



## HOME OWNERS CONDUCT RULES 2021

### 1. Introduction

- 1.1 The objective of the Yellow Wood Home Owners Association (the “HOA”) is to provide a high-quality lifestyle for residents, within a secure estate.
- 1.2 These Rules have been established in accordance with the Memorandum and Articles of Association of the HOA. The rules are binding upon all owners and occupants of Yellow Wood Estate (“the Estate”), as is any decision taken by the HOA in interpreting these rules.
- 1.3 The Association Members are responsible for ensuring that members of their families, tenants, visitors, friends and employees abide by these rules.
- 1.4 Happy and harmonious living is achieved within the Estate when residents use and enjoy their private property as well as the common areas on the Estate.
- 1.5 The decision of the HOA is final and binding in respect of the interpretation of these Rules.
- 1.6 These Rules are subject to change from time to time in terms of the Articles of Association of the HOA.

## 2. Definitions, Interpretations and Delegations

- 2.1 In these Home Owners Conduct Rules, unless it appears to the contrary, either expressly or by necessary implication, the words and expressions as defined in the Articles of Association shall bear the same meaning in these Conduct Rules as in the Articles of Association.
- 2.2 Unless the context otherwise requires, any words importing the singular number only shall include the plural number and vice versa, and words importing any one gender only shall include the other gender as well as juristic persons.
- 2.3 In particular, the following words and phrases shall, unless the context otherwise requires, have the meanings given below:
- 2.3.1 The "Association" means the Yellow Wood Estate Home Owners Association, an association incorporated in terms of Section 21 of the Companies Act No 61 of 1973;
- 2.3.2 The "common property" means the common property to be managed and controlled by the Association as defined in the Articles of Association of the Association;
- 2.3.3 "Yellow Wood Estate" means the township established on the development area;
- 2.3.4 "Member" means a member of the Association. The term "member" generally has the same meaning as "home owner", but is more exact and ties in with the Articles of Association. For this reason, "member" is used in preference to "home owner" or "owner";
- 2.3.5 "Directors" means the directors, for the time being, who act on behalf of the Association
- 2..3.6 "Vehicle" means any form of conveyance, whether self-propelled, or drawn by machine, animal or human agency.
- 2.4 It shall be the responsibility of every member to ensure that all members of his household, employees, tenants, invitees and guests, paying or otherwise, are fully aware of these Conduct Rules. In the event of any breach of the Conduct Rules by the member, members of his household, employees, tenants, invitees and guests, or by members of his tenant's household, employees, guests and invitees, such breach shall be deemed to have been committed by the member himself.
- 2.5 Where there is a conflict between the Conduct Rules and the Articles of Association of the HOA, the Articles of Association of the HOA shall prevail.

### 3. Traffic / Pedestrians

- 3.1 No vehicles shall enter or leave Yellow Wood Estate at any point other than at the entrance gates, except with the consent of the Association, which consent will only be given in special circumstances. Non-members are required to sign the relevant entry document stating that they will abide by the Conduct Rules, regulations and Articles of Association of Yellow Wood Estate.
- 3.2 All vehicles entering Yellow Wood Estate shall stop at the vehicle entrance. No tailgating.
- 3.3 No vehicle shall enter Yellow Wood Estate unless admitted by the guard on duty at the gate, except where the Association has issued, to the driver, a device enabling the driver to operate the vehicle entrance gate himself.
- 3.4 No member shall permit the use of such device for operating the vehicle entrance gate by any person save a member of his household, or the guests or lessees of the member.
- 3.5 The movement and control of traffic and pedestrians are subject to the security and access rules and regulations of Yellow Wood Estate.
- 3.6 Guests of members and tenants will have to stop at the security entrance such that their host can be contacted in order to open the gate by remote control. Entry will be refused if the above process cannot be concluded satisfactorily.
- 3.7 Heavy deliveries (being vehicles having a gross weight in excess of 12 tons) are not permitted without the consent of the directors, for the time being, of the Association.
- 3.8 Motorised vehicles, including golf carts, shall be driven on Yellow Wood Estate roads only by persons who hold a valid current driver's license which would permit them to drive that vehicle on a public road within South Africa.
- 3.9 No person shall drive any vehicle on any road within Yellow Wood Estate at a speed in excess of 30 km per hour. A lower speed limit may be imposed by the Association where appropriate.
- 3.10 The Association may, by means of appropriate signage designed specifically for Yellow Wood Estate, give direction as to the use of roads or any portion of the roads and common property, and failure by any person to obey this signage shall be a contravention of these Conduct Rules.
- 3.11 All persons in Yellow Wood Estate shall observe and comply with the provisions of any road traffic legislation applicable to the Limpopo Province as fully and effectively as though Yellow Wood Estate roads are public roads as defined in such legislation.

