



# DE WIJNLANDEN

**DE WIJNLANDEN HOME OWNERS' ASSOCIATION**

## **ESTATE RULES**

(Updated 17 November 2022)

# INDEX

	PAGE
1. PREAMBLE	4
2. BINDING NATURE OF THE ESTATE RULES	4
3. INTERPRETATION	5
4. DOMESTIC PETS & ANIMALS	6
5. REFUSE DISPOSAL AND LITTERING	7
6. VEHICLES AND ROADS USAGE	7
7. ERECTION OF NEW BUILDINGS AND/OR STRUCTURES AND CHANGES, ALTERATIONS OR ADDITIONS	8
8. MAINTENANCE	9
9. SIGNS AND NOTICES	10
10. LAUNDRY	10
11. STORAGE OF INFLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS	10
12. SALE OF ERVEN	11
13. LETTING AND OCCUPANCY OF DWELLINGS	11
14. ACCREDITED AGENTS	11
15. ERADICATION OF PESTS AND HEALTH REGULATIONS	12
16. NOISE, NUISANCE OR DISTURBANCE	12
17. COMMON AREAS, GROVES AND ECO-BELT	13
18. CLUBHOUSE AND AMENITIES	15
19. OBLIGATIONS WITH REFERENCE TO PERIMETER FENCE	15
20. SECURITY, SAFETY AND RISK	16
21. WORKERS AND CONTRACTORS	17
22. EMPLOYEES OR OFFICIALS OF THE ASSOCIATION	18

<b>23. IMPOSITION OF ORDINARY PENALTIES ON OWNERS OR RESIDENTS</b>	<b>18</b>
<b>24. NOTICE</b>	<b>19</b>
<b>25. COMPLAINTS</b>	<b>19</b>
<b>26. RELAXATION OF RULES</b>	<b>19</b>
<b>27. GENERAL RULES</b>	<b>19</b>
<b>28. SCHEDULE OF TRANSGRESSIONS &amp; PENALTIES as per Annexure “A”</b>	<b>20</b>

## **1. PREAMBLE**

The Estate Rules have been prescribed by the Trustee Committee in accordance with the Constitution of De Wijnlanden Home Owners' Association and in furtherance of the objects of the Association, which include:

- the management of all aspects of the design, aesthetics and maintenance of all buildings, improvements and landscaping within the estate;
- the control of building activities in the estate and to ensure compliance with the design manual;
- to ensure compliance with the Estate Rules;
- to ensure proper security standards within the estate;
- the maintenance, insurance, control and management of the common areas within the estate and to control the use and enjoyment thereof by owners, residents and visitors;
- to regulate the transfer, occupation, use and enjoyment of erven within the estate;
- the promotion, advancement and protection of the communal and group interests of the members generally in regard to the estate.

These Estate Rules may be substituted, revised, amended or repealed from time to time by the Trustee Committee.

## **2. BINDING NATURE OF THE ESTATE RULES**

- 2.1 The Estate Rules governing the use, occupation and enjoyment of an erf and the use and enjoyment of the common areas shall be binding on all owners, lessees and occupants of erven, and it shall be the responsibility of the owner to ensure compliance with these Rules by the said occupants of the property, including family members, visitors, workers, contractors and tenants.
- 2.2 In the event of a breach of the Estate Rules by any person detailed in clause 2.1 above, such breach shall be deemed to have been committed by the owner themselves. Without prejudice to the aforesaid, the Trustee Committee shall be entitled to take or cause to take such steps against the person actually committing the breach as they may in their discretion deem fit, with or without proceeding against the owner, including the payment of any penalty imposed as per attached Annexure A Schedule of Transgressions.
- 2.3 Should any damage be caused to the common property by any person detailed in clause 2.1 above, the owner shall be ultimately liable to the Association for all costs incurred therein.
- 2.4 The owner of an erf shall be liable for and pay all reasonable legal costs, including costs as between attorney and client and expenses and charges incurred by the Association in enforcing compliance with these Rules, and the Trustee Committee may add such costs to levy statements.
- 2.5 All members of the De Wijnlanden Home Owners' Association are bound by the By-Laws approved by the Council of the City of Cape Town. Where a By-Law conflicts with an Estate Rule, it is confirmed that the Estate Rule shall supersede such By-Law.

### 3. INTERPRETATION

- 3.1 In the interpretation of these rules, unless the context otherwise indicates:
- 3.1.1 “Association” shall mean the De Wijnlanden Home Owners Association;
  - 3.1.2 “Builders Conduct and Building Site Development Agreement” shall mean the agreement as prescribed by the Trustee Committee, which is to be concluded between the Association, the owner and the building contractor appointed by the owner for the construction of a new building;
  - 3.1.3 “Building Contractor” shall mean the building contractor engaged by the owner to erect new buildings and/or structures on his erf, and his employees and workers and the sub-contractors appointed by him and any tradesperson or supplier engaged by him;
  - 3.1.4 “Constitution” shall mean the Constitution of the Association;
  - 3.1.5 “Contractor” shall mean the Building Contractor or any other contractor appointed by an owner or resident;
  - 3.1.6 ‘Estate’ shall mean the development known as De Wijnlanden;
  - 3.1.7 ‘Estate Manager’ shall mean the person or corporate body as may be appointed by the Trustee Committee as an independent contractor or employee to undertake such duties with reference to the management of the Estate as determined in a signed contract;
  - 3.1.8 ‘House’ shall mean a residential dwelling situated in the Estate;
  - 3.1.9 “Lessee” shall include an occupier and tenant.
  - 3.1.10 “Owner” shall mean the registered owner of an erf;
  - 3.1.11 “Resident” shall mean any person residing on the Estate including an owner, occupier, tenant or worker.
  - 3.1.12 “Security” shall mean the security staff or personnel of the security firm appointed by the Trustee Committee.
  - 3.1.13 “These rules” shall mean the Estate Rules;
  - 3.1.14 “Trustee” shall mean a Trustee Committee member;
  - 3.1.15 “Worker” shall mean an employee or worker, including domestic worker or gardener engaged by an owner or resident;
  - 3.1.16 The headings to the respective Rules are provided for convenience of reference only and are not to be taken into account in the interpretation of these Rules.
  - 3.1.17 Words and expressions to which a meaning has been assigned in the Constitution shall bear the same meaning in these Rules, unless inconsistent with the context.
  - 3.1.18 Words importing the singular shall include the plural, and vice versa, and words importing the masculine gender shall include the feminine and neuter genders, and vice versa, and words importing persons shall include partnerships, trusts and bodies corporate, and vice versa;
- 3.2 If any Estate Rule is in conflict with a provision of the Constitution, the provision of the Constitution shall take precedence.

