



**Date: 13 JUNE 2018**

## **FERNKLOOF ESTATE MASTER PROPERTY OWNERS ASSOCIATION**

### **RULES**

#### **1. INTRODUCTION**

- 1.1. This document itemises the rules applicable to the residents of and visitors to Lakewood 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. Estate living necessitates a higher level of control than would be the case in residential property not bounded by an estate, and these rules have been designed to allow for the orderly management of the estate for the benefit of all owners.
- 1.2. In terms of the Constitution of the Estate the trustees are authorised to amend, substitute or repeal the rules from time to time, and such rules are binding upon all owners, residents, visitors and contractors. 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. This document should be read in conjunction with the other documentation that is available on our website, which documentation includes:
  - the design guidelines for the Fernkloof Estate;
  - the Constitution of the Fernkloof Master Property Owners Association (MPOA);
  - the Constitution of the relevant Precinct Estate Property Owners Association (the Association), and
  - the Contractors Agreement which stipulates the conditions under which construction may take place on the Estate.
  - the Hermanus Golf Club rules relevant to Fernkloof Estate.

#### **2. USE OF THE STREETS**

- 2.1. The speed limit is 20kph.
- 2.2. No motorised or battery-operated vehicle is allowed to be driven without the driver having a valid driver's licence.

- 2.3. The use of motorcycles, quad bikes, scramblers, motorised scooters or other vehicles with noisy exhaust systems are prohibited anywhere on the Estate.
- 2.4. Hooting at the entrance or anywhere within the estate is prohibited.
- 2.5. Owners and their visitors/contractors must first make use of the parking bays available on their property, before parking in the street will be allowed.
- 2.6. Garage doors to remain closed at all times thereby maintaining the aesthetics of the Estate.

### **3. LANDSCAPING & MAINTENANCE OF GARDENS AND VERGES**

- 3.1. It is a requirement that the homeowner landscape and maintain their gardens and verge(s) adjacent to his/her property and that the road surface is kept free from sand, stone or any other foreign material emanating from the verge.
- 3.2. No vandalism of Estate property and gardens will be tolerated.
- 3.3. UNDER NO CIRCUMSTANCES MAY ANY TREES BE REMOVED ON THE GOLF COURSE. However, under special circumstances, application can be made in writing to the Master Property Owners Association for removal of trees on the housing precincts.

### **4. REFUSE REMOVAL**

- 4.1. Refuse removal is undertaken by the local authority every Friday. Refuse must be placed in a municipal approved bin. Only recycle bags will be allowed outside the bin. Bins must be put outside on Friday mornings only and be back in yard by night fall on the same day. These bins can be ordered directly from the municipality (028 313 8000).

### **5. DOGS, CATS AND OTHER ANIMALS**

- 5.1. All dogs should be kept on a leash and under the control of the owner at all times when on the common property. No resident shall permit their dog(s) to cause a nuisance to other residents. This applies particularly to barking within the owner's property, as well as within common areas, and defecating on common areas.
- 5.2. Walking of dogs on golf course property is not permitted at any time.
- 5.3. The number of dogs and cats is limited to two dogs and two cats per household. Existing owners, who have more than the approved number of dogs or cats, will be allowed to retain them, but on death will be required to adhere to the approved number.
- 5.4. A bell shall be attached to the collar of a cat thereby reducing the chances of it stalking and killing birds within the Precinct.
- 5.5. Should an animal continue to be a nuisance, after the owner has been requested by the trustee committee to prevent such nuisance, the trustee committee shall be entitled to ask the owner to remove the animal from the Estate and/or, failing this, to attend to the removal themselves, and claim the cost so incurred from the relevant owner.
- 5.6. Dogs and cats must be identified with a collar and ID tag.

### **6. RE-SELLING OF PROPERTY - OUTSIDE AGENTS AND SHOWING OF HOUSES**

- 6.1. Re-sales of property are permitted through any registered Estate Agent, but owners are advised to ensure that agents are aware of and inform prospective buyers of all the rules and regulations which will apply should the buyer become an owner subsequent to a successful sale.

6.2. No signage is permitted on any plot or on any part of the common property. One sign per Agent per property will be allowed at the entrance of the relevant Precinct on the demarcated area and will only be allowed over weekends from 17h00 on Fridays to 18h00 on Sundays.

## **7. PAYMENT OF LEVIES**

7.1. Levies are due and payable by debit order on the first day of each month. Interest of 4% above prime overdraft rate will be raised on all amounts in arrears.

## **8. SECURITY AND ACCESS CONTROL**

8.1. A central feature to the quality of life in Fernkloof Estate is security. To the extent possible Fernkloof Estate is protected by electrified fencing that is designed to minimise unauthorised access to the Estate. The fence is also intended to deter baboons from entering the Estate. The electrical fencing will be monitored by the gatehouse. Each gate house will control their own access system.

8.2. To the extent possible boundaries, other than those immediately adjacent to the precinct, are guarded by an electrified fence and are monitored on a 24-hr basis by the appointed security company.

8.3. Important elements of a secure lifestyle are that of prevention and deterrence. Residents are requested to familiarise themselves with the procedures which have been developed to manage the entrance and exit of people and vehicles with the minimum disruption whilst at the same time protecting the residents. From time to time certain changes may be made to some of these procedures, and residents will be advised accordingly. Residents are reminded that they have the responsibility for the conduct of their visitors and for ensuring that they adhere to the security procedures.

8.4. No vegetation may interfere, touch or grow over the perimeter fence.

8.5. All house alarm sirens shall be internally mounted, and linked to a remote response.

## **9. REMOVAL OF ALIEN VEGETATION**

9.1. Property owners must ensure that their properties are free of weeds and alien vegetation and, if applicable, undeveloped erven are neat and tidy at all times. In this regard the Association and/or the MPOA shall be entitled without prior notification to clear any property of alien vegetation and recover the cost thereof from the relevant property owner.