3.12 Notwithstanding clause 3.7 and subject to the provisions of clause 3.13 below, vehicles such as motorised ride-on mowers, "carryall" carts for the development and maintenance of Yellow Wood Estate, as well as motorised golf carts may be driven on Yellow Wood Estate roads, provided:

3.12.1 the vehicles are in sound mechanical condition;

3.12.2 the vehicles have adequate front and rear lights when driven after dark; and

3.12.3 the provisions of clause 3.8 is observed.

3.13 No person shall store any motor vehicle, golf cart, caravan, boat etc in any place in Yellow Wood Estate except in a structure built for this purpose approved in writing by the Aesthetics Committee. None of the above shall be left overnight on any road.

3.13.1 No aircrafts may be landed at any place on Yellow Wood Estate without the authority of the directors of the Association.

3.13.2 No vehicle may at any time block the thoroughfare of other vehicles on any road.

3.14 Vehicles shall be parked in designated parking bays only on roads and hard surfaces and no parking shall be done on any grass or pavements situated outside any stand or unit boundary.

3.15 Parents are responsible for ensuring that their children are made aware of the dangers relating to the use of streets.

#### **4. Use of Facilities**

##### **4.1 Gate house**

- Only estate management and security company should access the office.

##### **4.2 Waste Area**

- Owners and staff have access to this area. Security will stand by when municipality remove the waste.

##### **4.3 Park Area**

- All owners and staff will have access to the park area.

## 5. Conduct: Good Neighbourliness

- 5.1 No person shall make or cause to make any disturbance or excessive undue noise, which creates a disturbance to other persons. In particular;
  - 5.1.1 Burglar alarms must have armed response back up. Alarms going off must be attended to.
  - 5.1.2 All vehicles must be fitted with an acceptable silencer system.
  - 5.1.3 The mowing and/or edging of lawns, the use of leaf blowers, or the operation of any other noisy machinery which may disturb neighbours is strongly prohibited after 17:00 during weekdays and after 13:00 on Saturdays. These activities are, expressly prohibited on the following days: Sundays, New Years, Easter, Christmas and Family Day [26 December].
- 5.2 No business activity or hobby shall be conducted on any property which will cause aggravation or nuisance to fellow residents.
- 5.3 The use of fire-works is not permitted.
- 5.4 No business activity or hobby shall be conducted on any property without the written approval of the HOA.
- 5.5 The volume of music, electronic instruments or entertainment should be kept at a level so as not to create a nuisance to other residents.
- 5.6 The use of power tools should be restricted to the following hours:

Monday to Friday 07H00 – 18H00 and Saturdays 08H00 – 13H00
- 5.7 Washing lines must be suitably screened from neighbouring properties.
- 5.8 Refuse must be properly retained and collection of refuse will be on a system determined by the HOA from time to time. Garden refuse must be removed on the same day.
- 5.9 Advertisements or publicity material may not be exhibited or distributed unless the consent of the HOA has been obtained.
- 5.10 Owners and tenants must ensure that domestic workers and other employees do not loiter on the Estate and specifically not at any prominent places such as the park area, gatehouse, entrance area to Estate etc.
- 5.11 In the event of a dispute, the parties involved should attempt as far as possible to settle the matter between themselves, exercising due tolerance, reasonableness and consideration. Where a dispute cannot be resolved, the procedure shall be as follows:

5.11.1 Written submissions will be made by the parties involved in the dispute to the HOA;

5.11.2 The HOA may, at its sole discretion, decide as to whether the HOA will arbitrate on the matter or not;

5.11.3 If the HOA decide to arbitrate on the matter, the decision of the HOA shall be final and binding on the parties in respect of the resolution of the dispute;

5.11.4 In the event that the HOA is of the view that it is not prepared to arbitrate in the matter, the HOA may appoint an arbitrator at its sole discretion, in which event the arbitrator's decision shall be final and binding on the parties and such arbitrator shall have the right to make an award as to legal costs.

5.11.5 Should a dispute not be resolved via any available internal dispute resolution mechanisms the disgruntled party can approach the Community Schemes Ombud Services and lodge an Application for Dispute Resolution in terms of the Community Schemes Ombud Services Act No 9 of 2011.

