

# **ENTABENI ESTATE**

## **RULES OF CONDUCT**

**INTRODUCTION**

These Rules once approved in terms of the Constitution of the Entabeni Farm Village Home Owners Association, (EFVHOA) are aimed at creating an environment where members, tenants and guests at Entabeni can live together reasonably and harmoniously without interfering with one another's enjoyment, to the benefit of all. All members (including family of the members), occupiers and entrance to Entabeni are obliged to comply with these Rules.

The Rules are deemed to be reasonable, non-punitive or restrictive, but rather create a judicious frame work to safeguard and promote appropriate and fair interaction to the benefit of all.

Any waiver, relaxation, extension of time, delay or failure by the EFVHOA in exercising any right under these Rules shall not be construed as a waiver of that right and shall not operate as on estoppel against the HOA. The Constitution provides that these Rules will be presented and rectified at the first General Meeting of the members of the HOA.

## 1. **DEFINITIONS**

- 1.1 In these Rules, terms used herein shall have the same meanings assigned to them as set out in the "Definition" section of the Constitution of the Entabeni Farm Village Home Owners Association ("EFVHOA") unless the context of these Rules clearly indicates a different meaning.
- 1.2 Should a specific Rule contained herein prove, or be found to be by a Court of Competent authority, to be unenforceable it will not render the entire Body of Rules unenforceable and the only the relevant Rule shall be affected by such unenforceability or judgment.

## 2. **LEGAL STATUS**

- 2.1 All members (including family of the members), occupiers and entrants to Entabeni are obliged to comply with these Rules.
- 2.2 The registered member is responsible for ensuring that all members of his family, tenants, guests, visitors, employees, contractors and any person visiting the property or rendering a service to the members/ tenant also comply with the Rules.

- 2.3 The Trustees shall have the right, in the event of a breach of a Rule to take such action against the defaulting owner as they deem fit on behalf of the HOA, including but not limited to:
- 2.3.1 Giving notice to the member concerned requiring him to remedy such breach within such period as Trustees may determine; and/or
  - 2.3.2 Taking such step as they may consider necessary to remedy the breach at the costs of the defaulting member; and/or
  - 2.3.3 Taking such other action as they deem necessary and which action may include the imposition of a penalty or proceedings in Court.
- 2.4 Any person entering Entabeni and utilising the roadways, verges, common property areas, buildings, facilities, etc do so at their own risk. The HOA shall not be liable for any loss, damage or accident that may occur on Entabeni.

### 3. **AMENDMENTS**

- 3.1 Rules may need to be added, amended or repealed in accordance with the evolving needs of members and the Estate.
- 3.2 These Rules are therefore subject to change from time to time and the Trustees shall endeavour to add, amend or repeal the Rules as they deem necessary to protect the interest of the HOA, the members and the integrity of Entabeni as a whole.

### 4. **USUAGE AND SERVICE**

All facilities and common area are for the shared use of all members of Entabeni, residents and guests and the use thereof need to be controlled to limit abuse. A harmonious lifestyle is attained by the attitude towards the use of the shared and common areas including the roadways, verges, parks, ponds, trials, facilities, bird hide and the like. Any person using any of this facilities and common areas do so entirely at their own risk.

## Motor vehicles, Use of Driveways and Parking Area

- 4.1 All persons are required to drive within Entabeni with the outmost care at all times. Whilst the roads within Entabeni are privately owned and controlled, all persons are required to use all roads and pathways within Entabeni with the same level of care and consideration for road safety and use as they are required to on “public roads” outside of the estate. No person shall use or drive any vehicle anywhere on Entabeni in such a manner that it would, if such road was a public road within the Republic of South Africa, constitute a contravention of the National Road Traffic Act 93 of 1996. No person shall use any road, pathway or common area within the development in such a manner as to constitute a nuisance or danger to any other person within Entabeni. Without limiting the generality of the aforesaid, no person may use or drive any vehicle other than on designated roads. No person may use or drive any vehicle while under the influence of intoxicating liquor or drugs and all road/traffic signs displayed within Entabeni must be adhered to by all persons at all times.
- 4.2 A speed limit of 40 km/h shall be observed on the roads in the development at all times except for where lesser limits are sign posted.
- 4.3 No unlicensed vehicle, or a vehicle that is not capable of being licensed in terms of the National, Provincial or Local Authority laws, by-laws or regulations, such as quad bikes, golf carts or stand-on scooters are allowed to be driven on Entabeni without the written consent of the HOA. Any unauthorised unlicensed vehicle as set out above, may be escorted off Entabeni or may be wheel-clamped by security personnel. The HOA shall at its discretion procure the vehicle’s removal from Entabeni by such lawful means as are available to it and recover any costs incurred as a result thereof from the member or individual concerned. Such costs shall be deemed to be an additional levy raised against such member and will be recovered from the member in terms of the Constitution of the HOA.
- 4.4 Persons using the roads do so at their own risk and must obey the Rules of the road and adhere to all road signs. Persons who use roller-skates, skateboards, rollerblades or similar equipment on the roadways do so entirely at their own risk and recognising that licensed motor vehicles have right of way. Children under the age of 5 years using the road must be accompanied by an adult.
- 4.5 Pedestrians have right of way on all footpaths but not on the roadways, other than at designated crossings. Cyclists must stay on the road surface.
- 4.6 Members and tenants are required to park their vehicles in their garages or at least on the member’s Erf. Occasional overflow parking for visitors will be