3.3 In all instances where these rules provide for consent by the Trustee Committee, such consent may be summarily withdrawn if any condition imposed thereon is not complied with.

3.4 In all instances where a letter or notice is sent to a lessee in terms of these rules, the notice shall also be sent to the owner of the particular erf.

#### **4. DOMESTIC PETS & ANIMALS**

4.1 Residents may not keep any poisonous, exotic or other undomesticated or wild animals, poultry, pigeons, aviaries or livestock on their property.

4.2 Residents shall not keep any pets other than dogs and cats on their property or common property without the written consent of the Trustee Committee.

4.2.1 All residents shall register their domestic animals with the Estate Manager. Should the animals exceed the number permitted in terms of these Rules, they will not be registered and the resident will be required to immediately remove such animal/s from the Estate.

4.2.2 Not more than a total of 4 (four) domestic animals may be kept on a property at any one time strictly limited to a maximum of 2 (two) dogs and/or 2 (two) cats provided that:

4.2.2.1 Each dog and/or cat has been registered, spayed or neutered in accordance with the By-Laws of the City of Cape Town. Each dog and/or cat has been inoculated. Breeding of any domestic animal on the Estate shall not be permitted.

4.2.2.2 Each dog and/or cat is fitted with a collar that indicates the pet's name, its owner's name and telephone number.

4.2.3 Dogs and cats shall be kept within the confines of the property.

4.2.4 Dogs are only allowed on the common property if on a leash and under the control of its owner or competent handler. The Trustee Committee may identify common areas where dogs may be walked unleashed, provided that the dogs remain under control of the owner or competent handler and does not in any way harass or cause nuisance to other dogs, people or wildlife.

4.2.5 Dogs may not be allowed to roam free on the Estate. Straying, unaccompanied dogs will be removed and handed over to a selected animal welfare organisation or local pound at the risk and expense of the resident concerned.

4.2.6 Residents must immediately remove and suitably discard the excrement of their dogs from the common areas and from the property of other residents. Owners and residents should also regularly attend to the removal of any defecation by their pets from their own erven.

4.2.7 Pets may not be allowed to endanger, cause a nuisance, disturbance or annoyance to other residents.

4.2.8 With reference to point 4.2.2 where new owners on the estate have more than the stated maximum number of pets, provided that the number of pets are within the guidelines of the City of Cape Town municipal regulations, these pets will be allowed to be kept by the owners. These pets may not be replaced until the number of pets mentioned in point 4.2.2 is reached.

- 4.2.9 Owners who walk their dogs on the common property shall at all times carry a disposable bag with them to allow for the removal of their dogs' excrement immediately and properly.
- 4.3 Should any animal or pet be adjudged by the Trustee Committee or its authorised representative (e.g. the Estate Manager) as being a danger or continual nuisance to other residents, the Association may procure its removal from the Estate, the costs of which will be recovered from the resident concerned in addition to any penalties which may be imposed thereon.
- 4.4 Residents shall be responsible for any damage or injury to property, persons or animals caused by their pets.
- 4.5 Visitors, workers or guests are not allowed to introduce any domestic animals to the Estate and the Trustee Committee may, through the Estate Manager or Security Personnel, insist on the immediate removal of such animals.
- 4.6 In the event of a resident of the Estate complaining in writing to the Association, the Board may make an order including that the dog shall forthwith be removed from the Estate, which order shall be final and binding.

## **5. REFUSE DISPOSAL AND LITTERING**

- 5.1 A resident shall for the purpose of having his refuse collected, place his refuse bin (wheelie bin) on his driveway on the days and at the times prescribed from time to time by the Trustee Committee. As soon as possible after the refuse has been collected, the refuse bin shall be returned to a suitable location not visible from the road.
- 5.2 Residents shall deposit their garden refuse in re-usable bags and place them on their driveways for collection on the days prescribed from time to time by the Trustee Committee. The number of refuse bags to be collected by the Home Owners Association will be limited to an amount set by the Trustees from time to time. Only plant material will be allowed in these bags.
- 5.3 A resident shall maintain refuse in a hygienic and dry condition.
- 5.4 No rubble, refuse or building material shall be dumped or discarded anywhere in the Estate.
- 5.5 All properties must be kept clear of litter.
- 5.6 Burning of rubble anywhere in the Estate is not permitted.

## **6. VEHICLES AND ROADS USAGE**

- 6.1 Parking is prohibited on all roads on the Estate except temporary parking is permitted for specific occasions or visits providing no obstruction is caused to other residents. No parking at any time is permitted on the common property other than the demarcated parking bays situated adjacent to the Clubhouse.
- 6.2 No truck, caravan, boat trailer, trailer or the like may be parked on any road, except for registered construction vehicles to whom access was granted.
- 6.3 No persons shall store any motor vehicle, caravan, boat, trailer or the like on any place on the Estate, including resident's own erven except in a structure approved by the Trustee Committee. None of the aforesaid may be left overnight on any road on the Estate.

- 6.4 Residents shall ensure that their vehicles do not drip diesel, oil or brake fluid on to the common areas or in any other way deface the common areas.
- 6.5 No resident may store a broken down vehicle or parts thereof or scrap of any nature on an erf or on the common property.
- 6.6 The Trustee Committee may cause to be removed or towed away, or the wheels to be clamped, at the risk and expense of the owner of the vehicle, including payment of a release penalty in respect of the release of the vehicle as determined from time to time by the Trustee Committee, any vehicle parked, standing or abandoned on the common areas in contravention of these rules.
- 6.7 No residents shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common areas or on an erf.
- 6.8 Residents and their family members, visitors, guests, workers and contractors shall adhere to the speed limit of 30 kilometres per hour whilst driving on any road in the Estate, and shall not drive their vehicles in a manner which is considered by a Trustee or the Estate Manager as negligent, reckless or dangerous. Regular electronic speed limit enforcement will be conducted on the private roads of the Estate via duly calibrated electronic speed measuring devices. If an owner or resident or his family member, visitor, guest, worker or contractor drives a vehicle on any road in the Estate in excess of the speed limit or in a manner which is considered by a Trustee or the Estate Manager to be negligent, reckless or dangerous, a summary penalty may be imposed (as per Annexure A Schedule of Transgressions).
- 6.9 Residents shall, when driving their vehicles, keep a proper lookout for other vehicles and pedestrians. No person shall drive a vehicle within the boundaries of the Estate without a valid driver's license for that specific vehicle under his control. All persons and vehicles shall adhere to the provisions of the National Road Traffic Act 93 of 1996 and, shall display a valid vehicle licence for the particular vehicle as required by the Act.
- 6.10 No loud music may emanate from any vehicle on the Estate and the excessive hooting and revving of vehicles and/or driving a vehicle in an off-limit area is prohibited.
- 6.11 Vehicles entering De Wijnlanden Estate will be limited to a maximum gross vehicle mass (GVM) of 10 000kg and a maximum length of 9,1 meter. No articulated vehicles will be allowed. Written permission in advance with motivation is required from the HOA or the Estate Manager for any vehicle in excess of these parameters to enter the Estate. The special permission vehicles, once approved, should enter the Estate through the Angels Way entrance. Transshipment could also take place at this gate where required.
- 7. ERECTION OF NEW BUILDINGS AND/OR STRUCTURES AND CHANGES, ALTERATIONS OR ADDITIONS TO EXISTING BUILDINGS AND/OR STRUCTURES**
- 7.1 All building or out-building additions to existing houses shall adhere to the De Wijnlanden Home Owners Association Design Guidelines and require approval in terms of the "builders conduct and building site development rules". No structural or aesthetic changes may be effected to a house and any pergola, sunscreen, photo voltaic (PV) cells or other addition may be made to a house without the written permission of the Trustee Committee.
- 7.2 No structures such as, but not limited to, flagpoles, fencing, Wendy Houses, car ports, water tanks, external air conditioner units or anything similar may be erected on an erf without the written permission of the Trustee Committee. In the event that anything has



