



# GRAANENDAL PHASE 2 GRAANENDAL ESTATE

## CONDUCT RULES

OF THE

## GRAANENDAL HOME OWNERS ASSOCIATION

FOR

## GRAANENDAL PHASE 2 (GRAANENDAL ESTATE)

*The GHOA and trustees, reserves the right to make adjustments and amendments to this document, as it deems necessary from time to time for the benefit of the development.*

*This document must be read in conjunction with the Architectural Design Guidelines (Annexure C) and the Builders Code of Conduct (Annexure B)*

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### 1 INTRODUCTION

- 1.1 "These conduct rules are drafted with the intent to allow the Graanendal Home Owners Association (GHOA) and trustees to give effect to its main object i.e. the care, maintenance and upkeep of the estate and security thereof, and to ensure esthetic uniformity as contained in paragraph 3 of the Constitution."
- 1.2 The secondary purpose is to ensure good neighborliness and to foster and advance the harmonious use and enjoyment of the estate for all residents.
- 1.3. The conduct rules are therefore implemented with the intent to give effect to the object of the Constitution and not for the purpose of regulating the relationships between owners and/or residents or to resolve disputes between owners and/or residents.
- 1.4. It is also not the intent of these conduct rules to labour the trustees of the Graanendal Home Owners Association with the obligation to interfere, mediate or resolve personal disputes between owners and/or residents. The office of the trustees should therefore not be regarded as a mechanism to resolve personal disputes between owners and/or residents but rather to enforce the rules to achieve the objects of the estate as envisaged by its constitution.
- 1.5. The conduct rules are binding on all members , residents and guests and when present in the estate, common sense, good neighborliness, human decency and respect for one another should at all times prevail.
- 1.6. Members and/or residents should take note that notwithstanding the constitution and the conduct rules, national and local legislation remain applicable and aggrieved persons should approach the relevant authorities to redress grievances.
- 1.7. The office of trustees of the Graanendal Home Owners Association is not created or authorised to act as "law enforcement officers."

### 2 AMENDMENTS

As the Estate is a developing estate, these Conduct rules will require amendments, deletions and/or additions from time to time to meet the evolving needs of the Estate and the Members.

### 3 GENERAL PRINCIPLES

- 3.1 ***Residents must ensure that when selling property, the Estate Agents involved as well as the buyer is aware of Graanendal Architectural Design Guidelines, the Builders's Code of Conduct, and the Conduct rules. Please note that all buyers will be expected to sign acknowledgement (which will be provided by Management Services) of abovementioned information before the Clearance Certificate will be issued.***

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- 3.2** The Association must ensure that all persons granted rights of occupancy of their erven are acquainted with and comply with this Conduct Rules.
- 3.3** The Erven within the Estate are zoned as single residential and hence no business or trade may be conducted on any erf within the estate. This restriction does not apply to the developer and/or its agent(s) in respect of activities relating to the sale and development of erven.
- 3.4** Although no business or trade may be conducted from home as describe in clause 3.3, a temporary concession will be allowed based on the following conditions:-
- 3.4.1** Residents who are currently, or wish to, in the future run a business or trade from home should apply at the GHOA for approval.
- 3.4.2** Upon approval, the GHOA reserves the right to revoke the approval, should the operations of the business become a disturbance in any way and/or complaints are received.
- 3.4.3** The GHOA reserves the right to amend the criteria for approval of a business at any time.
- 3.4.4** The approval of the application to be conducted from home is to the discretion of the GHOA.
- 3.4.5** No vehicles will be allowed to parking on/next to the sidewalk or tarmac on a permanent basis due to the operation of the business.
- 3.4.6** One additional vehicle will be allowed on the driveway where the business is conducted on a non permanent basis.
- 3.4.7** Any Business or trading form home may only operate during the following hours:
- |              |              |
|--------------|--------------|
| - Weekdays:  | 8h00 - 17h00 |
| - Saturdays: | 8h00 - 13h00 |
- No business or trading of any business may take place or will be allowed on Sundays or Public holidays
- 3.5** Approval to conduct a business or trade from home will be valid for one (1) calender year and the owner will have to reapply to the GHOA after 12 months.
- 3.6** Factors that will be considered in approval of such an application are as follow:
- Type of business.
  - Number of personnel employed.
  - Number of visitors/clients who visits the business daily.
  - Number of vehicles parked in the Estate.
  - Consent from neighbours.
  - Noise factors
- 3.7** No branding or advertising of any kind will be allowed within the estate.
- 3.7.1** No advertising or marketing material of any kind may be distributed within the estate.

