

# HOUSE RULES

MADE IN TERMS OF  
THE CONSTITUTION OF THE

**THE FARM HOMEOWNERS' ASSOCIATION**

("The Association")

## INTRODUCTION

“THE FARM” has been designed to provide a gracious and secure lifestyle for its residents. To protect and enhance this lifestyle, House Rules have been established in terms of the Constitution of the Association. They are binding on all persons resident at or visiting “THE FARM”, as are decisions properly taken by the Trustees in administering them.

The registered owners of properties are responsible for ensuring that members of their households, tenants, visitors, invitees and all their employees, which include tradespersons and suppliers, are aware of, and abide by, the House Rules.

Tenants have the same responsibility with respect to their households, visitors, invitees and employees.

The House Rules may be altered, amended or repealed from time to time subject to the procedure laid down in the Constitution, which vests the ultimate acceptance of the House Rules in the hands of the general body of members of THE FARM HOMEOWNERS' ASSOCIATION.

Finally, it is important to note that any person who enters through the gates of “THE FARM” do so at own risk. The Association cannot be held responsible for any injuries, death, damages, losses etc that may occur.

### 1. DEFINITIONS, INTERPRETATIONS AND DELEGATIONS

- 1.1 In these House Rules, unless it appears to the contrary, either expressly or by necessary implication, the words and expressions as defined in the Constitution of the Association shall bear the same meaning in these House Rules as in the Constitution.
- 1.2 Unless the context otherwise requires, any words importing the singular number only shall include the plural number and *vice versa*, and words importing any one gender only shall include the other gender as well as juristic persons.
- 1.3 In particular, the following words and phrases shall, unless the context otherwise requires, have the meanings given below:
- |                   |                                                                                                                                                                        |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Association       | means THE FARM Homeowners' Association, which is constituted and has been established by the Members as a body.                                                        |
| Common Area       | means those portions or remainders of the Land owned by the Association and includes all services (whether Municipal or otherwise) constructed within the Common Area. |
| Member            | means a member of the Association.                                                                                                                                     |
| Trustee Committee | means the current committee of Trustees or any Committee of Trustees of the Association.                                                                               |
| Vehicle           | means any form of self-propelled conveyance.                                                                                                                           |

- 1.4 **It shall be the responsibility of every Member to ensure that all members of his household, employees, tenants, invitees and guests, paying or otherwise, are fully aware of these House Rules. In the event of any breach of the House Rules by the Member, members of his household, employees, tenants, invitees and guests, or by members of his tenant's household, employees, guests and invitees, such breach shall be deemed to have been committed by the Member himself.**
- 1.5 Where there is a conflict between the House Rules of the Association and the Constitution of the Association, the Constitution of the Association shall prevail.
- 2. DOMESTIC REFUSE**
- 2.1 The removal of domestic, garden and other refuse shall be under the control of the Association which may, in exercising its functions in this regard from time to time by notice in writing to all persons concerned:
- 2.1.1 lay down the type and size of refuse containers to be obtained and used; Agreed that refuse must be of sturdy black plastic material that will not break.
- 2.1.2 give directions in regard to the placing of refuse for collection. – To be placed neatly outside each erf on MONDAY, WEDNESDAY and FRIDAY mornings ONLY before 09:00 for collection. This is the only time refuse bags are allowed on the verges.
- 2.2 All refuse, whether domestic or garden must be kept in the containers, which must be placed out of sight of both road and open areas except when put out for collection on MONDAY, WEDNESDAY and FRIDAY mornings ONLY before 09:00 ONLY.
- 2.3 Only refuse enclosed in a strong, standard size, black plastic refuse bag shall be removed by the Association.
- 2.4 Where any item of refuse is of such a size or nature that it cannot be conveniently removed by the refuse removal services provided or arranged by the Association, the Association may give directions as to the manner in which such refuse must be disposed of and as to whom will be liable for the costs of such a removal.
- 3. DOMESTIC ANIMALS**
- 3.1 Only dogs, cats and caged birds which do not emit loud noises may be kept on dwelling on a Unit Erven. Unless confirmed otherwise in writing by the Association, domestic animals shall be limited to **two** (2) pets per unit erf dwelling and may be kept **only by Members** and not their guests. **Where these pets are kept, there must be a suitable enclosure to prevent the pets from straying off the Member's property.**
- 3.2 Members are required to tag their animals with the Member's name and telephone number.
- 3.3 In the event of any domestic animal being introduced onto "THE FARM" by guests, the Association may call on the owner of the animal to remove it immediately and, in the event of the owner failing or refusing to do so, the Association may impose

penalties on the Member concerned or may procure its removal from "THE FARM" and recover any costs from the Member concerned without prejudice to its rights to recover any penalty imposed.

