

ANNEXURE 4

DIAZ VILLAGE HOME OWNERS ASSOCIATION CONDUCT RULES (PARA 2.7.1)

1. DEFINITIONS AND INTERPRETATIONS

- 1.1 In this Annexure the word “section” shall mean a “land unit” and “PARA...” refers to the Constitution.*
- 1.2 A “land unit” consists of the individual site as registered in the name of each owner, buildings erected on it and boundary walls, including the exterior of boundary walls facing Common Areas.*
- 1.3 The Diaz Village Home Owners Association (HOA) was approved by the Municipality in terms of the Land Use and Planning Ordinance, with the common aim of maintaining the comfort, rights of residents and commercial values of properties through a Constitution, Rules and related policies, subject to all Acts and Municipal Regulations . The HOA and its board, which is commonly referred to as trustees or the Management Committee, constitutes a perpetual legal entity with full legal rights and can as such sue or be sued (PARA 5.2).*
- 1.4 The Management Committee is appointed by the HOA and its functions, authorities and responsibilities are determined by the Constitution, resolutions of the Home Owners Association and applicable Acts and Regulations.*
- 1.5 All owners have subscribed to the Constitution, Rules and Policies, to which tenants are likewise subjected. Owners are wholly responsible for the performance and behaviour of their tenants.*
- 1.6 This document constitutes a summary of important clauses in the Constitution, other policies and rules. In case of all disputes, the wording and purpose of the originally approved source document will apply.*
- 1.7 Common Property Areas are defined as the remainder of the original development area, being Erf 9307 Somerset West. This excludes all individually owned land units. Erf 9307 is wholly and jointly owned by the Home Owners Association and therefore by all owners*

2. ANIMALS REPTILES AND BIRDS (PARA 2.7.2.3 AND POLICY ON PETS)

- 2.1** Permission from the management committee shall be obtained prior to keeping any animal, reptile or bird in a land unit.
- 2.2** Tenants shall obtain approval in writing from the owner prior to application.
- 2.3** When granting such approval, the trustees may prescribe any reasonable condition.
- 2.4** The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of the Policy on keeping of Pets in Diaz Village.
- 2.5** Dogs must be on a leash at all times and be under direct physical control while outside a land unit. Litter must be removed immediately.
- 2.6** Owners will be held directly and fully responsible for the transgressions of their pets or that of their visitors / tenants, or their tenant’s visitors.

3. REFUSE DISPOSAL (PARA 2.5.16, 7.1.3/4)

- 3.1 Household and garden refuse must be securely contained in a black wheelie bin and be placed in the designated pickup area on the day of collection i.e. Monday mornings.
- 3.2 When the refuse has been collected, the bin should be returned to the land unit on the same day.
- 3.3 Recycled refuse must be placed in designated bags supplied, properly closed, next to the wheelie bin in such a manner that it, or its contents, cannot spill or be blown away by the wind.

4. VEHICLES (PARA 2.5.16, 7.1.4)

- 4.1 A speed limit of 20 km/hr shall be observed within the complex.
- 4.2 Vehicles shall only be parked in designated parking areas and not on the brick paved sidewalks in front of land units or grassed areas.
- 4.3 Due to road and paving damage of heavy vehicles, no trucks or any other heavy vehicles will be allowed, except for domestic deliveries i.e. appliances, furniture and house removals.
- 4.4 No owner/occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property and no oil leakages on the roads or paving will be allowed.

5. DAMAGE, ALTERATIONS OR ADDITIONS TO COMMON PROPERTY

- 5.1 The common property shall not be damaged or altered in any way
- 5.2 All intended household alterations and additions on written application with drawing must be submitted to the Committee for approval. No temporary canvas or other structures be allowed. (PARA 5.2)