permitted on the verges or external parking area, provided always that no vehicle may encroach into the road, onto the footpaths or into the flowerbeds or parkland. Occasional parking is defined as short term duration (maximum 3 days).

- 4.7 No person shall park, leave unattended or store any commercial type vehicle, boat, caravan or trailer on any road, pavement, verge, parking area or parkland, within the development except on the member's erf and/or Unit (or such area within any applicable sectional title scheme available to the relevant Unit for parking purposes) without the written consent of the HOA.
- 4.8 Hooters shall not be unnecessarily sounded within the development, other than in emergencies.
- 4.9 Parking of vehicles within the development is subject to the express condition that every vehicle so park as at the sole risk and responsibility of the member/owner of such vehicle and that no liability shall under any circumstances be attached to the HOA or any of their employees or any loss of damage of whatsoever nature which the member/ owner may suffer.

5. **SWIMMING**

No swimming is permitted on any of the dams or retention ponds within the development.

6. **COMMON PROPERTY**

Common property gardens have been established and are maintained at considerable costs to the HOA. These gardens are for the enjoyment of everyone on Entabeni and members, tenants, visitors and contractors shall refrain from damaging, removing, taking cuttings or picking grass and flowers from common property. The common property includes the parklands, reed beds, wetlands, roadways and road verges.

- 6.1 The common property is maintained by the HOA, but if individual homeowners wish to maintain their own verges they may arrange to do so through the HOA Office. No plant pots may be placed on verges and/or common property.
- 6.2 The Nature Reserve is fenced and access to the bird hide and pathways can only be gained at the designated entrances. Gates are to be kept closed, birds are not to be disturbed and dogs are to be kept out.

- 6.3 No loud music or other intrusive sound is permitted on the Common Property.
- 6.4 No glass containers are allowed in public open spaces. Only plastic drinking glasses and plastic bottles may be taken onto any public open spaces.
- 6.5 Fires may not be made on the common property, other than in designated places, e.g. the fire pit and the ampfi theatre.
- 6.6 All litter must be placed in the bins provided.

## 7. **ENVIRONMENT**

As per its Environmental Policy, the HOA is committed to protecting and reducing its impact on the environment and behaving in a sustainable manner. All members and visitors must accept the responsibility of living in a sensitive environmental area and environmental factors of community living, including energy, water and waste management as well as focussed projects and joint efforts are the responsibility of all those who live on Entabeni. It is a key responsibility of the Board and Management to comply with environmental legislation such as the removal of alien species both on private and common property. The HOA support environmental and energy efficient policies that recognise and respect both the legislative frame work and the contractual obligations of Entabeni as the best mechanism to enact sustainable environmental policies.

- 7.1 Specialised fynbos vegetation has been planted on the Eco belt and this must not be disturbed.
- 7.2 No person shall disturb, harm, destroy or permit to be disturbed, harmed or be destroyed any wild animal, insect, reptile or bird anywhere in the development.
- 7.3 No person shall disturb, destroy or collect any plant material, where they are living or anywhere in the development, save with the consent of or on the instructions of the HOA.
- 7.4 No person shall discard any litter or any item of any nature whatsoever at any place in the development except in such receptacles and in such places as may be set aside for the purpose and designated as such by the HOA.