- 3.4 Should any domestic animal prove to be a continual nuisance to other residents, the Association may call on the owner of the domestic animal to remove it and if the owner fails or refuses to do so, the Association may impose penalties or procure its removal from "THE FARM" and recover any costs from the Member concerned without prejudice to its rights to recover any penalty imposed.
- 3.5 No pet shall be allowed off the Member's property unless under strict control and on a leash, and pets are not permitted to be walked in the wetlands or the natural forest.
- 3.6 In all cases, when domestic animals are in the Common Area and cause a mess or dig holes, the pet's owner shall immediately remove the mess or repair the holes as the case may be.
- 3.7 **Birds / bird aviaries** are subject to the approval of the Association.

#### **4. TRAFFIC / PEDESTRIANS**

- 4.1 Access to "THE FARM" shall be controlled by a boom gate manned by a security guard.
- 4.2 No vehicles shall enter or leave "THE FARM" at any point except at the entrance gate, Non-Members, builders, contractors, workers, tenants and guests are required to sign the relevant entry document stating that they will abide by the House Rules, regulations and Constitution of "THE FARM". Domestic staff will be required to produce an identification card to gain access to the estate. Members are to provide the Association with a passport size photo of their domestic staff together with their I.D. numbers and full names. Members must retrieve I.D. cards and notify the Association of dismissed staff.
- 4.3 All vehicles entering "THE FARM" shall stop at the vehicle entrance point.
- 4.4 No vehicle shall enter "THE FARM" unless admitted by the guard on duty at the gate, except where the Association has issued to the driver a device enabling the driver to operate the vehicle entrance gate himself.
- 4.5 No Member shall permit the use of such device for operating the vehicle entrance gate by any person save a member of his household, or the guests or lessees of the Member, without the consent of the Association.
- 4.6 The movement and control of traffic and pedestrians is subject to the security rules and regulations of "THE FARM". The said rules and regulations will be formulated by either the Trustee Committee or a committee appointed by the Trustee Committee or by a Security Officer appointed by the Trustee Committee.
- 4.7 Heavy construction deliveries will only be allowed on weekdays between 07h00 and 18h00 and on Saturdays between 08h00 and 13h00. The consent of the Trustee Committee is required for heavy deliveries during other hours.