9.2. Property owners are required to take appropriate steps to ensure that any surface erosion does not result in the accumulation of soil on the roads and sidewalks.

## **10. APPOINTMENT OF CONTRACTORS**

10.1. Once appointed by property owners, Contractors will be required to enter into a Contractors Agreement with the Estate. The agreement is designed to regulate the activities and conduct of contractors within the Estate. Should the terms of the contract not be adhered to, it could result in the Contractor being refused access to the Estate.

## **11. MAINTENANCE OF STRUCTURES INCLUDING BOUNDARY WALLS**

11.1. Homeowners are required to maintain all structures on their properties, including boundary walls, in good condition.

## **12. BUILDING HOURS**

12.1 Building 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

12.2 Contractors will be advised by letter in the beginning of December each year, when the builders' holiday will start and end, during which period no contractor or subcontractors will be allowed in the Estate, unless it is an emergency.

## **13 DOMESTIC STAFF**

13.1 The Association and/or the MPOA shall be entitled to require that details of domestic staff be supplied to Estate Management and shall furthermore be entitled to put into place such procedures as may be applicable for the control of access to the Estate by domestic staff.

## **14 PARKING OF BOATS, CARAVANS AND TRAILERS**

14.1 Owners/Residents will not be allowed to park any boats, caravans, motorised homes/caravans or trailers on the street front or any other place where it may be visible for longer than three days.

## **15 PARKING OF VEHICLES**

15.1 No vehicle of any nature which exhibits

- commercial branding; and/or
- external attachments/equipment; and/or
- modifications for use in a commercial operation

shall be parked on any verge or within an owner's property-

- during weekdays overnight; or
- at weekends; or
- public holidays

in sight of other properties without the consent of the Trustees.

## **16 WASHING LINES**

16.1 Washing lines should not be visible to other owners and drying racks should also not be positioned in sight of other properties.

## **17 NOISE**

17.1 Persistent and excessive noise such as loud music and partying must be restricted as not to offend neighbours. Where a function likely to be noisy is arranged, it would be common courtesy to advise neighbours likely to be affected. In any event any activity of the type described or similar should not go beyond 23h00.

## **18 GARDENING**

18.1 Gardening with motorised tools shall be permitted only on weekdays between 8h00 am and 17h00 pm and on Saturdays and Public Holidays between 08h00 am and 13h00 pm (not on Sundays).

## **19 DRONES**

- 19.1 Drones may not be operated within the boundaries of the Estate, without the prior explicit written approval of the Estate Manager.

## **20 SHORT TERM LETTING OF PROPERTY**

- 20.1 Owners may not let or sub-let their properties on a short-term basis and short-term is defined as any period less than one month. All rentals (longer than one month) will be subject to the following:

- 20.2.1 No advertising allowed either in the precinct or elsewhere;
- 20.2.2 Maximum of 2 adults per bedroom (number of bedrooms as per approved plans);
- 20.2.3 No pets allowed;
- 20.2.4 Not more than 2 motor vehicles allowed, without prior written request and approval by the trustee committee;
- 20.2.5 Signature on a document confirming that the rules have been read and an undertaking to abide by Estate Rules;
- 20.2.6 No boats, caravans, trailers and motorised homes are allowed.

## **21 WATER RESTRICTIONS**

- 21.1 Owners are encouraged to adhere to all water restrictions, given that water is precious commodity in South Africa.

## **22 DANGEROUS WEAPONS**

- 22.1 No person shall discharge any firearm, air-rifle, crossbow, bow and arrow or similar weapon or device on or about the Estate other than in self-defence.

## **23 FINES AND PENALTIES**

- 23.1 For purposes of the enforcement of any of the Rules as set out above, the Trustee Committee may take or cause to be taken such steps as they may consider necessary to remedy the breach of the Rule of which the owner may be guilty. Specifically, the trustee committee will have the authority to impose a financial fine after two written warnings, being R500.00 (Five Hundred Rand) for the 1<sup>st</sup> offence, R1 000.00 (One Thousand Rand) for the 2<sup>nd</sup> offence, and R5 000.00 (Five Thousand Rand) per offence thereafter, which amount shall then be deemed to be a debt owing by the owner concerned to the Association. Notwithstanding the foregoing, the Trustee Committee may in the name of the Association enforce the provisions of any Rules by proceedings in a court of competent jurisdiction and for this purpose may appoint such attorneys and counsel as they may deem fit. It is specifically noted that, in terms of the constitution the cost of such action is for the account of the owner.

## **24 LEAVE FOR APPEAL AND PROCEDURES FOR APPEAL REGARDING PENALTIES IMPOSED**

- 24.1 A homeowner has the right to object against an imposed penalty, if he/she feels that a legitimate reason exists for lodging such an objection, by forwarding a written objection within 7 (seven) calendar days of receipt of the penalty imposed.

## **BABOON WARNING**

Would all owners and visitors please note that we are visited fairly often by baboons and its incumbent upon us all to take great care so as not to allow them access to our houses.

- Make sure rubbish is only left out on Friday morning in approved bins. If you are going to be away place your rubbish in the bin at the gate before you go.
- Make sure that when you go out not to leave any window or door open which may allow baboons access. They get through very small apertures – even post in the very little ones.
- Don't leave foodstuff clearly visible – they have wonderful eyesight and will spot a bowl of delicious fruit from afar.
- Don't ever feed or encourage them – these are wild animals and are very dangerous.

**The office of the Estate Management is situated at Lakewood Village.**