5.12 Alarm or protection systems may be installed in private dwellings subject to the following condition

5.12.1 flashing outside lights are permissible;

5.12.2 the system provider must inform the Yellow Wood Estate security service forthwith upon being alerted to any problem;

5.12.3 security service will use their best endeavours to investigate any such problem;

5.12.4 the member concerned will be charged and debited with a reasonable "call-out" charge of R100 (one hundred rand), or such other amount as may be determined from time to time by the directors for the time being of the Association.

5.12.5 No party and/or resident shall have any claim of whatsoever nature for damages against the HOA as a result of a decision taken by the HOA regarding the interpretation of these rules.

## **6. Maintenance of Streetscape**

6.1 Each owner is responsible for maintaining the area between the kerb and the boundary of his property in a clean and pleasing condition. The HOA can compel the owner or tenant to improve the aesthetic appearance of this area when deemed necessary, at the cost of the owner.

- 6.2 Garden fences and/or walls forming part of the streetscape should be regularly maintained and painted where necessary.
- 6.3 The HOA has the right to effect repairs at the cost of the owner should it be considered necessary.
- 6.4 Building material may under no circumstances be dumped on the sidewalks or streets. The owner will be liable for any damages in this regard.
- 6.5 No trees or plants may be damaged, removed or planted without the permission of the HOA.
- 6.6 Failure of streetlights must be reported to GTM electrical department.

## **7. Maintenance of Stands, Gardens and Houses**

- 7.1 The HOA shall have the right and duty to control the environment, which shall include, but not be limited to the vegetation on the stands and common property, the erection of walls, fences and hedges, and shall have the right to trim hedges and trees.
- 7.2 The HOA holds the right to cut and tidy open stands at the cost of the owner of the stand. If the stand is not tidy the HOA will undertake cutting in January, April, August and November. Owners can avoid this cost by cleaning their stands before then. Cut vegetation must be removed.
- 7.3 Members are required to keep the exterior of their dwellings in a good state of repair and their stands tidy. Should a dwelling fall into a state of disrepair, or should a stand become unsightly, the HOA shall call upon such member to rectify the situation, detailing what remedies are required and giving the member a reasonable period for commencement and completion. If the member fails to comply with the HOA requirements within the stipulated times, the member shall be in breach of the Conduct Rules and the HOA may proceed in terms of the rules and fines may be levied.
- 7.4 No Wendy-houses, tool sheds, greenhouses, carports etc. may be erected.
- 7.5 Caravans, boats, trailers, equipment, etc. should be located out of view from neighbouring properties and the street.
- 7.6 Should an owner want to change the colour scheme of his house they need to get approval from the Aesthetic Committee.

## **8. Environmental Management**

- 8.1 No non-indigenous, noxious or prohibited trees shall be planted anywhere on the estate without the written permission of the HOA.

8.2 Any person using an open space area is to leave it in a neat and tidy state.

8.3 Floodlights must be adequately screened so as not to cause discomfort to neighbours.

8.4 Birds and other fauna are considered as protected and may not be harmed, unless necessary under the circumstances. No shooting of birds is allowed.

## **9. Domestic Animals and Pets**

9.1 Dogs, cats and other domestic animals are permitted on the estate, on condition that they do not cause an unreasonable nuisance to neighbours.

9.2 No poultry, pigeons, aviaries or wild animals may be kept on the estate without the written permission of the HOA.

9.3 Pets are not permitted to roam the streets and dogs must be kept on a leash in all areas other than the private property of the owner.

9.4 Should animal excrement be deposited in a public area the pet owner/handler shall be responsible for the immediate removal thereof.

9.5 The HOA reserves the right to request the owner to remove his pet should it become a nuisance on the estate.

9.6 The number of domestic animals is limited to two animals per household.

## **10. Security**

10.1 The security system and security guards are there for the benefit of the entire estate and shall not be abused by any person.

10.2 Security protocol at the gate must be adhered to at all times.

10.3 No resident or any other person other than the security personnel or members of the HOA assigned to security related matters, shall be allowed into the security office at the gate.

10.4 All owners or residents are to install and maintain the minimum security system applicable from time to time as required by the HOA.

10.5 Owners and/or residents must request their guests and employees to adhere to the security protocol determined by the HOA from time to time.

10.6 Vehicle security stickers must be affixed to vehicle windscreens to assist the guards in the performance of their duties.

10.7 All owners and approved lessees shall be provided with security access cards of a type to be determined and consistent with the security system selected.