- 4.8 Motorised vehicles shall be driven on “THE FARM” roads only by persons who hold a valid current driver’s licence which would permit them to drive that vehicle on a public road within South Africa.
- 4.9 No person shall drive any vehicle on any road within “THE FARM” at a speed in excess of 30km per hour. A lower speed limit may be imposed by the Trustee Committee where appropriate.
- 4.10 Animals, birds and wild life shall have the right of way at all times within “THE FARM” and vehicles shall be brought to a stop whenever necessary.
- 4.11 The Trustee Committee may, by means of appropriate signage, give direction as to the use of roads or any portion of the roads or Common Area, and failure by any person to obey this signage shall be contravention a of these House Rules.
- 4.12 No person shall drive or ride any vehicle on “THE FARM” in such a manner that would constitute an offence under the relevant traffic ordinance applicable on public roads.
- 4.13 No person shall store or park any caravan, boat or the like in any place on “THE FARM” **except** in a structure built for this purpose and approved in writing by the Architectural Review Committee. No vehicle, caravan, boat or the like may be left overnight on any road on the Associations’ property. (Amended 21 Oct 2014)
- 4.14 No helicopters or any means of aerial conveyance may be landed at any place on “THE FARM” without the authority of the Trustee Committee.
- 4.15 Construction workers allowed on the Estate from Monday to Friday between 06:30 – 17:00 ONLY. Workers to be off the Estate 18:00 Monday – Friday. No work allowed on Saturdays, Sundays or any Public Holidays. (Amended 25 June 2013)
5. **OPEN SPACE AND ENVIRONMENTAL CONTROL**
- 5.1 The Trustee Committee shall have the right and duty to control the environment, which shall include but not be limited to the vegetation on the Unit Erven and Common Area, the erection of walls, and hedges, and shall have the right to trim hedges and trees. Pursuant to this right and this duty the Trustee Committee is empowered without reference to the Member concerned in its own discretion to cause vegetation and other matter to be cleared from any Unit Erf upon which no dwelling has been erected up to 6 [six] times per year if an owner fails to keep his Unit Erf in a condition which is in the opinion of the Trustee Committee neat and tidy and to recover the cost from the Member concerned as a debt due to the Association.
- 5.1.2 Members shall be obliged to keep their Unit Erven free from any invasive weeds in compliance with the by-laws of the Municipality and to the reasonable satisfaction of the Trustee Committee and the Trustee Committee shall be entitled to cause a Unit Erf to be cleared of invasive weeds at the expense of its owner if such owner has failed to do so after having been given reasonable written notice by the Trustee Committee. (Amended at AGM 2.Aug 2008).

- 5.2 No person shall do anything that detrimentally affects the amenities, flora or fauna of "THE FARM", or unreasonably interfere with the use and enjoyment of the Common Area.
- 5.3 No person shall discard any litter or any item of any nature whatsoever in "THE FARM" except in receptacles set aside for this purpose by the Association.
- 5.4 No fire shall be lit at "THE FARM", except in such places as may be designated for the purpose by the Trustee Committee or in an approved and a properly constructed fireplace or braai.
- 5.5 No person shall do any gardening or landscaping on the Common Area without the express prior written agreement of the Trustee Committee. No person shall, unless authorised by the Trustee Committee to do so, pick or plant any flowers or plants on the Common Area. The Trustee Committee may submit plans to the environmental authorities for approval of such plants selected for the Common Area.
- 5.6 Subject to any law or regulation made in terms of the Environment Conservation Act No. 73 of 1989, or any permit granted in terms of this Act or the Environment Conservation Act No. 100 of 1982, the Trustee Committee shall be entitled to prohibit access to any part of the Common Area in order to preserve the natural flora and fauna, and further no person shall enter such area without the written consent of the Trustee Committee.
- 5.7 The driving of motorised vehicles in the Common Area is confined to roads and driveways.
- 5.8 No person shall discharge a firearm, air rifle, crossbow or any similar weapon anywhere on "THE FARM" except in self-defence.
- 5.9 Hunting, trapping of birds and animals and the setting of snares are specifically prohibited on "THE FARM".
- 5.10 The use or operation of remote-controlled toys is not permitted anywhere on the Common Area.
- 5.11 No tree on "THE FARM" shall be removed without the written authority of the Trustee Committee.
- 5.12 **Members shall be obliged to keep their Unit Erven free from any invasive weeds in compliance with the by-laws of the Municipality and to the reasonable satisfaction of the Trustee Committee and the Trustees shall be entitled to cause a Unit Erf to be cleared of invasive weeds at the expense of its owner if such owner has failed to do so after having been given reasonable written notice by the Trustee Committee.**

## 6. DAMS, PONDS AND STREAMS

- 6.1 No person shall launch any boat or craft or remote controlled craft of any description, powered by a motor on a dam, pond and/or stream at "THE FARM". Non-motorised small boats will be allowed but they must be launched at the designated areas.
- 6.2 No water sport, scuba diving, spear fishing, wind surfing or swimming is permitted. Controlled fishing by Members and their immediate family is permitted and any fish caught is to be returned to the dam, pond or stream where it was caught. Upon written advice by the Association's designated environmental officer that the dams are overstocked with fish, controlled fishing and removal of fish caught by persons other than Members or their immediate family may also be permitted, until such advice is withdrawn.
- 6.3 No domestic animal shall be allowed to enter the dams, ponds and/or streams.
- 6.4 No person shall pollute the dams, ponds or streams.
- 6.5 No person shall discard any litter or any article of any nature whatsoever in the dams, ponds and streams of "THE FARM".

