

**CODE OF CONDUCT OF THE  
WINELANDS RESIDENTIAL ESTATE  
HOMEOWNERS ASSOCIATION**

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## **1 Introduction**

- 1.1 Harmonious community living can only be achieved when residents use and enjoy both their own properties and the common areas in a manner which respects and considers the rights of everybody else within the Estate. Compliance with this Code of Conduct and general consideration by residents for each other will greatly assist in assuring a satisfied community.
- 1.2 The rules contained in this Code of Conduct, are binding upon all members / residents, their guests and service providers. Each member is responsible for ensuring that all persons residing on his/her erf and his/her guests, employees, contractors and agents comply with this Code of Conduct and as such assumes personal responsibility for the actions or omissions of such persons.

## **2 General**

- 2.1 Members / residents must acquaint themselves with the Constitution of the Winelands Residential Estate Homeowners Association ("the Association"), the Architectural and Landscape Design Manual, the Builders Code of Conduct and this Code of Conduct. Ignorance shall not constitute a reason for non-compliance.
- 2.2 In particular, neither the Association, the trustees, the manager, the developer nor any of their employees, servants or agents shall be responsible or liable in any way for any loss or damage to any building, property or person anywhere upon the Estate, howsoever and by whomsoever caused, and whether by any

act or omission of any of the foregoing. As such, all members/residents on the Estate hereby waive any claims which at any time might arise in consequence of any act or omission aforementioned.

- 2.3 Members must ensure that all persons granted rights of occupancy of their erven are acquainted with and comply with this Code of Conduct.
- 2.4 The erven within the Estate are zoned as Agricultural Land Units for residential use only and hence no business or trade may be conducted on any erf within the Estate, other than the Agricultural activity to be conducted by the Farming Association. In particular, no guest houses / hotels are permitted. Members shall however be entitled to submit a written request to the Trustees of the Association requesting their consent to allow them to conduct an activity upon their erf which falls outside the allowed scope of use of the erf, i.e. residential. The Trustees shall be entitled in their sole and absolute discretion, to either grant or reject such permission.
- 2.5 No sign, notice, board or advertisement of any kind whatsoever may be placed on the common areas or on or in the vicinity of any erf within the Estate with the exception of the standard building contractor's signboard details of which are to be obtained from the manager.
- 2.6 No firearm, pellet gun, catapult, bow and arrow or any other weapon may be used or discharged on or in the vicinity of the Estate.

- 2.7 Littering of any kind in the common areas, vineyards and other orchards including the disposal of cigarette stubs, is strictly forbidden.
- 2.8 No fires of any kind are permitted anywhere on the Estate except at an indoor fireplace or outside braai area.
- 2.9 No invasive alien vegetation is permitted anywhere on the Estate. Where a member/resident fails to remove such vegetation the Association will be entitled to remove it at the cost of the member concerned, and the employees or agents of the Association will have free and unrestricted access to the erf concerned for this purpose.
- 2.10 All members/residents must maintain their erven (main dwelling, garages, outbuildings, site walls and gardens) in good condition and in a neat and tidy state at all times.
- 2.11 No fireworks of any description may be used anywhere on the Estate.
- 2.12 No burglar alarm may be operated on the Estate unless it is linked directly to the armed response unit of the security firm employed by the Association or the security at the gate house who will then be responsible to call out the armed response and who must have the ability to disarm it.
- 2.13 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 the street name and house number, by the Estate manager. No refuse inclusive of garden refuse may be stored or dumped anywhere on the Estate.

2.14 All damage caused within the Estate by a vehicle affecting a delivery or transporting persons/equipment to or from an erf shall be the responsibility of the member/resident concerned.

2.15 No habitation of any mobile home or caravan on the Estate will be permitted on a temporary or permanent basis.

2.16 Post Boxes supplied by the Estate are to be cleared on a weekly basis.

### 3 **Motor Vehicle Regulations**

3.1 The speed limit on the Estate is 35 kph. This speed limit must be complied with at all times.

3.2 Any contractor, visitor, employee or agent of any member/resident who, in the sole opinion of the manager, habitually contravenes any of the provisions of this Code of Conduct may be refused entry to the Estate.

3.3 The use of vehicles, including motorcycles and quad bikes which create excessive noise, will not be permitted.

- 3.4 All vehicles must keep to the designated roads and drivers thereof shall observe all the road signs within the Estate.
- 3.5 No vehicles shall be driven in any manner, which creates a nuisance or is considered by the trustees or the manager to be unsafe.
- 3.6 No vehicles may be habitually parked in any part of the common area.
- 3.7 No commercial vehicle or truck (except for the purpose of effecting deliveries), caravan, trailer or boat may be parked in the common area at any time. Caravans, boats and trailers must be parked at such a place so that they are not visible to neighbours.
- 3.8 No vehicle may be parked on or in the vicinity of any entrance to an erf so that it protrudes over or onto the road reserve of the common area.
- 3.9 Any vehicle parked or abandoned in the common area for a period exceeding 24 (Twenty Four) hours may be removed or towed away at the risk and expense of the owner, unless prior written permission has been obtained from the manager.
- 3.10 No motorised vehicle of any description (including Golf Carts) may be used in the Estate unless the driver/rider thereof is in possession of a valid driver's licence for the vehicle concerned.