- 10.8 The estate security will be manned 24 hours a day, on a basis determined from time to time by the HOA.
- 10.9 No property may be secured with razor wire or similar fencing during or after the construction period.
- 10.10 No residents may give instructions to security personnel.
- 10.11 New occupants must advise the security supervisor of their particulars (Cell/Tel no, etc.) to update the security data.
- 10.12 Owners and residents are responsible for their own security. A lot of effort is given to security but the HOA cannot be held responsible for any theft or any other security situation.

## **11. Tenants, Visitors, Contractors & Employees**

- 11.1 Should any owner let his property, he shall notify the HOA in writing in advance of occupation, the name of the lessee and the period of such lease. The owner shall further ensure that the occupant is aware of all the rules applicable from time to time.
- 11.2 The occupants of any property within the estate are liable for the conduct of their visitors, contractors and employees.
- 11.3 All owners must ensure that contractors have signed the Contractors Code of Conduct prior to commencement of work and that they adhere to the stipulations thereof. Should a contractor not adhere thereto, the owner becomes liable to the HOA for any breach thereof.
- 11.4 All contractors to register before work commences. Principal contractor to sign agreement.

## **12. Letting & Re-Selling**

- 12.1 Should the owner wish to re-sell his property, only an accredited estate agent may be selected to manage the sale or lease, if the owner does not conclude the sale or lease himself. "Sale" includes the transfer of interest in a company, close corporation or trust.
- 12.2 The owner and any accredited agent must ensure that a purchaser is made aware of the contents of the Home Owners Conduct Rules, Building Guidelines and/or any other Rules applicable to the development.
- 12.3 The seller or lessor of a property within the estate shall ensure that the sale or lease contains at least the following clauses:

### **12.3.1 Sale**

This agreement is subject to the consent of the HOA;

The purchaser acknowledges that the property may not be transferred until the purchaser has agreed to become a member of the HOA subject to all its rules and regulations;

#### 12.3.2 Lease

The lessee acknowledges that upon occupation, he and his family, his employees and invitees shall abide by all rules and regulations of whatever nature applicable on the estate from time to time.

Accredited agents may only operate on an appointment basis and must personally accompany clients to a property for sale or rent. No signboards shall be erected other than agreed with the HOA. Agents need to register with HOA.

For as long as the developer requires, an estate agent approved by the developer will be the only accredited agent that may be appointed by the HOA. Thereafter an estate agent is accredited after signing an agreement with the HOA to the effect that such agent shall adhere to the stipulated procedures applicable to the sale or lease of a property in the estate, having been familiarised with respect to all documentation relating to the transaction and the control, management and running of the estate.

The HOA reserves the right to review the accreditation of any agent and the policy relating thereto from time to time other than the agent approved by the developer as envisaged above.

### 13. Administration

13.1 All levies are due and payable on or before the 7<sup>th</sup> day of every month, in advance and interest on arrears will be raised on overdue accounts at a rate determined by the HOA from time to time. Further penalties may also be raised by the HOA on accounts overdue for a period longer than 60 days. Any Legal cost will be for the account of the owner not paying his account.

13.2 The HOA shall have the right to impose fines to transgressors of any rule or regulation in relation to its seriousness. Such fine shall be recovered via the levy invoicing system.

13.3 Any person who contravenes or fails to comply with any provision of the Home Owners Conduct Rules, Building Guidelines, Contractors Code of Conduct and/or any other Rules imposed by or directions given in terms of the aforementioned rules, shall be deemed to have breached these Rules and will in the entire discretion of the directors for the time being of the Association be subject to any penalties imposed by the directors having regard to the circumstances and which may include the imposition of fines which amount shall not exceed R1 000-00 (one thousand rand) for each separate offence, adjusted for inflation from time to time and / or the

temporary suspension of the member's social membership as defined in the Articles of Association of the Association.

- 13.4 In the event of a breach by members of the member's household, employees, invitees, guests and tenants, and the members of the tenant's household and the tenant's employees, invitees and guests, the member shall be liable for the payment of any fines imposed;
- 13.5 In the event of a breach by a tenant, a member of the tenant's household or employees, invitees or guests of the tenant, the HOA may, in addition to the imposition of any fine or other penalty, bar the above mentioned from access to Yellow Wood Estate.
- 13.6 In the event of a continuing offence, any person subject to these Home Owners Conduct Rules who contravenes or fails to comply with any of their provisions, or any condition or direction given in terms thereof, shall be deemed to be guilty of a separate offence for every 24 (twenty-four) hours or part thereof during which such offence continues and shall be liable in respect of each such separate offence.
- 13.7 Any fine imposed on a member, in terms of clause 13.2. or 13.3, shall be a debt due and payable to the HOA by the member on demand.
- 13.8 Should a member fail or refuse to comply with these Conduct Rules, the HOA may take whatever action may be necessary and appropriate in the circumstances and recover from the member any costs incurred in taking such action without prejudice to its rights to recover any fines or other penalties imposed.