- 7.5 No person shall appropriate any part of the open area into his/her property or attempt to make exclusive use of any part of the common areas without the prior written consent of the HOA. Subject to any law including any regulation made in terms of the Environmental Conservation Act No 73 of 1989, the HOA shall be entitled to prohibit access to any part of the common areas if it deems it desirable to do so for the preservation of the natural flora and fauna and no person shall enter any such area without the consent of the Estate Manager. Such areas shall be demarcated by means of wooden stakes painted in a distinctive colour and placed at appropriate intervals.

## 8. **AESTHETICS**

The Estate has its own unique theme in respect of design. Layout, materials used and colour. These rules are contained in the Design Guidelines.

Rules pertaining to the maintenance of the intended look and feel has a direct impact on the value of the properties. Further, the rules and regulations relating to building standard, alterations and fences ensure a balance in maintaining the quality of lifestyle for existing residents and the need to complete buildings according to plan. The placement of external structures, including air-conditioners, satellite dishes, solar panels, water tanks etc all affect the aesthetics of Entabeni and are in place to ensure the sustainability of property value.

If despite written demand by the HOA, a member fails or refuses to comply with any aspects of the Constitution, Design Guidelines and Rules, or fails to maintain an Erf owned by that member in a state of good repair and that failure materially prejudices the interest of the HOA, its members or occupiers of Erven generally, the HOA may remedy the member's failure and recover the reasonable cost of doing so from that member, provided that in the case of an emergency, no demand or notice need be given to the member concerned.

### **EXTERIOR OF HOMES**

- 8.1 Homes must be kept neat and tidy and in a state of good repair.
- 8.2 Gardens must be established and maintained to a standard acceptable to the HOA.

- 8.3 Members are required to ensure that the painted exterior of their homes, roofs, fences as well as driveways and gardens are maintained to a high standard and should accept the intervention of the HOA Management and Trustees if they do not comply.
- 8.4 Members shall keep their properties free of invasive alien trees and plants, termites, borer, mice, rats and other vermin and harmful insects in an environmentally friendly manner.
- 8.5 Externally located washing-lines, entrances to outside toilets, refuse and waste containers, etc. must be screened from view of the roads and paths.
- 8.6 No alterations or changes to the exterior may be undertaken unless a full set of plans in accordance with the HOA Design Guidelines and Constitution have been submitted and approved by the Architectural Review Committee (ARC) and the local authority.
- 8.7 Members need to ensure that their boundary dividing walls and fences do not obstruct neighbours' and other members' views.
- 8.8 Similarly, planting of trees and shrubs must take neighbours' and other members' views into consideration.
- 8.9 Trees and shrubs must be kept trimmed to minimise the obstruction of neighbours' and other members' views.
- 8.10 No towels, clothing, blankets, sheets or laundry may be hung over balcony railings, windows, fences/walls or clothes lines/ windy driers that are visible from the roads or other properties in Entabeni.
- 8.11 Members must ensure that all drains on their property are kept in a sanitary condition. The Knysna Municipality has specifically requested that members do not flush rags or cloths down the waste system as the sewer pumps are often damaged by these items.
- 8.12 No electricity-generating plant, windmill, or similar equipment may be used without the consent of the HOA.
- 8.13 No boreholes, spikes or wells may be sunk on the private erven of members.



- 8.14 Visible devices such as rotating mirrors/ sun guns for controlling birdlife are not allowed and may not be installed on properties on Entabeni.

## 9. **CONDUCT**

People are entitled to expect, reasonable levels of privacy, peace and tranquillity within Entabeni. The Rules relating to the general behaviours of all residents sets a minimum standard of conduct.

## 9. **DOMESTIC PETS**

Rules:

- 9.1 The maximum number of dogs permitted per property is governed by the local authority by-law (as at 11 September 2015 the by-law stipulated one dog to be kept in or at a dwelling with an erf size of 500 square metres or less or two dogs to be kept in or at a dwelling within an erf of more than 500 square metres).
- 9.2 Other pets permitted per household is: two cats and two birds. Prior written consent is required from the HOA for more than this number and for any other type of animal.
- 9.3 No livestock and or wild animals may be kept on a member's property. Members may keep chickens in a fowl box approved by the HOA. A maximum of 9 chickens, but only one cock (male) is allowed.
- 9.4 Pets must be restrained from leaving their members' property unattended and must not be allowed to constitute a nuisance to other members.
- 9.5 Dogs must be restrained by a leash at all times, other than in the member's own property.
- 9.6 Dogs and cats must be fitted with collars and a disc reflecting the stand number, owner's name and telephone number.