- 3.11 No motorised vehicle of any description (except Golf Carts) not requiring the driver/rider thereof to be in possession of a valid driver's licence may be used in the Estate.
- 3.12 No motorised vehicle may be operated by someone without a valid driving licence for such vehicle (normal drivers licence for a golf cart)

#### 4 **Control of Pets**

- 4.1 Dogs and cats may be kept on any erf within the Estate provided that:
  - 4.1.1 Dogs are fenced in and the fence must comply with aesthetics committee guidelines;
  - 4.1.2 Dogs shall not be allowed to roam in the common areas of the Estate;
  - 4.1.3 Members/residents may walk their dogs in the common areas provided they are under leash and/or effective personal control;
  - 4.1.4 No member/resident shall permit their dogs to foul the common areas unless the excrement is immediately removed by the person accompanying the dogs;
  - 4.1.5 Members/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;



4.1.6 Screening or other adequate preventative measures must be taken to ensure that dogs do not bark at passers by;

4.1.7 Cats are to be fitted with collars with bells to assist in the protection of birds and other wild life;

4.1.8 Dogs and cats must wear identity tags, detailing the telephone number of the owner.

4.3 Members/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.

4.4 No caged wild birds or animals other than dogs and cats shall be permitted on the Estate.

4.5 The trustees shall have the right to prohibit, restrict, control the keeping of, or remove any pet, which they regard as dangerous, or a nuisance to other occupants of the Estate.

## 5 **Common Areas / Road verges**

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

5.2 No member/resident shall remove, damage or prune any tree or vine in the road verge or in common areas.

- 5.3 For safety reasons, access to vineyards and olive groves is prohibited during any time that farming activity is conducted thereon.
- 5.4 Access to the workshop, farm equipment, farm vehicles and waste skips is strictly prohibited.

## 6 **Access Control**

- 6.1 Members/residents may be required to purchase and to use their own remote controls/ transmitters for the entry boom/s.
- 6.2 Communication from each erf to the gatehouse will be by telephone. Members/residents may be required to install a dedicated facility/service to support this function, at their own cost.
- 6.3 The following procedures (or any others from time to time imposed by the manager or trustees) must be observed by all members/residents in regard to access to the Estate:
  - 6.3.1 If they are expecting visitors they must inform the guard prior to the expected time of arrival so that the guard may allow entry to these persons on arrival;
  - 6.3.2 They may authorise access to a visitor on receipt of a telephone call from the guard, but if the resident is not available to answer the call the visitor at the gatehouse will not be permitted entry;

6.3.3 Contractors, workmen, delivery men, employees and anybody who visits the Estate in the course of their work will be supplied by the guard with a permit which must be displayed on their person at all times when they are in the Estate. Failure to display this permit may result in the culprit being banned from the Estate.

## 7 **Nuisance, Disturbance, Noise and Light Pollution**

- 7.1 Members/residents and their guests may not engage in any activity, occupation or hobby that causes or is likely to cause a nuisance or disturbance to any other resident.
- 7.2 No member/resident or their employees or contractors shall be permitted to use any noisy machinery including but not limited to lawnmowers, chainsaws, lathes and woodworking machinery after 16h00 on Saturdays, before 09h00 or after 12h00 on Sundays or public holidays, and on all other days not before 07h00 or after 20h00.
- 7.3 No exterior speakers are permitted and the level of any music played shall be limited so as not to cause or be likely to cause a nuisance or disturbance to any other resident.
- 7.4 No outside lights, which shine directly into a neighbouring erf 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 this Code of Conduct and the Constitution 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 Notwithstanding the provisions of clause 8.1 members shall not let their properties for use as a commune.
- 8.3 Should a tenant breach the provisions of clause 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**

- 9.1 For the enforcement of the provisions of this Code of Conduct or the provisions of the Constitution of the Winelands Residential Estate generally the trustees or the manager may;
- 9.1.1 Give notice to the member/resident concerned to remedy any breach within such period as they may determine;

- 9.1.2 Take or cause to be taken such action as they deem fit to remedy the breach of which the member/resident concerned may be guilty and debit the cost thereof, which shall be a debt due to the Association, to his/her levy account, and which shall be payable as part of his/her levy on the first day of the following month; and
- 9.1.3 Impose a fine in an amount determined by the trustees or the manager in their sole discretion on the member/resident concerned, which amount shall be a debt due to the Association, shall be debited to his/her levy account and shall be payable as part of his/her levy on the first day of the following month.
- 9.2 Should the trustees or manager institute legal proceedings against any member/resident for the enforcement of any of the rights of the Association, the Association shall be entitled to recover all legal costs so incurred from the member/resident concerned, calculated as between attorney and own client, including tracing fees and collection commission.
- 9.3 In the event of any breach of this Code of Conduct or of any of the provisions of the Constitution of the Winelands Residential Estate by any person residing on a members' erf or his / her guests, employees, contractors or agents, such breach shall be deemed to have been committed by the member himself / herself; but without prejudice to the foregoing, the trustees or manager may take or cause to be taken such steps against the person actually committing the breach as they may in their

discretion deem fit, in addition to any action which might be taken against the member concerned.

- 9.4 Complaints relating to the behaviour of another resident are to be lodged with the manager in writing, provided that the complainant has first attempted to settle the matter amicably with the other party. In the case of a serious contravention of the Constitution of the Winelands Residential Estate, the Architectural Design Manual, the Landscape Design Manual, the Builders Code of Conduct or this Code of Conduct, the manager may be approached without prior attempts at settlement between the parties.

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