



August 2020

## ***ESTATE RULES***

### **PEARL VALLEY GOLF & COUNTRY ESTATE HOMEOWNERS' ASSOCIATION**

#### **1. INTRODUCTION**

- 1.1 Owners and occupiers of properties in Pearl Valley Golf & Country Estate enjoy a unique lifestyle in an environmentally rich countryside surrounded by mountains and water.
- 1.2 Estate living does however call for certain restraints and owners and occupiers must at all times consider the rights and privileges of other owners and occupiers.
- 1.3 The Estate Rules are for the protection and reinforcement of this lifestyle and your capital investment.

#### **2. LEGAL STATUS**

- 2.1 These rules have been established by the Trustees in terms of the Constitution of the Pearl Valley Golf & Country Estate Home Owners' Association ("HOA").
- 2.2 All owners, occupiers and entrants to the Estate are obliged to comply with these Estate rules.
- 2.3 The registered owner or occupier of every property within the Estate ("the resident") is responsible for ensuring that all members of his family, tenants, guests, visitors, employees, contractors, contractors' subcontractors and any person rendering a service to the resident also comply with the Estate rules.
- 2.4 The Trustees shall have the right, in the event of a breach of a rule by a resident, his family, tenants, guests, visitors, employees, contractors, contractors' subcontractors and persons rendering a service to the resident, to take such action against the defaulting resident as they deem fit on behalf of the HOA, including but not limited to:
  - 2.4.1 Giving notice to the resident concerned requiring him to remedy such breach within such period as the Trustees may determine; and/or

#### PEARL VALLEY HOME OWNERS ASSOCIATION

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- 2.4.2 Taking such steps as they may consider necessary to remedy the breach at the cost of the defaulting resident; and/or
- 2.4.3 Taking such other action as they deem necessary and which action may include the imposition of a penalty, or proceedings in court.

### **3. AMENDMENTS**

- 3.1 Particularly in a developing estate, rules will need to be added to, amended or repealed in accordance with evolving needs of residents and the estate.
- 3.2 These rules are therefore subject to change from time to time, and the Trustees shall endeavor to add to, amend or repeal the rules as deemed necessary in order to protect the interests of the Developer, the HOA, the residents and the integrity of the Estate as a whole. This may include, but not limited to access procedures and traffic redirection, as well as denying access to any persons they may deem a security risk until proven otherwise.

### **4. DOMICILIUM**

For the purposes of receiving any notice or process to be delivered in terms of these Estate Rules, any person residing upon the Estate chooses as his/her/its *domicilium citandi et executandi* the address of the Erf at which such person is residing. Documents delivered by hand to such Erf will be deemed to have been received on the date of delivery thereof.

### **5. GENERAL CONDUCT**

In order to preserve and enhance the residential ambience and lifestyle within the Estate, all residents shall at all times behave and conduct themselves in a considerate, reasonable and civilized manner, and shall in particular avoid causing inconvenience or nuisance to other residents.

### **6. SECURITY AND PROTECTION**

- 6.1 Security is an important feature of the Estate and residents and their visitors must at all times assist and comply with the security systems and procedures implemented on the Estate, particularly with regard to access control.
- 6.2 The perimeter security, patrols and access controls serve as deterrent and detection factors only and do not guarantee an intrusion-free Estate.
- 6.3 Residents and their visitors and employees must adhere to security procedures and respect the security personnel's role. Security guards may under no circumstances be abused or obstructed from performing their functions.  
It is in the best interest of all residents that no food or gifts are offered to security guards while they are on duty. Should anyone wish to make a gift or donation to any guard or staff-member, residents are requested to contact the HOA offices for assistance through the appropriate channels.
- 6.4 Burglar alarms must be in a sound working condition and comply with any regulations that 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).

Armed response service providers are limited to the onsite security response team. Outside armed response will not be effective as they would have to go through an enrolment process each time they enter the estate. Outside armed response will be limited to the names on the HOA's list of preferred suppliers.