## **7 LETTING, RESALE AND OCCUPATION BY MEMBERS' GUESTS OF PROPERTIES**

- 7.1 The following rules shall apply to the letting and resale of property:
  - 7.1.1 Estate or property agents must operate on a "by appointment" basis. They may not erect any "for sale" or "show house" or "sold" boards or any other signage boards whatsoever, and they must personally accompany prospective buyers or tenants onto the "THE FARM".
- 7.2 An agent shall make any buyer aware of the House Rules, Constitution, building deadlines and any other relevant considerations applicable to ownership or occupancy. Any document prepared by the agent containing an offer of sale or an offer to purchase must include such clauses as the Trustee Committee may require from time to time to ensure compliance with the matters envisaged in this clause 7.2.
- 7.3 Tenants to whom properties are let or leased are obliged to abide by the House Rules and the Constitution of "THE FARM". The agent who is letting a property is obliged to supply the tenants with copies of the Constitution and House Rules. The foregoing does not absolve the Member from the liability from any breach of the House Rules and the Constitution of "THE FARM" committed by his tenant.
- 7.4 Where the Member himself sells or lets his property, the provisions of 7.1.2, 7.2 and 7.3 will apply to him.
- 7.5 Access to the "THE FARM" may be denied to tenants, members of their households, invitees, employees or guests if they should transgress the Constitution, House Rules or any other rules, regulations or bylaws of The Association.

## **8. CONDUCT AT "THE FARM"**

- 8.1 No garments, household linen or washing of any nature, may be hung out or placed anywhere to dry except in a drying yard or such other area designed for such purpose. Washing lines, windidriers etc. must be below the level of the yard walls.

- 8.2 The lighting of fireworks is not permitted at "THE FARM".
- 8.3.1 No unauthorised persons are allowed onto building sites under construction.
- 8.3.2 Construction staff members are to be transported to and from site.
- 8.3.3 Construction workers allowed on Estate between 06:30 – 17:30 Monday – Friday ONLY; Workers must be off the Estate by no later than 18:00, Monday to Friday. No work allowed on Saturdays, Sundays or any Public Holiday. (amended June 2013)
- 8.3.4 Heavy construction deliveries will only be allowed on weekdays between 07h00 and 18h00 ONLY. The consent of the Trustee Committee is required for heavy deliveries during other hours.
- 8.3.5 The Trustees and the building inspector, will at all times be able to inspect the construction site and the adjoining erven, and after an occupation certificate and compliance completion, on notice to the owner. This is so that the Constitution and Rules can be enforced where necessary.
- 8.4 No person shall make or cause any unacceptable disturbance or excessive or undue noise, which constitutes a nuisance to other persons. In particular:
- 8.4.1 Burglar alarms must comply with all regulations, which the Trustee Committee or the Association may institute from time to time;
- 8.4.2 All vehicles are to be fitted with suitable silencers and are to be operated as quietly as reasonably possible;
- 8.4.3 The mowing and/or edging of lawns, the use of leaf blowers, or the operation of any other noisy machinery which may disturb neighbours is strongly discouraged after normal working hours unless there are exceptional circumstances. These activities are, however, prohibited after 13h00 on the following days: Sundays, New Year's Day, Easter, Christmas and Family Day [26 December].
- 8.4.4 All undue noise must cease between 22h00 and 06h30.**
- 8.5 In order to maintain the low density residential nature of the estate no Member or tenant shall accommodate nor allow to be accommodated more than the maximum number of persons permitted to occupy such residence, viz:
- |                              |                              |
|------------------------------|------------------------------|
| 1 bedroom unit = 4 persons;  | 2 bedroom unit = 6 persons;  |
| 3 bedroom unit = 8 persons;  | 4 bedroom unit = 10 persons; |
| 5 bedroom unit = 12 persons; |                              |
- 8.6 Members must ensure that their children and the children of members of their households, employees, tenants, invitees and guests do not pose a safety threat to themselves or to any other person or a driver at "THE FARM". Tenants shall have the same responsibility as regards their households, employees, invitees and guests.
- 8.7 Whenever the Trustee Committee receives a written complaint from a Member, relating to the behaviour of any person, the Trustee Committee shall investigate appropriately and take any steps required within the scope of the House Rules and the Constitution. The Trustee Committee is not prevented by this clause from taking



action on its own initiative, if evidence of behaviour (which in the opinion of the Trustee Members is unacceptable) should come to its attention from a source other than a written complaint.