- 9.7 Dogs are not permitted in the butterfly area and Nature Reserve area.
- 9.8 Contractors and service provides are not permitted to bring their dogs, cats or any other animals to Entabeni.
- 9.9 Visitors and short-term tenants for periods of up to sixty (60) nights are not permitted to bring their dogs, cats or any other animals to Entabeni as the foreign environment invariably causes disturbance and disruption and the property may not be suitably fenced for dogs.
- 9.10 The owner of any animal is responsible for picking up and removing any form of animal matter deposited by the said animal. This rule is to be strictly adhered to and owners walking their pets are requested to carry a plastic bag with them for disposal purposes.
- 9.11 Persistent barking of dogs, caterwauling of cats or any other disturbance by pets is not allowed and must be controlled by the owner.
- 9.12 Should any animals create a frequent or persistent disturbance of become a nuisance to any other member, HOA will request the owner or tenant to ensure that the noise and/or actions cease. Failing compliance HOA may, at its discretion, impose a penalty or require the member or resident / tenant to permanently remove the animal. If this request is not complied with, HOA reserves the right to seek an order of court compelling compliance with their requirements and to recover any costs incurred by HOA from the member or owner/tenant concerned.

## **HOUSEHOLD AND GARDEN REFUSE**

### General

- 9.13 All refuse must be placed in the appropriate bags as specified by the Knysna Municipality from time to time.
- 9.14 The bags must be placed inside a refuse bin which must be stored in the designated area of a member's stand.
- 9.15 No refuse may be left on the pavement or verge area at any time and bins must be wheeled to the central refuse disposal area.
- 9.16 All refuse is collected by the Knysna Municipality.

- 9.17 Members must ensure that refuse is kept in a hygienic and dry condition in an acceptable container and does not cause inconvenience to other members.

### **Recycling Refuse**

- 9.18 Entabeni strongly support the recycling of all recyclable waste.
- 9.19 Members are obliged to recycle.
- 9.20 Recycled waste must be placed in see-through or clear refuse bags.
- 9.21 Recycled waste must include clean and dry plastic, glass, paper, cardboard, and cans. Recycled material must not include foil, cling-wrap, polystyrene and serviettes/ tissues or any other materials restricted by the Municipality and this waste should be included in the household refuse.
- 9.22 Batteries and globes must not be placed in the clear bags. These items should be placed in special receptacles available in Knysna Town.

### **Household Refuse**

- 9.23 General decomposable household refuse, in addition to non-recyclable refuse such as foil, polystyrene, soiled paper and certain hard plastics, must be placed in black bags.

### **Garden Refuse**

- 9.24 Garden refuse must be placed in blue bags obtainable from the Municipality.
- 9.25 Members are limited to two bags per household per week.
- 9.26 Larger quantities of garden refuse in excess of the two bag per household limit must be disposed of by the member or occupier at the municipal location specifically made available for this purpose.

- 9.27 Garden service providers must be registered as contractors with the HOA for security purposes and may only operate from Monday to Friday between 08h00 and 17h00. Only registered garden service providers will be allowed access to Entabeni.
- 9.28 No garden refuse may be left on the verge overnight for collection.

### **Hobbie /Entertainment**

- 9.29 Hobbies or other activities that produce unreasonably excessive noise, unpleasant odours or cause any nuisance to other members and tenants are not allowed.
- 9.30 Persistent or disturbing noise which can be constituted as a nuisance, whether through loud music, partying or shouting, is not permitted and all noise is to be restricted within reasonable limits and should not be offensive to other members or tenants.
- 9.31 No helicopter is permitted to land anywhere on Entabeni other than in emergency circumstances.
- 9.32 Drones or similar products may not be used on Entabeni as they are noisy and invade privacy. If a commercial operator wishes to use a drone for photographing the estate or homes on the estate, permission must be obtained from the General Manager first before official permission will then be obtained from SANParks.
- 9.33 Fireworks, firecrackers, Chinese lanterns and similar items are forbidden on Entabeni.
- 9.34 Private parties on Public area, including private homes, must terminate at 22h00 as per a Knysna Municipality bylaw as it would otherwise constitute a nuisance.
- 9.35 The use of guns, including BB guns and pellet guns, is prohibited on the Estate.