been erected or done on an erf or building which in the sole discretion of the Trustee Committee is aesthetically displeasing or undesirable when viewed from the outside of the house, may be dealt with by the Trustees in such a manner as they deem fit.

- 7.3 Pools that are not permanent structures and sunk into the ground are only permitted from 15 November to 15 March provided it is as far as is practically possible placed in a position not visible from the road.
- 7.4 All external air-conditioning condenser units and ducting shall not be visible from the road elevation of the property and shall be placed at ground level. Where this cannot be achieved (inter alia due to the lay-out of the house on the property) the units should be hidden from view through an approved mechanism or an approved cover that does not distract from the overall harmony of design in the estate. Ducts and covers should also be painted in the colour of the house. In the case where the owner wishes to install an external air conditioner or water tank or any other structure referred to in section 7.2 of the Estate rules, the owner shall submit to the Estate Manager for approval by the Trustees a sketch plan indicating where the structures will be placed and indicating how the relevant rules and design manual requirements will be met. The Estate Manager will make a template for this application available for your use.
- 7.5 Screening of building sites, in absence of an existing boundary wall or fence.
- 7.5.1 The building site shall be screened off and secured by shade netting, to the following specifications.
- 7.5.2 1700mm high, 80% Green fixed with 22mm by 44mm pine strips to 79mm x 125mm x 3000mm CTC gum poles.
- 7.5.3 Gum poles planted in concrete footing.
- 7.5.4 Net to be kept in place with 3 horizontal, evenly spaced strands of 2.5mm.
- 7.5.5 The prescribed shade netting must be maintained at all times.
- 7.5.6 A 6-meter-wide gate will be permitted but must be closed and secured after hours.

## **8. MAINTENANCE**

- 8.1 Each owner shall maintain the buildings, outbuildings, boundary walls, retaining walls, fences and other structures on his erf in a neat and tidy condition and in a state of good repair. Quarterly aesthetics inspections will be conducted and should the owner fail to comply with written notices, HOA consent required for property transfers, will be withheld, until such time the owner complies.
- 8.2 Each owner and resident shall
- 8.2.1 maintain their garden to a standard acceptable to the Trustee Committee and in compliance with the Design Guidelines and maintain the common property verges bordering the road in a neat condition;
- Fences and walls abutting common areas, groves, eco belt and vineyard must be kept clear of tall grass and weeds up to 2 meters beyond such boundary fences and walls.
  - Gravel verges (no grass) are to be kept weed free and the plastic or weed guard is to be kept covered by the gravel.

- Pathways and driveways are to be kept free of weeds and debris.
- Grass verges and lawns are to be regularly mowed and kept free of leaves and debris.
- Grass edges and bed edges are to be cut and kept neat.
- Length of artificial lawn must be between 20mm and 40mm, and according to the selected (green) colours of the samples held at the clubhouse with the Estate Manager. In addition, such lawn may be installed on the street side of the house, between the house and the street verge, but not beyond the property boundary line as any estate or municipal excavations will not cover repairs to such. All installations shall be performed professionally, and pre-agreed with the estate manager by means of a diagram and confirmation of the installer.
- No colourful ornaments / benches to be placed on the verges. The estate is aiming for natural earthy tones to create an overall cohesive look, in line with the modernized Cape Vernacular country style, and between neighbours.

8.2.2 where the property abuts the perimeter electric fence, ensure there is no plant growth or obstruction whatsoever within a distance of 0.5 metre of the fence.

8.3 The removal of or cutting down of trees on the road verge is generally not permitted, however, in exceptional circumstances an Owner may apply in writing for permission to do so from the Association, who shall have the authority to make such decision in its sole discretion.

8.4 Owners may not extend any part of their garden into any Common Property such as verges, open spaces and the like without the express approval of the Association in writing.

## **9. SIGNS AND NOTICES**

9.1 No owner or resident shall place any sign, notice, billboard or advertisement of any nature whatsoever on any part of the common area or erf, without the prior written consent of the Trustee Committee. The Trustee Committee may remove any unauthorised sign, notice, billboard or advertisement at the risk and expense of the owner or resident concerned.

9.2 No Estate agents boards are permitted at the entrance to the Estate or in any windows facing the entrance or on any erf or common property on the Estate.

9.3 All properties must display the road number in a prominent and visible position with each digit measuring a minimum height of 13 centimetres.

## **10. LAUNDRY**

10.1 The washing of garments, household linen or general washing of any nature may only be performed inside a house and no washing may be undertaken in any dam or pool.

10.2 Washing lines should be obscured from the view of other residents and washed items only may be hung out to dry within a screened drying yard.

## **11. STORAGE OF INFLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS**

An owner or resident may not store any flammable, hazardous, dangerous or harmful substance in his house or on his property with the exception of certain products or

substances, such as lawnmower fuel, paint cleaning solvents and fertilizers as may be reasonably required for domestic use in quantities not exceeding 10 litres.

## **12. SALE OF ERVEN**

No owner shall sell or transfer his erf without the written consent of the Association.

## **13. LETTING AND OCCUPANCY OF DWELLINGS**

13.1 All tenants and other persons granted the right of occupancy by an owner is obliged to comply with these Rules, notwithstanding any provision to the contrary or the absence of any provision contained in any lease or grant of right of occupancy and must sign acknowledgement, understanding and acceptance of the Rules.

13.2 An owner shall complete a Tenant Registration Form in respect of all persons granted the right of occupancy providing names of all tenants, contact details, vehicle registration numbers, access control serial numbers, animals and period of lease prior to taking occupation.