- 8.8 No unauthorised person shall interfere with security arrangements or the activities of the Association's appointed security staff.
- 8.9 No person shall do anything or cause anything which constitutes unacceptable behaviour or which may affect good order.
- 8.10 Each Member shall cause the dwelling erected on his Unit Erf to be protected by an alarm system approved by the Trustee Committee and shall be obliged to cause such alarm system to be connected to and monitored by an armed-response security firm approved by the Trustee Committee.
- 8.11 Even though the perimeter wall surrounding "THE FARM" is partially erected on Unit Erven, the control and maintenance thereof is entirely vested in the Association and no Member shall in any way alter the perimeter wall or prejudice the security thereof.
- 8.12 A Member shall maintain the external appearance of any building, structure or improvement on his Unit Erf and the appearance of any garden or lawn on his Unit Erf in a condition which in the opinion of the Trustee Committee is in accordance with the general standard of appearance acceptable at The Farm and the Association shall be entitled to cause any maintenance deemed necessary by the Trustee Committee in order to achieve this standard to be effected and to recover the cost of such maintenance from the Member concerned as a debt due to the Association, should the Member fail or neglect to carry out any such maintenance required by the Trustee Committee within 14 [fourteen] days of receiving written notice to do so.
- 8.13 Not more than one domestic worker shall be permitted to reside permanently on a Unit Erf and no domestic worker shall reside on the Common Area.

## **9. COMMERCIAL ACTIVITY**

- 9.1 No commercial activity of any nature will be permitted at "THE FARM" without the approval of the Trustee Committee.
- 9.2 No advertising board may be displayed anywhere on "THE FARM" other than the standard architectural building board during building construction.
- 9.3 No door-to-door canvassing or selling is permitted.
- 9.4 No slaughtering of any animals or birds is permitted.

## **10. FINES AND PENALTIES**

- 10.1 Any person who contravenes or fails to comply with any provision of these House Rules, or any conditions imposed by or directions given in terms of the House Rules, shall be deemed to have breached these House Rules and will be subject to any penalties imposed by the Trustee Committee having regard to the circumstances

and which may include the imposition of fines which amount shall not exceed R1 000-00 (one thousand rand) for each separate offence, adjusted from time to time.

- 10.1.1 In the event of a breach by the Member or members of his/her household, employees, invitees guests and tenants, and the members of the tenant's household and the tenant's employees, invitees and guests, the Member shall be liable for the payment of fines imposed;
- 10.1.2 In the event of a breach by a tenant, a member of his/her household or employees, invitees or guests of the tenant, the Trustee Committee may, in addition to the imposition of any fine or other penalty, deny the abovementioned access to "THE FARM".
- 10.2 In the event of a continuing offence, any person subject to these House Rules who contravenes or fails to comply with any of their provisions, or any conditions or direction given in terms thereof, shall be deemed to be guilty of a separate offence for every 24 hours or part thereof during which such offence continues and shall be liable in respect of each such separate offence.
- 10.3 Any fine imposed on a Member, in terms of 10.1.1 or 10.1.2, shall be a debt due and payable to the Association by the Member on demand.
- 10.4 The imposition of penalties is subject to the relevant provisions of the Association's Constitution.
- 10.5 Should a Member fail or refuse to comply with these House Rules, the Trustee Committee may take whatever action may be necessary and appropriate in the circumstances and recover from the Member any costs incurred in taking such action without prejudice to its rights to recover any fines or other penalties imposed.

ADOPTED on 18<sup>th</sup> February 2005.  
AMENDED 25<sup>th</sup> February 2009  
AMENDED 25<sup>TH</sup> FEBRUARY 2014