- 9.36 In the event of annoyance, aggravation, nuisance or any other complaints occurring between members, tenants or visitors, the parties concerned should attempt to settle the matter between themselves with consideration and tolerance. Should this not be possible, security can be contacted and if the problem persists or the problem cannot be resolved, the matter may be brought to the attention of HOA in writing, for an interpretation of the Rules or Constitution but HOA shall not otherwise obligated to intervene to resolve any complaints. Parties unable to achieve amicable resolution to any matters between themselves are then at liberty to pursue legal avenues to resolve the dispute including, but not limited to, the right to refer the dispute to the Community Schemes Ombud Service.

### **Vandalism and Theft**

The HOA has a zero-tolerance approach to vandalism (damage) and theft of property.

Rules:

- 9.37 A member remains responsible for his family, tenants, guests, visitors, employees, contractors, contractors' subcontractors and persons visiting the property or rendering a service to the owner/tenant. The following action will be taken against the perpetrators of vandalism or theft of HOA property: All damages will be restored at the perpetrator's expense, or his or her parents or legal guardians' expense in the case of the perpetrator being a minor. An administration fee shall also be recoverable, and a penalty imposed at the discretion of the Trustees which shall be recoverable from the member concerned and if not paid upon demand will be invoiced to the member's levy account.
- 9.38 Should damage be caused to the property of any member or resident within Entabeni, the HOA will provide the member or resident with all the information at its disposal with regards to such damage upon the production of a valid subpoena issued to the HOA. Any legal action will then be at the discretion of the member.
- 9.39 Any person guilty of theft by their own admission or having been found guilty be a competent authority, will not be permitted to work on Entabeni.

## Letting of Property

- 9.40 The Board supports a balanced approach to the rights of tenants and landlords on Entabeni, while protecting real property rights. The Board supports reasonable regulation of transient occupancy, tenant compliance with Entabeni's standards and the integration of tenants into the community on an equal basis, while recognising the contractual agreement is between the HOA and the member.

### Rules:

- 9.41 Members who wish to let their property must be registered with the HOA as a "Letting member". HOA will assist the "Letting Member" by providing the necessary documentation and procedures to ensure that the properties are let in terms of the Constitution and Rules and Regulations.
- 9.42 If a member lets their property while they are not in residence in Knysna, they are required to appoint a letting agent or responsible person (as per the rental property registration register) to manage their properties and tenants. This agent or responsible person must attend induction and be fully informed of the documentation required and the procedures.
- 9.43 A Biometric form must be signed by the tenant prior to him/her gaining access. The tenant will need to produce proof of identity and follow all relevant biometric registration procedures in place from time to time, before being granted access. Members are to ensure that the Constitution and Rules are communicated to the tenants prior to the commencement of rentals to avoid unnecessary security related issues.
- 9.44 No member shall be permitted to conduct a guesthouse, bed and breakfast (B&B) establishment or any other form of accommodation facility from a residence situated on any Erf or from a Unit on Entabeni.
- 9.45 A house may not be rented out to multiple tenants.
- 9.46 Sub-letting by tenants is not permitted.
- 9.47 Tenants and their visitors are the responsibility of the member concerned and members are therefore liable for any penalties incurred and /or damages or

breakages caused by tenants or visitors to any property, infrastructure or amenities of Entabeni.

9.48 Any letting to a single tenant or group for a period of up to sixty (60) nights is defined as short-term rental. Short term rentals are prohibited.

9.49 The use of garages as sleeping quarters is not permitted.

9.50 Members must ensure that their tenants and visitors are duly informed of all applicable Rules and without prejudice to generality of the aforesaid obligation must also ensure that they are aware that motor vehicles, boats and trails must be accommodated on the member's premises and not in open or public areas. Trailers that cannot be accommodated within the member's property must be stored off Entabeni. Boats and trailers may not be parked on the roadside, verges or occasional parking areas.

9.51 Neither the HOA nor the security gate will accept any keys for collection or deposit by tenants and tenants will not be permitted access to Entabeni if not escorted by the member, registered letting agent or responsible person.

9.52 A member shall pay an induction fee of R1 000,00 in respect of the tenant's induction to the Estate.

## 10. **SECURITY RULES**

The HOA supports the implementation of the highest security standards within budgetary constraints and supports the principle that homeowners are responsible for their own home security. Members shall not be permitted to use the services of any security company that is not registered with the HOA

Right of Admission to Entabeni is reserved and controlled by the HOA.