13.3 An owner may not let his property for periods less than 6 days as this comprises a commercial activity which is prohibited in terms of clause 13.4 below.

13.4 Owners and residents shall use their houses for residential purposes only and may not use or allow their properties to be used to conduct a business, trade, guesthouse, bed-and breakfast establishment or any other form of accommodation facility. Special Permission in writing must be obtained from the Trustee Committee should an owner and/or resident conduct any business or trade from such a property.

13.5 A property shall be used for the living accommodation of a single-family household. In this context 'family' means a single person maintaining an independent household, or two or more persons directly related by blood or partnership or no more than four unrelated persons maintaining a common household. Special permission in writing must be obtained from the Trustee Committee to request leniency on the definition of "family".

13.6 No owner or occupier may permit more than 2 (two) persons per bedroom to reside in any dwelling on a permanent basis.

13.7 Each owner will be held responsible for the actions of all lessees and other residential occupiers of his property on the Estate.

## **14. ACCREDITED AGENTS**

14.1 An owner shall manage the sale, transfer or lease of his property personally, or may appoint a qualified and accredited professional Estate Agent to do so on his behalf.

14.2 An Estate agent appointed in terms of clause 14.1 shall register with the Estate Manager as appointed agent prior to marketing the property.

14.3 The Estate Manager will provide the registered agent with the Constitution of the Estate and related documents (Rules of the Estate and Design Rules).

14.4 The registered Estate Agent (or the owner where he is the direct seller) will in writing undertake to the Estate Manager to give prospective buyers or tenant copies of the documents listed in 14.3 prior to any offer to purchase or rent is made

14.5 The Estate Manager will, with the consent of the owner, enrol the registered agent as regular visitor to facilitate easier access to the Estate if so requested.

- 14.6 The registered Estate agent (or owner where he is his own agent) should also ensure that tenants comply with the provisions of the Rental Housing Act No 50 of 1999 (as amended) where applicable.
- 14.7 Estate Agents who are not enrolled as regular visitors must have the prior approval of the owner before entering and they must provide their full credentials and contact details to Security who will follow normal access control procedures in admitting them to the Estate.
- 14.8 The Estate Agent or the owner must meet interested buyers at the main gate in order to affect entry to the Estate.
- 14.9 In the case where an Estate Agent or the owner fails to carry out any of his obligations in terms of clause 14, the owner will be held responsible and a penalty charge as prescribed may be levied against the owner.

## **15. ERADICATION OF PESTS AND HEALTH REGULATIONS**

- 15.1 A resident shall keep his house free of rats, mice, cockroaches, white ants, borer and other wood destroying insects and shall ensure that the activities inside his house, on his erf and the common areas comply with the municipal health regulations.
- 15.2 No animal, bird or any living thing may be slaughtered in a house or on an erf or on any part of the common property. No meat or fish may be hung out to dry on an erf or any part of the common areas.

## **16. NOISE, NUISANCE OR DISTURBANCE**

- 16.1 No Owner or resident shall cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, or shall use any offensive, obscene, injurious or unbecoming language on his erf or on the common property at any time. In particular, owners and residents shall maintain quietness on the estate between the hours of 23h00 and 07h00 on weekdays.
- 16.1.1 No Owner, resident or their employees shall be permitted to use any noisy machinery including but not limited to lawn mowers, chainsaws, lathes and woodworking machinery before 09h00 or after 17h00 on Saturdays, or before 09h00 or after 13h00 on Sundays.
- 16.1.2 The usage of a diesel-, petrol- or gas-powered generator is, with effect 01 January 2023, not permitted on the Estate save for the following exceptions:
- 16.1.2.1 Owners who have purchased a diesel-, petrol- or gas-powered generator prior to 01 January 2023 and who have registered said generator with the Estate Manager.
- 16.1.2.2 The noise emitted from the duly registered diesel-, petrol- or gas-powered generator whilst in operation, including under maximum load, must be suppressed to ensure the noise on the property's boundary does not exceed 50 dBA as measured by the Estate Manager on the "Decibel X" or similar application. In the event of the owner disputing the noise levels measured at the property's boundary, **the office of the** Estate Manager will employ the services of a professional acoustic engineer to certify the noise level at the property boundary. The cost for the professional acoustic engineer will be borne by the owner disputing the noise level.
- 16.2 A resident shall not use his house or erf or the common areas or permit it to be used in such a manner or for such purpose as shall cause a nuisance to another owner or resident.

For the purpose of this rule, “nuisance” means any act, omission or condition, which in the Trustee Committee’s sole opinion is offensive, injurious or dangerous to health, materially interferes with the ordinary comfort, convenience, peace or quiet of residents, or which adversely affects the safety of the residents, having regard to the reasonable nature of the activities in question in the house or on the erf or common areas concerned, and the impact which results from these activities, and the noise related to these activities.

- 16.3 The horns of vehicles may not be sounded at any time in the Estate, except as a warning of imminent danger or in case of an emergency.
- 16.4 No fireworks or crackers may be lit or exploded in the Estate.
- 16.5 No pellet guns may be fired on the Estate.
- 16.6 No firearm or weapon may be discharged in the Estate, except in self-defence or for related purposes.
- 16.7 Skate boards, roller skates, roller blades or similar items used on the roads are done at the sole risk of the person engaging in such activities. The HOA will not accept any liability for any injuries or other harm caused by such activities.
- 16.8 Traffic rules as laid down in local or national legislation applies on all roads on the estate unless where any additions thereto are mentioned in the estate rules.
- 16.9 No driving of quad bikes and/or any off road motor cycle will be permitted anywhere in the Estate.
- 16.10 Due to the South African Civil Aviation Authority (CAA) regulations which exclude drone use within 10km of an airport, and De Wijnlanden falling within the controlled airspace of the Cape Town International Airport, no drone or Remotely Piloted Aircraft may be flown in or over the estate.

## **17. COMMON AREAS, GROVES AND ECO-BELT**

- 17.1 Residents shall comply with the following provisions and the conditions imposed from time to time by the Trustee Committee in respect of the usage of the common areas, groves, eco-belt and amenities of the Estate:
  - 17.1.1 Residents shall use and enjoy the common areas, groves, eco-belt and amenities in such a manner as not to unreasonably interfere with the use and enjoyment thereof by other owners or residents.
  - 17.1.2 Residents shall respect the privacy of residents whose properties front onto the common areas and amenities.
  - 17.1.3 Noise must be kept to a minimum so as not to disturb other residents, waterfowl, birds and animals.
  - 17.1.4 The trapping, shooting, harassing, disturbing, destroying or in any way harming of the waterfowl, birds or animals in the Estate is prohibited.
  - 17.1.5 Residents shall not interfere with the plant vegetation on the common areas or with the irrigation system of the Association. No trees or plants may be removed or replaced on the common areas, without the written authorisation of the Trustee Committee. Residents shall not in any way damage the common areas, groves, eco-belt and amenities.