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- 3.8** No sign, notice, boards or advertisement of any kind whatsoever may be placed on the common areas or on any erf within the estate with exception of the standard building contractor's board. This restriction does not apply to the developer and its agent(s) irrespective of activities relating to the sale and development of erven or to the Association as such.
- 3.9** No firearms, pellet guns, catapult, bow and arrow or any other weapon may be used on or in the vicinity of the estate.
- 3.10** Littering of any kind in the common areas, including the disposal of cigarette stubs, is strictly forbidden.
- 3.11** No fires of any kind are permitted anywhere on the estate except at an indoor fireplace or outside braai area.
- 3.12** Entrance/security tag/disc
- Only one (1) tag/disc would be provided per home/erf. Additional tags/discs have to be applied for and would be issued on the sole discretions of the GHOA and trustees.
- 3.13** No empty stands, common areas or public open spaces may be used as storage facilities of any kind.
- 3.14.** If builders or owners would like to use empty or open stands/erf next to a building site as temporary storage or parking area they have to obtain the permission from the GHOA and the owner of the property and is subject to the following conditions:-
- 3.14.1** Written approval has to be obtained from the GHOA and property owner.
- 3.14.2** Site has to be kept clean and neat at all times.
- 3.14.3** All building rubble and material has to be removed from the site after construction.
- 3.14.4** The site must not impact negatively on the surrounding properties.
- 3.14.5** The GHOA has the right to fine the building contractor/owner of the construction site if the abovementioned conditions are not adhere to. A fine of R250.00/day would be applicable.
- 3.15.** All residents and owners must maintain their erven (main dwelling, garages, outbuildings, boundary walls, site walls and gardens) in good condition and in neat and tidy state at all times.
- 3.15.1** If owners do not maintain their garden area (visible from the street area or any public open areas), the Home Owners Association and/or trustees have the right to maintain the garden areas on their behalf at a competitive price. Any cost will be for the account of the owner and will be added to his/her levy account which shall be payable as part of his/her levy on the first day of the following month.
- 3.15.2** Gardeners / Gardening Services will only be permitted to work on the following days:-
- |                     |   |
|---------------------|---|
| Mondays to Fridays: | 8h00 - 17h00 (Gardeners / Gardening Services) |
| Saturdays:          | 8h00 - 17h00 (Gardeners Only)                 |

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- 3.15.3 NO** gardeners / gardening services will be allowed on Sundays or public holidays.
- 3.15.4 NO** mowing, edge trimming (weed eater) and/or any noise, racket by owner that may cause a disturbance will be allowed on a Sunday.
- 3.16** No fireworks of any description may be used anywhere on the estate.
- 3.17** No driving or parking on Public open space of any kind whatsoever.
- 3.18** No domestic refuse, garden refuse or refuse containers may be left outside for collection other than on the scheduled day(s) for collection. All refuse is to be placed in standard refuse bags within the council bins which are to be marked with street name and house number.

#### 4 MOTOR VEHICLE REGULATIONS

- 4.1** No vehicles may be habitually parked in any part of the common area/s, public open spaces or any individual erven except in such places as are specifically approved and designated for that purpose and then only in such a way that the flow of traffic to and from erven and garages is not obstructed.
- 4.2** No commercial vehicle, truck, caravan, trailer or boat, jet ski, quad bike may be parked or driven in/on the common area/s, public open spaces, driveways or any individual erven at any time.
- 4.3** No vehicles may be parked on or in the vicinity of any entrance to an erf so that it protrudes over or onto the road reserve or individual erven.
- 4.4** Any vehicle parked or abandoned in the common area or public open space for a period exceeding two days may be removed or towed away at the risk and expense of the owner, unless prior written permission has been obtained from the manager.

#### 5 CONTROL OF PETS

- 5.1** The local authority by-laws relating to pets shall apply to members/residents and they will be enforced.
- 5.2** Dogs and cats may be kept on any erf within the estate provided that:-
- 5.2.1** No more than two dogs and two cats may be kept on a property without the written consent of the Graanendal Home Owners Association;
- 5.2.2** dogs shall not be allowed to roam in the common area of the estate;

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**5.2.3** residents may walk their dogs in the common area provided they are under leash;

**5.2.4** residents shall not allow barking by their dogs at any time, which results or which may result in a nuisance or disturbance to any other resident. It is recommended that dogs be kept inside between the hours of 20h00 and 6h00;

**5.2.5** screening or other adequate preventative measures must be taken to ensure that dogs do not bark at passers by;

**5.2.6** dogs and cats must wear identity tags, detailing the telephone number of the owner.

**5.3** Residents shall ensure that their pets do not cause a nuisance or disturbance within the common area or on or in the vicinity of the erf of any other resident.

