

ATLANTIC SANDS & SHORES HOME OWNERS ASSOCIATION ("The Association")

CODE OF CONDUCT AND RULES

INTRODUCTION

Atlantic Sands & Shores has been designed to provide a peaceful lifestyle for its residents.

It is the intention of the Board of Trustees of the Atlantic Sands & Shores Home Owners Association ("the Association") in compiling these Rules to protect and enhance this lifestyle and to manage and control operations within the Estate for the benefit of all its stakeholders.

The Rules documented herein have been established by the Trustees in terms of the Constitution of the Association and are binding on all members of the Association as well as residents and other persons visiting the Estate. Members are responsible for ensuring that their tenants, guests, and employees are aware of and abide by the Rules. In terms of the Constitution the Trustees have the right to modify or amend the Rules as they deem fit and to interpret and enforce them in their discretion.

DISCLAIMER

Any person wishing to enter the Estate and/or make use of the Private Open Spaces or Communal Facilities in the Estate, does so at her or his own risk. The Atlantic Sands & Shores Home Owners Association ("the Association") and the registered Owners, their agents, employees, and appointees, shall not be liable for any injury, loss or damage to any person or property arising from any cause whatsoever, including without limitation thereto, the negligence of any of the above persons or the intentional acts of any agents, employees and appointees. Without in any manner derogating from the above, all entrants to the Estate make use of the streets thereon, whether public or private, at their own risk.

Whilst every effort is made to secure and monitor the Estate, the Association, and registered Owners, all their agents, employees, or appointees, shall not be deemed to have warranted the safety of any person or property (whether movable or immovable) on the Estate.

1. Use of Common Property and Environmental Control

- 1.1 The Association shall have the right and duty to control the environment, which shall include but not be limited to vegetation on private erven and the common areas.
- 1.2 No person shall conduct himself in any area within the Estate in such a manner, which in the opinion of the Trustees may be detrimental to the interests or amenities of the Association.
- 1.3 An Owner or Occupier shall not deposit, throw, or permit or allow to be deposited or thrown, on any part of the Common Property any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever, nor shall items be thrown onto neighbouring balconies, terraces, gardens, or yards adjacent or below.

- 1.4 Owners and Occupiers shall ensure that they do not damage the Common Property Garden and flower beds. No trees, plants or shrubs may be planted on the Common Property without the consent of the Trustees. Trees and shrubs may not be pruned, and trees, plants and shrubs may not be removed from the Common Property without the consent of the Association.
- 1.5 No person shall be permitted to plant any vegetation or to place any landscaping or other objects of whatsoever kind in the areas owned or controlled by the Association without the prior written consent of the Association.
- 1.6 No person shall be permitted to light a fire within the Estate, except in any such places which are designated by the Association for this purpose or within a private fireplace or braai area.
- 1.7 No person shall be permitted to discharge fireworks anywhere in the Estate.
- 1.8 Noise disturbances such as the use of electric tools and cutting of grass will not be allowed after 19:00 pm from Mondays to Saturdays. No noise disturbances allowed on Sundays. Loud music will not be allowed after 23:00 pm Mondays – Sundays.

2. Firearms and Hunting

- 2.1 The discharge of any firearm, air rifle, bow and arrow, slingshot, fireworks or other explosives within the Estate is strictly prohibited. Strict penalties will be imposed in the event of any contravention of this rule.
- 2.2 Hunting and the trapping or shooting of birds or any other animal is prohibited within the Estate.

3. Property

- 3.1 Homeowners are required to always maintain their properties in a neat and tidy condition. Should the external appearance of a property be deemed to be unacceptable at the discretion of the Association or the vegetation thereon become overgrown or untidy, immediate remedial action will be taken by the Association at the cost of the homeowner.
- 3.2 All outside units, including air conditioners, geysers, and other mechanical equipment as well as washing lines, must be sited out of public view and aesthetically screened from neighbouring properties. This shall also apply to wendy houses, tool sheds, engine and vehicle parts, tools, and accommodation for pets.
- 3.3 Building materials should be removed from the premises upon completion of construction of a property or stored out of sight. This also applies to any alteration following completion of the unit.
- 3.4 During the period of construction members should ensure that their building contractors keep their sites as well as neighbouring sites, clean. The Association reserves the right to deny access to contractors who do not comply herewith. Should a contractor not remove rubble as requested, the Association will employ a contractor to do so and charge the member accordingly.

- 3.5 No person shall cause any unacceptable disturbance, excessive or undue noise.
- 3.6 Aesthetical and environmental requirements as per the constitution must be adhered to and any alterations to be referred to the control architect for consideration and approval.
- 3.7 Each home owner is responsible for his/her own house owners' insurance, content insurance and public liability insurance in respect of his/her property.