- 17.1.6 No water sport or watercraft is allowed on the dams, unless specifically authorised by the Trustee Committee and subject to compliance with the conditions imposed by the Trustee Committee.
- 17.1.7 No swimming is allowed in the dams and pets are not allowed to enter water features unless specifically authorised by the Trustee Committee and subject to compliance with the conditions imposed by the Trustee Committee.
- 17.1.8 Fishing in the dams may be allowed subject to compliance with the reasonable conditions that may be imposed from time to time by the Trustee Committee.
- 17.1.9 Littering or discarding of any item whatsoever on common areas should only occur within the receptacles provided.
- 17.1.10 Driving of unauthorised vehicles in an off-limit area is not permitted.
- 17.2 No resident shall cause or permit the destruction or degradation of the environment.
- 17.3 Any Community buildings and facilities, as and when provided, are for the recreational use of all estate residents and their guests only.
- 17.4 The facilities may not be used by outsiders, nor may they be used by anyone for financial gain without Trustee approval, or for political or religious gatherings.
- 17.5 The lighting of fires in any open space on the Estate is prohibited unless for the express purpose of braaiing at an authorised function or at an ordinary residential activity, and provided the braai is in a proper receptacle/burner specifically built for that purpose.
- 17.6 Disturbing, collecting or destroying of any plant material is prohibited except by authorisation from the Association.
- 17.7 Disturbing, harming or destroying any wild animals or birds is prohibited. (Fauna & Flora)
- 17.8 In the event of wild animals becoming a nuisance; the problem should be brought to the attention of the Association, although this does not infer that any animals will be automatically removed from the Estate.
- 17.9 The use of any of these areas in a manner or through conduct which may unreasonably interfere with the use and enjoyment thereof by other persons or in such a way as to cause a nuisance, which may detrimentally affect the amenity of such space, is prohibited.
- 17.10 Littering or discarding of any item whatsoever on the Estate is prohibited except in receptacles specifically provided therefore.
- 17.11 The polluting of any lake, dam, waterway, pond or stream is prohibited.
- 17.12 Pets may not be allowed to enter the dams or water features.
- 17.13 Residents, visitors, and occupants are prohibited from feeding wildlife.
- 17.14 No building rubble, refuse or unwanted articles or material of any nature may be dumped on Private Open Spaces or Common Facilities.
- 17.15 No trees or plants may be removed from or planted on Private Open spaces without the written prior permission of The Association.

- 17.16 No trees, plants or groundcover may be removed from the sidewalk without permission from the Association. Landscaping should not interfere with pedestrian traffic or obscure the vision of motorists and structures such as fountains, large pot plants and planters may not be built or erected on sidewalks outside the building line boundary.
- 17.17 Residents must ensure that declared noxious flora is not planted or growing in their garden.
- 17.18 Swimming pool water may not be emptied into roads but must be channelled into the sewer system or as directed by the association or Local Authority.
- 17.19 Any form of tampering or removal of any vegetation or animal in the Estate is prohibited.
- 17.20 The collection of wood, even when derelict, is strictly prohibited.
- 17.21 Slaughtering of animals, birds or reptiles is prohibited.
- 17.22 Burial of carcasses anywhere on the property is not permitted and their disposal shall be the responsibility of the Owner through private arrangement with the Local Authority and the cost thereof shall be for the Owner.
- 17.23 Lighting or letting off of any form of fireworks is prohibited at all times.

#### **18. CLUBHOUSE AND AMENITIES**

- 18.1 Residents shall comply with the reasonable conditions imposed from time to time by the Trustee Committee with regard to the usage of the Clubhouse, tennis court, squash court and amenities.
- 18.2 Residents shall make prior arrangements with the Estate Manager and pay the requisite deposit to him to make use of the Clubhouse for their own functions. The owner or resident concerned shall keep the Clubhouse in good stead for his usage period and shall clean the premises after use and return the key by 12h00 the next day to Security. The Clubhouse and amenities may not be utilised for pre-arranged or formal functions or meetings by any organisation or group of persons, other than the Association or its members in their personal capacities, without the prior written consent of the Trustee Committee.
- 18.3 The Clubhouse, tennis court, squash court and amenities are reserved primarily for the use of residents, but such facilities may be used by the visitor or guest of a resident, if accompanied by him.
- 18.4 Residents shall make bookings for the tennis court and squash court on the prescribed forms on the Clubhouse notice board.

#### **19. OBLIGATIONS WITH REFERENCE TO PERIMETER FENCE**

- 19.1 Owners of erven situated adjacent to the perimeter fence shall not build on the access servitude of 2 metres, or otherwise restrict access to the perimeter fence by a Trustee, Estate Manager or by Security.
- 19.2 Residents and occupants of erven situated adjacent to the perimeter fence, are obliged to allow a Trustee, Estate Manager and/or Security reasonable access to the fence in order to inspect the fence when required.

- 19.3 Owners or residents of erven situated adjacent to the perimeter fence shall keep the fence clean and clear from grass and plants, and must notify a Trustee or the Estate Manager of any problems with reference to the perimeter fence. Trees, shrubs or plants that in the opinion of the Trustee Committee are likely to interfere with the proper functioning of the security system may not be planted in close proximity to the perimeter fence.
- 19.4 Any occupier seeing an intruder or a breach in the perimeter fence should immediately notify Security.

## **20. SECURITY, SAFETY AND RISK**

- 20.1 Residents shall at all times ensure that the security and safety of other residents and their property is preserved and shall comply with the security measures imposed from time to time by the Trustee Committee. All Persons enter the Estate at their own risk and make use of the amenities at their own risk.
- 20.2 All visitors shall complete the register at the main gate and obtain telephonic clearance from the owner or resident before Security will allow them to enter the Estate if an access code has not been acquired beforehand. Personal exit code or pre-allocated access code only may be used by visitors leaving the Estate.
- 20.3 Residents requiring the services of furniture removal vans must obtain a clearance permit from the Estate Manager to enable the vehicle to gain access to the Estate.
- 20.4 Sales people will not be allowed entry other than by prior appointment with the owner or resident as advised to Security.
- 20.5 No casual visitors will be allowed entry to the Estate under any circumstances.
- 20.6 Residents shall meet incidental workers or gardeners at the main gate to arrange entry to the Estate. Exit will be affected in the same way.
- 20.7 Residents shall register their permanent gardeners, domestic workers, au pairs, drivers and medical nurses with Security at the main gate and complete the necessary forms as prescribed by the Trustee Committee. Such registered worker may then proceed on foot between the main gate and the place of work but must do so directly and similarly proceed to the main gate on exiting the Estate. Residents shall inform Security if and when the services of permanent gardeners, domestic workers, au pairs, drivers and medical nurses are terminated.
- 20.8 Random searches may be performed on non-residents by the Security personnel from time to time with the consent of the person. Residents shall supply a letter of authorisation permitting non-residents to take out goods and articles given to them.
- 20.9 Owners shall ensure that their contractors are registered with Security and shall furnish Security with the name or company name of the contractor, an all-day contact number of responsible person, the office telephone number, fax number, e-mail address, vehicle registration number, names and Identity numbers of all employees and workers. Should any of the required information not be available, the contractor or his employees or workers will not be allowed access to the Estate
- 20.10 Upon every entry to the Estate by a building contractor, all the employees and workers will individually be checked in at the main gate. Upon each such entry to and exit from the Estate, Security will ensure that each and every person on the building contractor's vehicle including the driver is accounted for.