## 11. **VISITORS**

The HOA is empowered on behalf of members to control access to Entabeni.

- 11.1 All visitors are bound by the security procedures and members are required to follow the procedures as approved by the Trustees from time to time and which are to be read as if incorporated herein.
- 11.2 Visitors to Entabeni are responsibility of the member or tenant concerned. The member / tenant is therefore responsible for the conduct of their visitors and liable for any disturbance, damage or breakages caused by visitors to any infrastructure, plants, assets or amenities on Entabeni as well as for any other breaches by them of the Constitution and with the Rules in place from time to time.
- 11.3 Members or tenants must ensure that their visitors have been made aware of, understand and comply with the Entabeni Constitution and with the Rules in place from time to time.
- 11.4 Members or tenants should be aware of the number of visitors that can comfortably be accommodated in each house without casing inconvenience to other or placing undue strain on services such as sewerage, electricity, refuse collection, security, and parking, both on-site and in public areas. The number of tenants or visitors accommodated in a Member's house shall not exceed 2 persons per bedroom.
- 11.5 Visitors may not bring dogs and/or animals onto Entabeni.
- 11.6 Entabeni is both a residential estate for permanent residents and a holiday destination and members are expected to respect the entitlement of all members and their tenants.

## **BIOMETRIC ACCESS**

- 11.7 It is mandatory for everybody working or residing on Entabeni to be enrolled on the Biometric Access System in order to have access through the electric gates. Only people who are approved to reside, operate and work on Entabeni are entitle to be enrolled.
- 11.8 All registered domestic and garden staff are to be issued with an access card and lanyard which incorporates a facial photograph.



- 11.9 Should it not be possible to register a fingerprint for a person for any valid reason, such person will be issued with a non-transferable access card.

### **Electronic Booms**

- 11.11 The vehicle entry lanes are each equipped with electronic gates. Members will be issued with remote fobs to gain access to the Estate.
- 11.12 People using the lanes must take care not to idle too long in front of a gate and should proceed immediately once the gate is open.
- 11.13 No tailgating is allowed.
- 11.14 Members' vehicles will be registered on a number plate recognition camera.

### **Close Circuit Television View (CCTV)**

- 11.14 Security surveillance cameras, with sound recording are installed at various places within Entabeni and on its perimeter and which are monitored from the Security Control Room. This includes the movement of all vehicles and people entering through the access points.
- 11.15 All persons working or residing on or visiting Entabeni must take care that they conduct themselves circumspectly when on common property as any of or all their actions may be recorded on the CCTV and to which they consent as a condition of being granted access to Entabeni.
- 11.16 Entabeni has sections of high voltage electric fence coupled with an intrusion detection system which is monitored from the security control centre. The electric fence is open on the inside of Entabeni and is equipped with sufficient warning signs to warn people to stay away. People working or residing on Entabeni must take note that the fence is live at all times.

## **Burglar Alarm**

- 11.17 Burglar alarms must be in a sound working condition and comply with any regulations which the HOA may make with regard thereto from time to time. Related sirens must not disturb neighbours (i.e. be silent to the outside environment)
- 11.18 Outside armed response will be limited to the names on the HOA's list of registered and approved suppliers.

## **General**

- 11.19 All incidents that compromise, or have the tendency to compromise, security must be reported to the Security Manager or the HOA General Manager as soon as practicable.
- 11.20 There is a 24-hour access control service at the entrance to Entabei.
- 11.21 Members must install the intercom system to facilitate smooth communication with security personnel and the security gatehouse. Faults on the intercom system need to be reported immediately for repair.
- 11.22 Members expecting visitors are requested to inform the security personnel at the gatehouse, of the visitors' details in advance of arrival to ensure entry is not delayed. If you are in residence on Entabeni, the only means of advising the security gate of expected visitors, vendors or contractors, is via the intercom or in person. All visitors must report their arrival and departure to security.
- 11.23 Member's employees are required to visibly display their special identification on a lanyard while on common property.
- 11.24 The HOA reserves the right to search vehicles and individuals on good cause. HOA also reserves the right to photograph the contents of the vehicles.