4. Traffic Control

- 4.1 The speed limit on all the roads within the development is 30 kilometres per hour. No person shall drive any vehicle within the Estate more than the prescribed speed limit. Owners and Occupiers shall adhere to the speed limit and shall keep proper lookout for other Motor Vehicles and pedestrians when driving their Motor Vehicles on the Common Property. Speed humps will be implemented on strategic areas to enforce this limit.
- 4.2 No person shall drive any vehicle within the Estate in a manner that would constitute an offence under the applicable road traffic ordinances. All traffic control and parking signs must be observed by road users.
- 4.3 The driving of quad bikes or any other off-road motorized vehicles is prohibited within the Estate except for entering and leaving the Estate.
- 4.4 All vehicles must be parked within the confines of members' properties alternatively within the designated parking areas. The parking of vehicles in the roads or on the road verges is strictly prohibited. This also applies to commercial vehicles, boats, caravans, and trailers.
- 4.5 All vehicles shall keep to the roads within the Estate. No vehicle may travel off-road other than a construction vehicle on a plot being developed.
- 4.6 No Motor Vehicle may be parked in a manner which obstructs the movement of pedestrians or other vehicles on the Common Property, or which impedes the use of another parking area.
- 4.7 Owners and Occupiers shall ensure that their Motor Vehicles and the Motor Vehicles of their Invitees do not drip oil or brake fluid onto any parking area or any part of the Common Property or in any other way deface the Common Property. The Owner of the Section will be responsible for the cost of removal of any oil, petrol, diesel or brake fluid spilt onto his parking area or on a part of the Common Property and the costs of any repairs that may be necessary to the area concerned.
- 4.8 Owners and Occupiers shall not use their Motor Vehicles in such a manner which causes a nuisance to other Owners or Occupiers. In particular motor radios may not be heard outside Motor Vehicles and the hooters of Motor Vehicles may not be sounded on the Common Property, except in the event of an immediate imminent danger or in an emergency. Motor Vehicles may not be driven on the Common Property with the head lights on bright.

5. Control of Animals

- 5.1 Domestic animals within the Estate must be controlled and kept within the confines of the

member's property. Residents as well as their guests must ensure that their animals do not foul the common property nor create a disturbance nor become a nuisance within the development.

- 5.2 Domesticated animals are not permitted outside the confines of a member's property unless they are kept on a leash. Owners and Occupiers must remove their dog's excrement from the Common Property and Exclusive Use Areas and suitably discard it, failing which may effect such removal at the cost of the applicable dog owner, and/or impose a fine.
- 5.3 Dogs must be confined within a fence/wall, if there is no such fence or wall within the confines of the member's property then one will need to be attained in accordance with the prescribed building regulations to ensure confinement.
- 5.4 These regulations will be enforced by the Bergrivier Municipality in terms of the By-laws for the control of dogs promulgated under Provincial Notice 228 dated 6 April 1979.
- 5.5 In terms of the By-laws any dog, which is found in the Estate and is not under the control of a person may be impounded by an official of the Municipality or SPCA.
- 5.6 Any transgression of these regulations should be reported directly to the Bergrivier Municipality.
- 5.7 All female pets must be spayed, and male pets must be neutered.
- 5.8 Visitors or guests are not allowed to bring any animals, reptiles, or birds onto the premises in a Section and on the Common Property without the prior written consent of the Association.
- 5.9 No more than 2 dogs and 2 cats will be allowed per property.

6. Commercial Activity

- 6.1 No commercial activity of whatsoever kind which would include amongst other things professions trades, hobbies or any auctions on the property will be permitted within the Estate without the prior written approval of the Association and the local authority together with any other appropriate authority.
- 6.2 No advertising boards of whatsoever kind shall be permitted, either on individual erven or the common property within the Estate other than the standard architectural building board and without the prior written approval of the Association.

7. Operation of Guest Houses and Holiday Rentals

- 7.1 Members shall not be permitted to operate a guesthouse within the Estate without the prior authorization and approval of the Association and the local authority i.e., the Bergrivier Municipality. Members shall be required to submit such approval to the Association for its records.
- 7.2 Any member operating a guesthouse or holiday rental shall subject their guests to the rules

and regulations laid down by the Association and therefore every agreement for the use of a property on the Estate must contain a clause in terms of which the guest acknowledges that he is bound by the Constitution and the Estate rules applicable within the development and acknowledge the mentioned rules by signing a copy of the Constitution and Estate Rules.

- 7.3 It is the responsibility of each owner to control the behaviour of his/her guests and the conduct of any owner's guests will be the owner's accountability.
- 7.4 Owners operating guest houses or holiday rentals must provide the Association as well as the Estate manager with the name of the owner, address of the premises to be made use of, a phone number of the owner or manager of the guest house or holiday rental that is permanently available and the maximum number of guests allowed within the property.
- 7.5 An information document must be made available to the Estate Manager and Security on request, including the following information: Full names and IDs of guests that will be staying on the premises, guest's vehicle registration numbers, the time period for which they will be staying.
- 7.6 All guests will be required to sign in and out at Security when the Estate is entered or vacated.