- 20.11 All contractors and their employees and workers must enter and exit the Estate by vehicle and no one will be allowed entry or exit on foot. Security has the authority to inspect the vehicles of any contractor and gardener or domestic employee or HOA general worker upon entry and/or exit from the Estate. Security has the authority to search the person of any contractor, or his employee or worker and gardener or domestic employee and HOA general workers upon entry and/or exit from the Estate.
- 20.12 No contractor or his employee or worker may wander freely on the Estate. Contractors, employees and workers will be regarded by Security as site specific and may at any time be challenged by Security. The movement of a contractor and his employees or workers between sites from the main gate must at all times be by vehicle. A contractor or his employee or worker caught walking on the Estate will be removed by Security. Notwithstanding the foregoing, an employee or worker of a contractor may be permitted to cycle to a site, if issued with a permit by Security. Any worker cycling without a permit will be removed from the Estate by Security.
- 20.13 No contractor's vehicles entering the Estate will be allowed to be overloaded with personnel or material. No personnel will be allowed to hang on to any moving vehicle or other equipment. The speed limit of 30 kilometres per hour is to be strictly adhered to by the contractor, his employees and workers on the Estate. Any vehicle that exceeds the speed limit or drives in any manner considered as dangerous by a Trustee or the Estate Manager on more than one occasion will be subject to a penalty or be barred from future entry.
- 20.14 Security may at their discretion require any laden vehicle to enter the Estate through the service entry gate. Extra-heavy vehicles or vehicles carrying extra-heavy loads (such as brick delivery vehicles) shall enter the Estate through the service entry gate, by prior arrangement between the contractors with Security. Extra-heavy vehicles shall observe a speed limit of 20 kilometres per hour when driving on the Estate.
- 20.15 Should any contractor, or his employee or worker or any other worker not adhere to these rules, he may, at the discretion of the Estate Manager or Security (with post-facto verification by a Trustee Committee member), summarily be forbidden entry to the Estate.
- 20.16 No "tailgating" is allowed i.e. gaining unauthorised access into the Estate by slipping under the boom or through open security gate which was raised or opened to allow previous person or vehicle.
- 20.17 No resident shall treat Security personnel and/or an HOA Official or general worker in an abusive manner. Abuse of guards by residents in any manner whatsoever will not be tolerated and is strictly prohibited.

## **21. WORKERS AND CONTRACTORS**

- 21.1 Owners shall ensure that their workers and contractors adhere to these rules and the Builders Conduct and Building Site Development Agreement, if applicable.
- 21.2 The consumption of alcoholic beverages or use of drugs by any worker or contractor or the employee or worker of a contractor on the Estate will not be tolerated.
- 21.3 Any worker found in possession of alcoholic beverages or drugs or seemingly under the influence of alcohol or drugs will be summarily escorted from the Estate at the discretion of a Trustee, the Estate Manager or Security and will not be allowed entry in the future. In the event a decision by a Trustee, the Estate Manager or Security is contested, the relevant person must still leave the Estate and may not return until the appeal has been considered and a decision has been given by the Trustee Committee.

- 21.4 No contractor shall be allowed on the Estate after working hours being:-
- 21.4.1 Weekdays (Monday to Friday) from 07h00 to 18h00
  - 21.4.2 Saturdays (other than public holidays) is allowed only by prior arrangement with the Estate Manager (in writing before 12H00 on a Friday).

21.5 No contractor is allowed on the Estate on Public Holidays or on Sundays.

## **22. EMPLOYEES OR OFFICIALS OF THE ASSOCIATION**

No resident may interfere with the work or duties of an employee or official of the Association. Formal advices or complaints must be lodged with the Estate Manager in preference, otherwise with a Trustee and must be put in writing.

## **23. IMPOSITION OF PENALTIES ON OWNERS**

- 23.1 If the conduct of an owner or resident or his family member, visitor, guest, employee or contractor constitutes a nuisance in the opinion of the Trustee Committee, or a contravention of these rules, the Trustee Committee may furnish the owner with a written notice. In the notice the particular conduct, which constitutes a nuisance, must be adequately described or the estate rule that has allegedly been contravened must be clearly indicated, and the owner must be warned that if he persists in such conduct or contravention, a penalty will be imposed on him.
- 23.2 If the owner nevertheless persists in the particular conduct or in the contravention of the particular rule, the Trustee Committee may by written notice impose a penalty on the owner.
- 23.3 The penalty imposed in terms of sub-rule 23.2 above shall be immediately due and payable by the owner and if is not paid within 14 (fourteen) days of the date of the written notice, the penalty may be added to the owner's levy statement and claimed from the owner in accordance with paragraph 8.7 of the Constitution as a debt.
- 23.4 The owner may appeal against the penalty imposed, provided that he shall lodge the written appeal with the Trustee Committee within 14 (fourteen) days of the date of the written notice of the penalty.
- 23.5 Upon receipt of the appeal referred to in sub-rule 23.4, the Trustee Committee may resolve to:
- 23.5.1 Set the penalty aside, in which event they shall inform the owner of their decision, or
  - 23.5.2 convene a Trustee Committee meeting for the purpose of giving the owner the opportunity to present his case, including the calling of witnesses to substantiate his case, and to cross-examine any witnesses called by the Trustee Committee, but except in so far as may be permitted by the chairperson, he may not participate in the affairs of or voting at the meeting.
- 23.6 Upon conclusion of the Trustee Committee meeting referred to in sub-rule 23.5.2 above, the Trustee Committee shall resolve to:
- 23.6.1 Confirm the penalty, or
  - 23.6.2 Reduce the penalty, or
  - 23.6.3 Quash the penalty.

23.7 Any penalty endorsed or reduced in terms of sub-rule 23.6.1 or 23.6.2 above may, if it is not paid within 14 (fourteen) days after the Trustee Committee meeting, will be added to the owner's levy statement and claimed from the owner in accordance with paragraph 8.7 of the Constitution as a debt.