- 6.5 Visitors must register at the entrance gate and comply with the visitor's access procedure applicable at the time. Any Guest or Visitor who is not in possession of a guest code and who is required to be scanned in to gain access will be required to present a valid driver's licence and the vehicle must be correctly licenced. Without these two criteria being met, access will not be granted.
- 6.6 It is mandatory that all residents register and make use of the VDV Guest enrolment system (VDV Guest) to allow their visitors access to the Estate. The VDV Guest system will allow guests to enter and exit the Estate's main entrance gate by using a unique one-time pin code, generated by the resident. This code can only be used once and will not be re-sent if a guest loses a code. By entering the code at the entrance gate, visitors agree to be bound by and to adhere to the HOA's Constitution and Estate Rules.
- For security reasons, no codes are to be generated to a third party, who is not a *bona fide* visitor to the resident's own premises, where the resident will be physically present at the time of the visit.
- If a resident did not generate a code for their visitor to enter the Estate, the security guard on duty will endeavour to obtain authority from the relevant resident to admit the person concerned to the Estate.
- It will be the responsibility of the resident to register on the VDV Guest system. If such authority is not obtained by the security guard, he/she will be entitled to refuse the person concerned access to the Estate.
- Residents who fail to generate codes for their visitors more than 10 (ten) times per month, may be levied an administration fee per pin code that was generated by Security. The amount of this fee will be issued in accordance with the Estate Rules Transgression chart (ERT).
- Visitors to the Estate whom intend on visiting longer than a week shall be required to sign the prescribed HOA Enrolment & Indemnity Form and enrol on the security system.
- 6.7 Residents are permitted to employ their own resident assistants, butlers, au-pairs, chauffeurs and chefs (collectively referred to as "resident employees"). All resident employees must be registered with security and enrolled on the access system.
- 6.8 The Right of Admission to the Estate shall be under the control of the HOA and may on any reasonable grounds deny any person access to the Estate.
- All resident employees are obliged to abide by these Estate Rules and the Constitution.
- Residents are obliged to supply their employees with copies of these Estate Rules and the Constitution, and to ensure that they are aware of all the provisions.
- Residents are required to notify the HOA and to provide full details of any employees who reside on the Estate, and also those employees who no longer work on the Estate.
- Contractors shall only use designated access assigned by the HOA for the purpose of their work and delivery of materials, equipment and workers. Contractors are not allowed to walk on the Estate outside of the Erven, which is their dedicated workplace. No loitering will be allowed on the Estate.
- If the security guard on duty has no record of the arrival of any employee, the security guard may (but will not be obliged to) endeavour to obtain authority from the relevant resident to allow access of the employee concerned to the Estate. If such authority is not obtained, the security guard will be entitled to refuse such employee access to the Estate.

- 6.9 Residents must use their best endeavours to ensure that none of their employees behave or engage in conduct unbefitting the high standard of the Estate; and/or engage in any strikes or other labour action on or about the Estate. It being recorded that the HOA shall be entitled to procure compliance with the aforesaid in their discretion and any costs associated therewith shall be for the account of such resident.
- 6.10 The maximum number of resident employees whom can reside on an erf is 2 (two). Family members or friends of resident employees may visit with the prior approval by the resident, but are not allowed to overnight.
- 6.11 No vehicles or persons shall enter or leave the Estate at any point, except at the entrance gates, other than in extra-ordinary circumstances and with the prior written consent of the Security Manager.  
Vehicles are subject to be searched at any time when necessary.  
Vehicles entering the Estate will from time to time be inspected by Security with a vehicle search mirror to check for any oil leaks. Vehicles showing oil leaks will not be allowed to enter the Estate.  
The vehicle entry lanes are each equipped with electronic booms and spikes. The spikes will drop first followed by the boom opening once a person, who has right of access, place his finger on the finger scanner, which is available at each entry and exit lane.
- 6.12 Security surveillance cameras are installed at various places, and are monitored from the Security Control Centre. The movement of all vehicles and people entering and exiting through the access points may be monitored.
- 6.13 The Estate is bordered with a 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 the Estate and will cause electric shock to humans and animals. Warning signs are erected to warn of the danger.