**5.4** Poultry, pigeons, wild animals, live stock or bees may not be kept without written consent from the Graanendal Home Owners Association and Local Authority.

**5.5** The Association/Trustees shall have the right to prohibit, restrict, control the keeping of, or remove pets, which they regard as dangerous, or a nuisance to other occupants of the estate.

**5.6** Barking dog issues or dog related complaints should be reported to the local law enforcement at +27 21 596 1999

## **6 COMMON AREAS/ ROAD VERGE**

**6.1** No resident, visitor, employee, contractor or agent may collect or remove anything from the common areas including but not limited to wood, stones, fauna and flora. In particular no person may pick up or uproot any indigenous plant, or approach, disturb or kill any animal or bird.

**6.2** Walkers are requested to keep to the footpaths as far as possible.

**6.3** No resident shall remove, damage or prune any tree in the road verge or in a common area.

**6.4** All residents must maintain the road verge (road reserve directly along side their erf boundaries) in a neat and tidy state at all times.

## **7 NUISANCE, DISTURBANCE, NOISE AND LIGHT POLLUTION**

**7.1** Residents and their guests may not engage in any activity, occupation or hobby that causes or is likely to cause nuisance or disturbance to any other resident.

**7.2** Complaints about disturbance of the peace should be reported or made to the local law enforcement or Durbanville police station at (+27 21 970 3800).

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**7.3** No external speakers are permitted and the level of any music played shall be limited so as not to cause or be likely to cause nuisance or disturbance to any other resident.

**7.4** No outside lights, which shine directly into a neighboring property or are otherwise intrusive or reasonably likely to be intrusive to any other resident, shall be permitted.

### **8 LETTING**

**8.1** Members are permitted to let their houses provided that the member ensures that the tenant is acquainted with the Conduct rules of the Association and procures that the tenant confirms to the manager in writing, prior to occupation, that everybody residing on the erf and all his/her guests, employees, contractors and agents shall comply with the provisions thereof for the duration of his/her tenancy.

**8.2.** All tenants must maintain their garden areas and keep it in a neat and tidy state at all times as stated in clause 3.15.

**8.2.1** If tenants do not maintain their garden area (visible from the street area or any public open areas), the Graanendal Home Owners Association and/or trustees have the right to maintain the garden areas on their behave at a competitive price. Any cost will be for the account of the owner and will be added to his/her levy account which shall be payable as part of his/her levy on the first day of the following month.

**8.3** Notwithstanding the provisions of [8.1], members shall not let their properties for use as a commune.

**8.4** Should a tenant breach the provisions of [8.1], the trustees or manager may deny the member concerned the right to continue to let his/her house, and may take such action as they deem necessary or expedient at the cost of the member concerned to evict the tenant and all those claiming through or under the tenant from the property concerned.

### **9 NON-COMPLIANCE**

In order to enforce these conduct rules, the trustees and/or their mandated agent, may :

**9.1** Give notice to the offender concerned to remedy any breach or misconduct within such period as the trustees or agent may in his/her sole discretion determine;

**9.2** Take whatever precautions or remedies that are necessary to remedy the breach or transgression of such offender, the costs of which shall be debited to the monthly levy account of the owner payable on the same date when the next monthly levy is due and payable;





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- 9.3** Impose a fine for each transgression or breach and/or continued transgression or breach which amount is to be determined by the trustees in the exercise of their sole discretion, and to levy such fine against the owner, debit it to the levy account of the owner which shall be payable on the first date when the next monthly levy is due and payable.
- 9.4** An individual who wishes to report a complaint or transgression must do so by :
- 9.4.1** Submitting in writing a full description of the alleged transgression or complaint;
- 9.4.2** The time and place thereof and the identity of the offender;
- 9.4.3** Such complaint shall be accompanied by statements of two residents or owners witnessing such transgression.
- 9.4.4** On receipt of such complaint or report , the trustees may in their sole discretion :
- i)** Request the complainant to refer the matter to the relevant local and/or national authorities; or
  - ii)** Invite the perpetrator / transgressor to respond to the complaint in writing; or
  - iii)** Call upon the complainant, witnesses and perpetrator to attend an informal hearing chaired by a trustee;
  - iv)** Apply the provisions of rules 9.1 to 9.3 above.
- 9.4.5** The trustees may at any time and in their sole discretion determine that the dispute / complaint or report is personal or frivolous in nature, refuse to entertain the matter.
- 9.4.6** Any notice by hand, fax , e-mail , post or sms shall be considered as received on the day it was delivered, sent or transmitted.