23.8 The Trustee Committee shall from time to time determine the amounts of the penalties.

#### **24. NOTICE**

24.1 A notice which is required to be given to an owner or resident in terms of these rules shall be regarded as having been properly served if such notice has been given under the hand of a Trustee or the Estate Manager and delivered to the owner or resident either personally by hand or by post in a prepaid registered properly addressed to the owner or resident at his home address or such other physical address reflected in the records of the Association. Any notice by post shall be deemed to have been served at the time when the letter containing the same was posted, and in proving the giving of the notice by post, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

24.2 Notwithstanding the provisions of sub-rule 25.1 above, it shall be competent to give any notice to an owner or resident by electronic mail or by telefax where the e-mail address or telefax number of the owner or resident is recorded with the Trustee Committee. Notice shall be deemed to have been properly served on the date of disposal thereof to the elected e-mail address or telefax number of the owner or resident concerned.

#### **25. COMPLAINTS**

25.1 In the event of annoyances or complaints between residents, the parties involved should attempt to settle the issues between themselves, exercising tolerance and consideration. Where matters cannot be resolved it should be brought to the attention of the Estate Manager or the Trustee Committee in writing.

27.2 Owners or residents should report contraventions of these rules in writing to the Estate Manager or the Trustee Committee. This will be dealt with confidentially to ensure anonymity of the complainant.

27.3 Contraventions of these rules seen by patrolling Security officers will be brought to the attention of the owner or resident concerned and reported to the Estate Manager or the Trustee Committee. Vehicles seen speeding or driving recklessly on the Estate by Security patrols will have their registration numbers recorded and appropriate action will be taken by the Estate Manager or Trustee Committee.

27.4 Communication between Members, Trustees, Estate Manager, Managing Agent or other employees of the HOA need to be civil and respectful. The Trustee Committee can refuse to communicate with members who do not treat the mentioned parties with civility and respect.

#### **26. RELAXATION OF RULES**

No indulgence or relaxation in respect of these rules shall constitute a waiver or consent, or prevent the enforcement thereof by the Trustee Committee at any time.

#### **27. GENERAL RULES**

27.1 The Association will have control of the use of all recreational and entertainment facilities and the Trustees shall have the right to levy charges for the use thereof as they so deem fit.

- 27.2 Under no circumstances may Security personnel be employed by residents on any basis to undertake work or perform errands of a temporary nature on behalf of owners or residents.
- 27.3 The Trustee Committee reserves the right to amend, revise, alter, remove or add to the Rules from time to time as they deem necessary.
- 27.4 Garage doors shall be kept closed at all times when not in immediate use.
- 27.5 Owners and Residents must ensure that their details are updated annually and inform the estate office of any changes. Including but not limited to, e-mail addresses, telephone numbers, registered pets, vehicle registration numbers and frequent visitor details.
- 28. SCHEDULE OF TRANSGRESSIONS & PENALTIES as per Annexure “A”**

**SCHEDULE OF TRANSGRESSIONS AND PENALTIES**

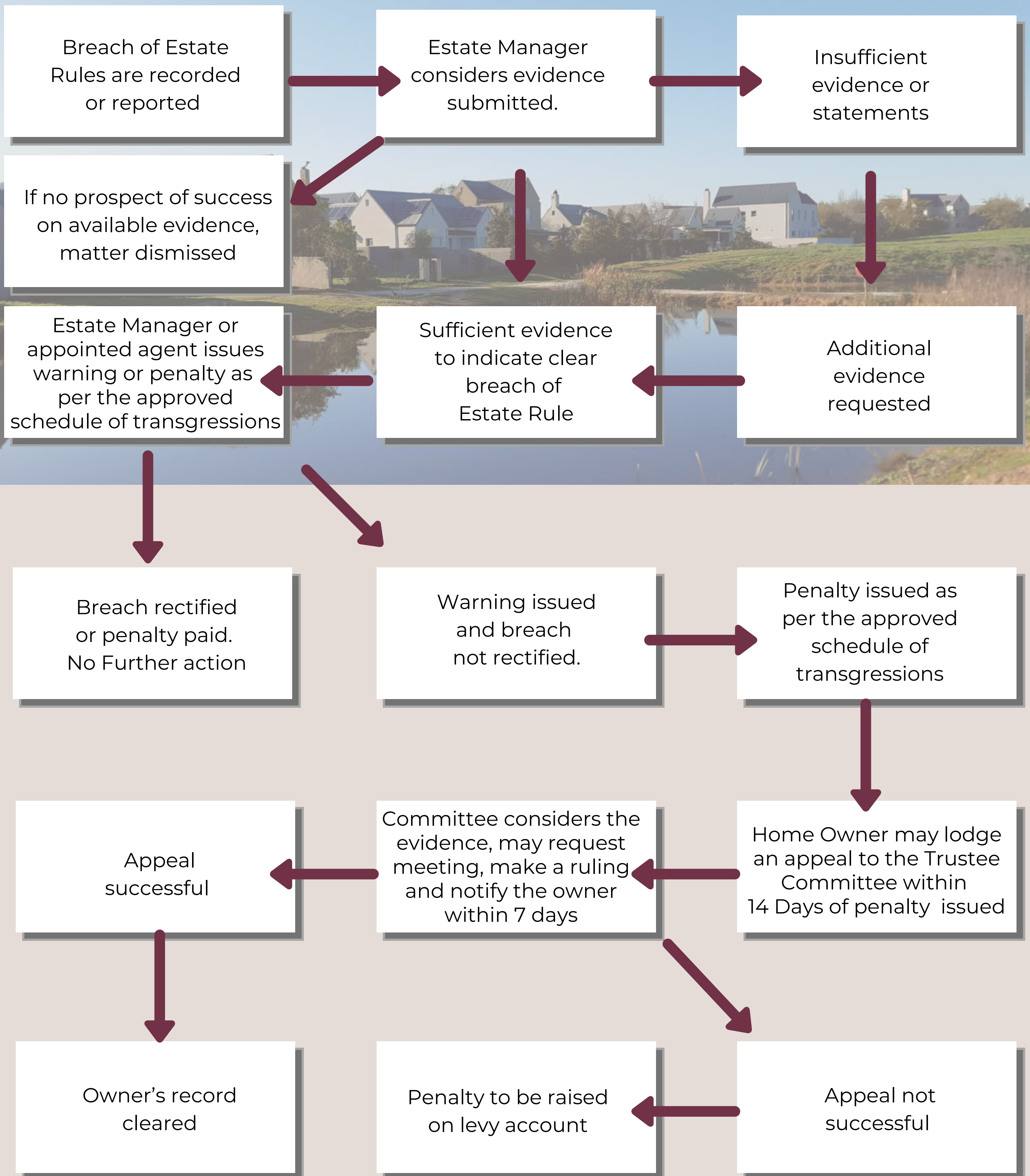
This schedule is a guideline, amended from time to time, with additions & deletions as deemed necessary by the Trustee Committee.  
Penalty imposed on occurrences within a six month cycle, unless otherwise provided for.