6. APPEARANCE FROM OUTSIDE (PARA 7.1.3)

- 6.1 The external appearance of a land unit shall not be altered unless written permission is obtained from the trustees. All land units to be painted in a single colour, selected from the prescribed colours below:
 - 6.1.1 Neutron Porcelain Sand (existing)
 - 6.1.2 Dulux Weatherguard Chalk Stone
 - 6.1.3 Dulux Weatherguard Stoneware
 - 6.1.4 Dulux Weatherguard Karooland
- 6.2 The following standard finishes apply and must be adhered to by all Unit owners:
 - 6.2.1 Charcoal coloured roof tiles.
 - 6.2.2 Window sills black or charcoal -- to match roof colour.
 - 6.3.3 Timber window frames, garage doors, exterior doors, varnished or bronze aluminium.
 - 6.3.4 Fascia's, soffits and gutters – white
 - 6.3.5 The inside and outside of unit boundary walls to painted in the same colour as the unit itself.
 - 6.3.6 Complex perimeter walls to be painted in Karooland, the darkest of the approved colours.
- 6.3 The condition and general appearance of a land unit (including its garden), or activities thereon, may not jeopardise the comfort or commercial values of properties of other residents.
- 6.4 The fitting of external accessories shall be controlled by the related Architectural Guidelines and Accessories Policy.

7. SIGNS, NOTICES AND BUSINESSES (PARA 5.2)

7.1 No signs or notices may be placed on the common property.

7.2 Approval for businesses to be conducted from land units must firstly be obtained from neighbours before final approval from the Management Committee.

7.3 Only applications for non-intrusive business activities will be considered.

8. STORAGE OF FLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS (PARA 2.7.4, 7.1.5)

8.1 Dangerous or flammable materials for commercial use shall not be stored in any land unit or on the common property.

9. OCCUPANTS OF INDIVIDUAL UNITS (PARA 2.7.3)

9.1 Occupancy of land units shall be restricted to a maximum of six (6) persons per three bed roomed unit and (4) four persons per two bed roomed unit.

9.2 All tenants of land units and other persons granted rights of occupancy by the owner are obliged to comply with these conduct rules.

10. PREVENTION, ABATEMENT AND SUPPRESSION OF NUISANCE

10.1 Noise and loud music which causes annoyance, discomfort or inconvenience to other residents, shall not be permitted. (PARA 2.7.3.1/2)

11. PAYMENT OF LEVY AND OTHER CHARGES (PARA 7.3/1.1)

11.1 To be paid before the 3rd day of the month, to avoid a penalty fee (presently R40.00)

12. LETTING/SELLING OF UNITS (PARA 9.1)

12.1 All tenants/owners of land units are obliged to comply with these conduct rules and the Constitution (page 45 Para 9.1) notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

13. ERADICATION OF PESTS (PARA 2.7.2.2, 2.7.4.2)

13.1 An owner shall keep his/her land unit free of white ants, borer and other destructive insects.

14. LAUNDRY (PARA 2.7.4.2, 7.1.5)

14.1 An owner/occupier of a land unit shall not hang any washing or laundry or any other items on any part of the common property.

15. LITTERING (PARA 7.1.4)

15.1 An owner or occupier of a section shall not deposit, throw, permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps, garden refuse or any other litter whatsoever.

16. SECURITY AND CONTROL MEASURES

- 16.1 The Management Committee must enforce measures ensuring the safety of residents, as approved by the AGM from time to time.**
- 16.2 The Management Committee must perform all administrative actions, such as warnings, final demands and other actions to ensure compliance by residents, visitors and other parties.**
- 16.3 The Management Committee is authorized to levy and recover fines, as approved by the AGM, for repetitive transgressions and / or to enforce adherence by way of legal action.**

NOTE:

IN THE EVENT OF ANY DISPUTE, THE CONSTITUTION AND UNABRIDGED CONDUCT RULES OR RULING POLICY SHALL BE DEEMED THE CONTROLLING DOCUMENTS.

DOCUMENT CONTROL:

Diaz Village HOA Conduct Rules revised October 2019 by A Jacobs.

Document reformatted, corrected spelling, Item 6.4 added, page numbering added,

This document to be read in conjunction with:

- 1. The Diaz Village HOA Constitution.**
 - 2. Policy on Keeping of Pets.**
 - 3. Architectural Guidelines and Accessories Policy.**
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