#### **14 Building Plan Approval**

- 14.1 Prescribed Building Plans must be submitted to the Aesthetics Committee for scrutiny prior to submission of the plans to the Local Authority for approval. Please refer to the Yellow Wood Estate Building Guidelines (Annexure B). The Building Guidelines may be amended by the HOA from time to time.
- 14.2 Plan Approval Forms can be obtained from the appointed Architectural Professional. The Plan Approval Forms must be completed and submitted with the prescribed Building Plans to the Aesthetics Committee for approval.
- 14.3 Appointed Architectural Professional

Marius Swanepoel  
26 Agatha Street  
Tzaneen 0850  
Cell: 082 466 3999  
Email: swan6211@outlook.com

- 14.4 Detailed working drawings incorporating a site development plan, together with a building deposit and security clearance form are to be submitted to the Aesthetics Committee of the HOA for approval, prior to being submitted to the Local Authority for approval. The HOA reserves the right to prevent commencement of building construction without prior approval by the HOA and the Local Authority.
- 14.5 Where house designs are found to be insensitive towards the character of the estate, the owner can be requested to alter such designs or to make use of another suitably qualified architectural professional.
- 14.6 One copy of the approved plans submitted, will be kept for record purposes.
- 14.7 Construction of houses must commence within 36 (thirty-six) months of registration of transfer of the Erf into the name of the owner, failing which the owner will be charged a late commencement levy of R 2 500.00 (two thousand five hundred rand) on a monthly basis.
- 14.8 Should an Erf be resold; construction of the house must commence within 24 (twenty-four) months of registration of transfer into the name of the new owner, failing which the owner will be charged a late commencement levy of R 2 500.00 (two thousand five hundred rand) on a monthly basis.
- 14.9 Construction will be completed within 10 (ten) months from the commencement date, failing which the owner will be charged a late completion levy of R 2 500.00 (two thousand five hundred rand) on a monthly basis.
- 14.10 Where building works have not commenced within one year of date of approval of the plans by the HOA, such initial approval shall lapse and plans have to be re-submitted for approval.

## **15. Private Boreholes**

- 15.1 Private boreholes may only be drilled with prior permission from the HOA.
- 15.2 Should a borehole interfere with the natural water supply of the water features on the estate, use of the borehole may be suspended by the HOA.

## **16. Building Contractor Activity**

- 16.1 These rules regarding building contractor activity are to ensure that building activity is conducted with the minimum of inconvenience and disruption of residents. Contractors must register and are bound by the Builders Code of Conduct. (Please see Annexure D).
- 16.2 These rules are binding on all owners, residents, their contractors and sub-contractors.

- 16.3 The HOA has the right to suspend any building activity in contravention of any rule or condition and will not be liable for any loss, injury or any claim as a result of any building activity of whatsoever nature
- 16.4 No construction may commence unless a water connection is installed on site and an approved site toilet must be installed before commencement of building works
- 16.5 No contractor activity is allowed on Sundays and Public Holidays.
- 16.6 Contractor workers and personnel are not permitted to remain on the estate between 18H00 and 07H00.
- 16.7 The contractor shall provide facilities for rubbish disposal to be removed weekly and not be disposed of or burned on the estate.
- 16.8 If the contractor fails to keep the site clean and tidy within reason, he may be prohibited from entering the estate until such time that the site is properly cleaned.
- 16.9 Building boards may only be erected with the permission of the HOA and must be removed upon completion of building works.
- 16.10 The owner and contractor shall be jointly liable for any damage to streets, paving, kerbs, private or estate property as a result of building activities.

## **17. Newsletter – Webpage**

An estate newsletter will be published from time to time to advise owners and residents of events and news within the Estate and the area. Owners and residents are invited to participate by contributing any newsworthy items by way of editorials, subject to space availability.

## **18. Membership**

Upon registration of transfer of any property into the name of a purchaser, the purchaser shall automatically become a member of the HOA and he, his family, employees and invitees are bound by the Yellow Wood Estate:

- 18.1 Building Guidelines (Annexure B).
- 18.2 Home Owners Conduct Rules (Annexure C).
- 18.3 Builders Code of Conduct (Annexure D).