**ANNEXURE "A"**

Revised 21 July 2022

DESCRIPTION OF TRANSGRESSION OF THE ESTATE RULES	Clause	1st Offence	2nd Offence	3rd Offence
<b>PETS</b>				
Keeping more than two dogs or two cats without written approval from the HOA or any pet contrary to the Rules (monthly for as long as rules are contravened or written approval had been obtained)	4.2.2	Warning	20% of prevailing levy	
Dogs not on a leash	4.2.3 & 4.2.4	Warning	20% of prevailing levy	50% of prevailing levy
Not removing pet excrement	4.2.6	Warning	20% of prevailing levy	50% of prevailing levy
<b>Refuse disposal and littering</b>				
Refuse bin visible from the road - 24hours after collection	5.1	Warning	20% of prevailing levy	50% of prevailing levy
Garden refuse - More than 2 bags or non-reusable bags. Must not be put out more than 24h before collection	5.2	Warning	20% of prevailing levy	50% of prevailing levy
Illegal dumping by residents and contractors. No rubble, refuse or building material shall be dumped or discarded anywhere in the Estate	5.4	Removal/cleaning fee	50% of prevailing levy	100% of prevailing levy
Properties must be kept clear of litter	5.5	Warning	20% of prevailing levy	50% of prevailing levy
Burning of rubble in the Estate	5.6	Warning	20% of prevailing levy	50% of prevailing levy
<b>ROAD/TRAFFIC</b>				
Storing Caravan, boat, trailer of motor vehicle (more than 7 days or repeatative transgressions)	6.3 & 6.5	Warning	20% of prevailing levy	50% of prevailing levy
Dismantle or effect major repairs to a vehicle on the estate (every 7 Days)	6.7	Warning	20% of prevailing levy	50% of prevailing levy
Speeding, reckless and negligent driving, drunken driving	6.8	20% of prevailing levy	50% of prevailing levy	100% of prevailing levy
Skipping stop signs and the disobeying of the National Road Traffic Act / City of Cape Town Bylaws	6.9	Warning	50% of prevailing levy	100% of prevailing levy
Visitor vehicle without a valid vehicle license	6.9	Access to be denied		
Driving without a license any engine powered vehicle (cars, two and four wheel motor cycles, golf carts)	6.9	Access to be denied		
Loud music emanating from car, excessive hooting or revving	6.10	Warning	20% of prevailing levy	50% of prevailing levy
<b>Buildings and Maintenance</b>				
Building or alterations without approved plans	7.1 & 7.2	Warning	100% of prevailing levy	Recurring Monthly
Air Conditioner units visible from road	7.4	Warning	20% of prevailing levy	Recurring Monthly
Screening of Building Sites	7.5	Warning	100% of prevailing levy	Recurring Monthly
Maintenance of buildings, out buildings and boundary walls	8.1	Warning	20% of prevailing levy	Recurring Monthly
Neglected gardens (7 Day notice)	8.2	Warning	20% of prevailing levy	50% of prevailing levy
Signs and Notices	9.1	Warning	Removal Cost	
Laundry and Washing lines	10.1 & 10.2	Warning	20% of prevailing levy	50% of prevailing levy
<b>Sale, Letting and use of erven</b>				
Not completing the tenant registration form	13.2	Warning	20% of prevailing levy	50% of prevailing levy
Rental for less than 6 days	13.3	Warning	20% of prevailing levy	50% of prevailing levy
Running a bussiness without written permission from the Trustee committee	13.4	Warning	200% of prevailing levy	Recurring Monthly
Exceeding the allowed number of resident per dwelling	13.5 & 13.6	Warning	100% of prevailing levy	Recurring Monthly
Selling a property with a non registered agent	14	Potential delay in cocent for transfer	200% of prevailing levy	
Slaughtering of any animal on any erf or dwelling on the estate	15.2	200% of prevailing levy		
<b>Noise, Nuisance and disturbance</b>				
Causing a disturbance during quite hours	16.1 & 16.2	Warning	20% of prevailing levy	50% of prevailing levy
Use of fire works on the Estate	16.4	200% of prevailing levy		
Use of a pellet gun in the Estate	16.5	Warning	50% of prevailing levy	100% of prevailing levy
Use of a fire arm in the Estate	16.6	Report to authoroties		
Use of a drone in the estate	16.10	Warning	20% of prevailing levy	50% of prevailing levy
<b>Common Areas and eco-belts</b>				
Respecting residents privacy on the eco-belts	17.1.2	Warning	20% of prevailing levy	50% of prevailing levy
Traping, shooting or harming wildlife	17.1.4	50% of prevailing levy	100% of prevailing levy	200% of prevailing levy
Residents shall not interfere with the plant vegetation on the common areas or the irrigation system of the HOA	17.1.5	Warning	20% of prevailing levy	50% of prevailing levy
No Swimming in any estate dams	17.1.7	Warning	20% of prevailing levy	50% of prevailing levy
Littering (By any person in the Estate)	17.1.9	Warning	20% of prevailing levy	50% of prevailing levy
Driving of un authorised vehicles in an off-limit area	17.1.10	20% of prevailing levy	50% of prevailing levy	100% of prevailing levy
Liting of fires in any open space on the common property (Penalty plus any associated costs)	17.5	50% of prevailing levy	100% of prevailing levy	200% of prevailing levy
Poluting of any lake, dam or waterway	17.11	Warning	50% of prevailing levy	100% of prevailing levy
Removing trees from road verge without permission	17.16	Replacement cost		
<b>Security, Safety and Risk</b>				
Vegetation interfering with perimeter fence ( 7 day notice)	19.3	Warning	20% of prevailing levy	50% of prevailing levy
Unauthorised entry into the Estate by any person	20.2	Warning	20% of prevailing levy	50% of prevailing levy
Residents illegally bringing any form of labour into the Estate without following the correct procedures in terms of permits	20.9	Warning	20% of prevailing levy	50% of prevailing levy
Tailgating i.e. gaining unauthorised access into the Estate by slipping under the boom which was raised to allow access to previous person	20.16	Warning & repair Cost	20% of prevailing levy	50% of prevailing levy
Treating the security personnel in an abusive manner	20.17	20% of prevailing levy	20% of prevailing levy	50% of prevailing levy

# DE WIJNLANDEN RESIDENTIAL ESTATE PENALTY PROCEDURE



**DE WIJNLANDEN**  
RESIDENTIAL ESTATE

*Authentic country living everyday*