8. Operation of short-term letting or long-term rentals

- 8.1 For purposes of these Rules, short-term letting will consist out of letting within a time period of three to six months. Long term rentals will consist of rentals for a period exceeding six months.
- 8.2 Owners shall be obliged to inform the Association in writing if they enter into a short-term letting or long-term rental agreement in respect of their property and provide the Association with the contact details of the tenant.
- 8.3 Owners shall ensure that these Rules and the conditions contained in the other documents are incorporated into their lease agreements as an annexure thereto and as a term of the contract, including that the breach of these Rules shall automatically constitute a breach of the lease agreement, and will entitle the Owner and/or lessor to terminate the lease agreement by written notice to that effect to the tenant. An Owner and/or lessor shall be obliged to terminate his lease agreement by written notice to that effect to his tenant upon receipt of a written notice by the Association requiring termination of the lease agreement, provided that the decision and request of the Association must be reasonable in the circumstances.
- 8.4 Owners letting through rental agents, or of their own accord, must provide the Association as well as the estate manager with the name of the owner, address of the premises to be let, phone number of the owner, maximum number of guests to be allowed and the name of the rental agent to be appointed.
- 8.5 Only registered and accredited agents may be used to let the property, otherwise owners may let the property through their own accord.
- 8.6 A written lease agreement must be provided to the Estate Manager as well as security

containing the following: Name of owner, owners number that is permanently available, address of premises to be rented, Full names and IDs of guests that will be staying on the premises, guest's vehicle registration numbers, the time period for which they will be staying. This document must be provided within a reasonable timeframe of the guests arriving.

9. Sale of Property

A homeowner who is selling his property privately shall be permitted to put up one board on the property advertising the sale thereof. Such advertising board shall be in accordance with the specifications laid down by the Association from time to time.

10. Contravention of Rules

10.1 If an Owner or Occupier or the Invitees of an Owner or Occupier contravene/s the Code of Conduct and Rules or the Act, the Trustees shall be entitled, without prejudice to the other rights or remedies which the Association may have in law, or in terms of the Act, any other act, the management rules or These Rules, including to claim compensation for damages, to:

- institute mediation proceedings or expert intervention; and/or
- institute arbitration proceedings; and/or
- impose a penalty on the Owner and/or
- apply to the applicable Ombud for a suitable order, as soon as the Ombud Service is in operation; and/or
- bring a court application for a suitable order.

10.2 Aforesaid provisions may, where applicable, also be applied to Occupiers of Sections.

11. General

11.1. No loud music, excessive noise inside or outside at any time. It is the responsibility of each owner to control the behaviour of his/her guests and the conduct of any owner's guests will be the owner's accountability.

11.2 No washing may be hung over any balconies and balustrades, fences or perimeter fencing or walls.

11.3 No **"To Let, or Holiday Accommodation"** signs may be displayed in any window or against any building or anywhere on the site.

11.4 Always take other residents into consideration.

12. Levy Payments

12.1 Levies are payable in advance on the 1st day of the month and interest is payable on arrears. Levies may not be withheld for any reason whatsoever. Those who jointly own a property are liable jointly and severally.

12.2 In terms of the constitution members who are in default with levies have no voting rights or

attendance at general meetings.

13. Imposition of penalties

- 13.1 If the conduct of an Owner or Occupier or the Invitees of an Owner or Occupier constitute/s a nuisance in the opinion of the Trustees, or a contravention of a provision of the Act, the management rules or These Rules, the Association may, without prejudice of the other rights or remedies available in terms of These Rules:
- By written notice inform the Owner of the Section of the nuisance or contravention and warn the Owner that if he, or the Occupier fail/s to remedy the contravention and/or if he or they persist/s in such conduct or contravention, such notice will be valid for 6 (six) months.
- 13.2 For the second contravention and owner/guest will receive a final written warning valid for 12 (twelve) months.
- 13.3 For repeated offences after the final written warning a fine of R 500.00 will be levied against the owner for each transgression.

14. CONSTRUCTION

- 14.1 All building work once commenced, shall be completed in as short and reasonable time as possible and shall be executed in a workmanlike manner, within a maximum period of one year. Construction not completed within one year from commencement will be fined at R 5 000.00 per month until building works are completed.
- 14.2 The site and the surrounding open land must be always kept clear of rubbish, to the satisfaction of the Association and/or the Local Authority. Rubbish which might be blown by the wind must be contained and all rubbish must be taken to a recognized tip on a regular basis or when instructed to do so by the Association. The primary dune, including all vegetation on the dune and open space in front of beachfront plots, may not be disturbed under any circumstances, either during or after building operations. It is recommended that natural vegetation is stimulated by irrigation. If any of the above conditions are not met to the satisfaction of the Association, then the Association will or can undertake to do whatever is necessary to rectify the shortcomings at the expense of the owner.
- 14.3 Home owners will be liable for any damages caused on the property of other owners' property by the construction firm/person who they make use of for building works etc. on their property.

15. Identification and occupation of non-residents/employees

15.1 All persons (non-resident) employed by home owners or tenants must be provided with an acceptable identification card whilst in their service as prescribed by the home owners association.

15.2 Employees(non-residents) shall not be accommodated in the units on the property and only in special instances, upon written application, permission might be granted by the Trustees of the home owner association for temporary occupation.

15.3 All visitors must sign in at the security gates, after the owner was contacted and permission given, before access to the estates will be allowed.

16. Review of Rules

The Trustees may, subject to the provisions of the Constitution of the Association, delete, amend, or add to these Rules at any time.