## **12. DISCIPLINARY ACTIONS**

- 12.1 In the event of any breach of the Constitution and/or Rules by a member, resident, visitor, occupants, contractor, subcontractor, estate agent or any other person (the “defaulting party”), the HOA shall be entitled to:
- 12.1.1 request the defaulting party to provide an explanation, or apology in writing; and/or
  - 12.1.2 issue a reprimand (orally or in writing) and request such defaulting party to remedy such breach within a prescribed time period; and/or
  - 12.1.3 impose a penalty; and/or
  - 12.1.4 withdraw any previously given consent applicable to the particular matter to which such default pertains; and/or
  - 12.1.5 take any such further action, including legal action, as the HOA may deem fit in order to enforce the provisions of the Constitution and Rules.
- 12.2 Should HOA impose a penalty in respect of any transgression and where the defaulting party is a member, such penalty shall be added to the levy account.
- 12.3 In the event of an imposition of a penalty and where the defaulting party is not a member, such penalty shall be payable on demand failing which it will be added on the member’s levy account for collection.
- 12.4 The HOA shall be entitled to take such action and impose such penalties in terms of these Rules as deemed in the best interest of Entabeni.
- 12.5 In the event of repeated breaches by a defaulting party, the HOA shall be entitled to escalate the penalties which may be imposed in respect of such breach in terms of the Schedule of Penalties on each and every occasion that such breach re-occurs.

- 12.6 The decision of the HOA regarding the enforcement of the Constitution and Rules and the imposition of any sanctions in terms of the Constitution and Rules shall be final and binding.
- 12.7 Members acknowledge that they are responsible for the acts and omissions of their family, employees, contractors, subcontractors, visitors and invitees, including payment of penalties in respect of any of the aforementioned, and that the exercising by the HOA of any rights insofar as any offending party (who is not a member) is concerned shall not relieve the affected member from his obligations, nor abrogate from the rights of the Trustees to exercise any right or enforce any remedies against such member arising from the offending breach of the Constitution and Rules.

### 13. **DISPUTE RESOLUTION**

The Board recognises the need for and supports the use of internal and neutral dispute resolution mechanisms to resolve disputes arising.

#### **Enforcement of the Estate Rules**

- 13.1 For purposes of the enforcement of any of the Rules, the Trustees may take or cause to be taken such steps as they may consider necessary to remedy the breach of the Rules of which a member, tenant or guest may be guilty, and the HOA may take such action, including court proceedings, as it may deem fit.
- 13.2 In the event of any member disputing the fact that he has omitted a breach of any of the Rules or in the event of any member appealing against a penalty, an ad hoc committee comprising of 3 (three) Trustees, will be appointed by the Chairman for that purpose and shall adjudicate upon the issue at such time and in such manner and according to such procedure as the Chairman may direct.
- 13.3 Proceedings will take place without legal representation.
- 13.4 Notwithstanding the above proceedings, the Trustees reserve the right to institute civil action in a court of competent jurisdiction or lay criminal charges against a transgressor, in the name of the HOA.

- 13.5 Notwithstanding the foregoing, the Trustees may in the name of the HOA enforce the provisions of any Rules or the Constitution by proceedings in a court of competent-jurisdiction and for this purpose may appoint such attorneys and counsel as they may deem fit. In the event of HOA incurring any legal or other costs as a result of any breach then HOA shall be entitled to recover all such costs from such member on an attorney and own client scale (alternatively the highest permissible scale of legal fees).

#### 14. **SCHEDULE OF TRANSGRESSIONS AND PENALTIES**

The HOA Management and Trustees do not intend to raise penalties to increase revenue but rather to ensure that Entabeni is and remains a residential estate of choice where all residents, young or old, permanent or visitors, can enjoy their lifestyle in a secure, peaceful and safe environment, through adherence to the Constitution, the Rules and Regulations, and the Design Guidelines.

- 14.1 If any member or any of their family members, or tenant, employee, guest, service provider or contractor, or any other person, contravenes or fails to comply with any of the provisions of the HOA Constitution, the Rules and regulations or the Design Guidelines, such person shall be liable to be penalised by the Trustees or HOA Management. The amount of the penalty/s shall be determined by the Trustees from time to time and will vary depending on the severity of the contravention. A penalty thus imposed by the HOA shall be deemed to be an additional levy raised and will be payable by and recoverable from such member, in terms of the Constitution of the HOA.
- 14.2 Repeat of offenders will attract penalties of escalating quantum as decided upon by the Trustees.
- 14.3 Please find below the schedule detailing the transgressions and penalties.

