signed ‘*Contractors Agreement*’. This is available on the website or from the Estate Manager.
- 9.2.6 Owner deposit to be paid, as per clause 3.11 of the Contractors Agreement.
- 9.2.7 The building contractor will be allowed to commence work on site once the following documents are handed in at the office:
 - 9.2.7.1 A physical copy of the approved plans i.e. stamped and signed by AJ McIntyre Architect and the Overstrand Municipality approved “Application for Minor Building Work Authorisation”.
 - 9.2.7.2 The completed and signed Contractor’s Agreement.
 - 9.2.7.3 Proof of payment of the Owner deposit.

10. CONTRACTORS HOURS

- 10.1. Contractor hours are restricted to the following times:

Monday – Friday	07h00 to 17h00 (estate to be vacated by 17h30)
Saturday	No work permitted
Sunday	No work permitted
Public Holidays	No work permitted
- 10.2. Emergency repairs will be allowed after hours. As far as is practically possible prior approval is to be gained from the Estate Manager.

11. PROPERTY SALES

- 11.1. Property sales are permitted through any registered estate agent.
- 11.2. Owners are to ensure that agents are aware of and inform potential buyers of all estate rules and regulations.
- 11.3. No signage is permitted on any property within the village or on any part of the common property.
- 11.4. As per municipal regulations one sign per agency will be allowed to be placed on the verge outside the main entrance from 12h00 on a Friday to 12h00 on a Monday.

12. LETTING

- 12.1. Owners may not let their property, or permit their property to be sub-let, on a short-term basis i.e. for any period less than 1 (one) month.
- 12.2. Rentals for longer than 1 (one) month will be subject to the following:
 - 12.2.1 Obtaining a conditional once-off approval by the trustee committee by completing a 'Rental Application Form' - available from the office;
 - 12.2.2 Prior to each new rental, a form, which sets out the required details, must be completed by the owner. This form is required by the office 48 hours prior to arrival of the tenants;
 - 12.2.3 Sleeping accommodation as per approved municipal plans, maximum 2 persons per bedroom;
 - 12.2.4 No advertising within the estate will be allowed. Online advertising is allowed and must detail all applicable rental rules;
 - 12.2.5 No pets allowed;
 - 12.2.6 Not more than two motor vehicles will be allowed, unless by prior written request and approval by Estate Management and must be parked off the street;
 - 12.2.7 No boats, caravans, trailers and motorised homes are allowed; and
 - 12.2.8 Signed confirmation by the owner that a copy of the rules has been given to the tenants and that they have given an undertaking that they will abide by these rules.
- 12.3. The tenant must remain the sole occupant, together with his direct family and friends i.e. the property must be used solely for themselves during the rental period.
- 12.4. Owners whose tenants and/or their guests cause a disturbance and/or do not abide by the rules of the Association will be held responsible for their tenants/guests actions.
- 12.5. Persistent disturbances and contraventions of the rules of the Association by tenants and/or their guests can result in permission to rent out an owner's property being withdrawn by the Trustee Committee at their discretion.

13. HERMANUS GOLF CLUB RULES RELEVANT TO FERNKLOOF ESTATE

- 13.1. A full copy of the *Hermanus Golf Club Rules* is available on the website.
Some highlights to note:
- 13.2. No random playing of golf is allowed. No chipping, putting or practicing anywhere on the golf club property will be permitted, other than at the designated practice areas.
- 13.3. The use of bicycles, skateboards, roller skates or any other similar items are forbidden on golf club property.
- 13.4. Access to golf club property from the estate is via the link cart paths only. Estate owners or residents are prohibited from taking short cuts across the golf course.
- 13.5. Outside of normal golfing hours (early morning and late afternoon) when no play is taking place or any golf players are visible, the golf course may be used for recreational walking or jogging. Tees, bunkers and greens are to be avoided.
- 13.6. The wetland areas are no go areas and may not be entered under any circumstances. The wetlands may only be viewed from the demarcated boundaries thereof.

13.7. No pets are allowed anywhere on the Golf Club property.

14. PENALTIES

- 14.1. For purposes of the enforcement of the estate rules the trustee committee may, as provided for in clause 41 of the constitution, impose penalties in the event of an owner contravening, breaching or disregarding any provision of the constitution or rule, hereinafter referred to as the 'offence'.
- 14.2. Clause 41 of the constitution sets out the process whereby the owner is informed of the alleged offence and is given an opportunity to make representations to mitigate why a penalty should not be imposed.
- 14.3. The trustee committee will, in terms of clause 41.5 of the Constitution, have the authority to impose an 'initial penalty' for the first offence and 'subsequent penalties' for every identical offence thereafter.
- 14.4. The penalty amount will be considered and ratified or amended annually at the Annual General Meeting and the latest penalty amounts approved are as follows:
 - 14.4.1 a maximum of R500 (five hundred rand) for the first offence;
 - 14.4.2 a maximum of R1 000 (one thousand rand) for the second identical offence; and
 - 14.4.3 a maximum of R5 000 (five thousand rand) for any identical offence thereafter;which amounts shall then be deemed to be a debt owing by the owner concerned to the association.
- 14.5. The decision of the trustee committee to impose an 'initial penalty' and/or 'subsequent penalty' in terms of clause 41.5 shall be final and binding, but shall not restrict the rights of the offender who is dissatisfied by the decision to invoke the provisions of clause 37 and 38.

The office of the Fernkloof Estate Management is situated at Lakewood Village in Theron Street.