## **7. ROADS AND TRAFFIC**

- 7.1 Extreme care must be taken by drivers when driving on the Estate. Golfers, pedestrians and cyclists will be crossing the streets at designated points and drivers should approach these with caution. Golfers, pedestrians and cyclists have the right of way. All intersections are to be regarded as being controlled by a 4-way yield sign, unless otherwise posted with stop signs. Motorised vehicles shall be driven on roads only, and only by persons who hold valid current international or South African drivers' licences. Any motor vehicle found to be driven by a minor who is not in possession of a valid learners' license and accompanied by a licensed driver, will incur a substantial contravention penalty as set by the Trustees from time to time.
- 7.2 A maximum speed limit of 40 km/h (forty kilometres per hour) shall apply, provided that lower speed limits may be imposed by the HOA where this is deemed necessary. Routine speed checking will be done by suitably trained personnel with calibrated equipment, who will be authorised by the Association to stop speeding motorists and issue a contravention in terms of the Estate Rules Transgression Chart. Any person, verbally abusing, disrespecting, failing to stop or challenging the appointed person carrying out the speed checking will be issued with a further penalty as set out in the Estate Rules Transgression Chart. Any speed contravention issued can only be appealed in cases of a medical emergency and will require a letter from the attending medical practitioner confirming that the emergency was life threatening. Persons, animals and birds shall at all times have the right of way on and about the ESTATE. VEHICLES shall be brought to a stop whenever necessary.

- 7.3 A maximum loading of 6 tons per axle is permitted in and on the Estate roads.
- 7.4 Residents' cars should be parked in garages and/or driveways, and visitors' cars should be confined to a resident's property, and should not obstruct road traffic. No parking will be allowed on the Estate verges.
- 7.5 Parking will only be allowed in areas designated for such purpose by the HOA by means of appropriate signage, where lines are marked on the surface of any parking area indicating demarcated parking spaces within that area, provided that no golf cart or vehicle shall be parked in such a manner that a portion thereof protrudes over such lines. No parking will be allowed on the Estate verges.

No person shall park or store any trailer, caravan, boat, truck or lorry within the Estate, in such a way that it is visible from the road except with the consent of the HOA.

No trailers, caravans or boats shall be brought onto the Estate, except with the consent of, and subject to, such conditions as may be prescribed by the HOA from time to time. Quad bikes may be stored under the conditions above but must not be ridden anywhere on the Estate.

There are clearly marked restricted areas for emergency vehicles, which must only be used for that purpose and which entrances must be kept clear.

Should a vehicle be parked or abandoned in breach of the Estate Rules or Constitution, the Security and Risk Manager may impose the applicable warning / contravention on the owner of, or on the person responsible for, the vehicle; and/or

- The Security and Risk Manager may have the vehicle's wheels clamped at the risk and expense, including the payment of a release fee as determined by the Rules Transgression chart of R500.00, of its owner or of the person responsible for it; or
- HOA may apply for a court order at the cost of the owner of, or of the person responsible for, the vehicle to compel him or her to comply with the notice and/or to pay such fine and any cost incurred in connection with the clamping or removal of the vehicle.

Revvng of motorbikes, cars or other engines should be restricted to the absolute minimum and no repairs or reconditioning of the aforesaid is permitted on any road or in private areas.

- 7.6 All unlicensed motorbikes and quad bikes may not be driven on the Estate roads.
- 7.7 Subject to consent being obtained from the MANAGER, heavy vehicles are not permitted on Saturdays, Sundays or Public Holidays, nor before 07:00 and after 18:00 on weekdays.
- 7.8 Golf carts must be driven responsibly and may only be driven by adults over 18 (eighteen) years of age who are in possession of valid driver's license with a minimum of code 8. At no time may a golf cart be driven carrying more occupants than designed for. Any claims that might arise in relation to the use of a privately-owned golf cart on the Estate will be the sole responsibility of such driver and the registered resident of the privately-owned golf cart.
- 7.9 More specific and detailed rules for roads and traffic will be established from time to time.

## **8. AIRCRAFT LANDING**

For security reasons and the protection of privacy of residents, no aircrafts (including drones) are permitted to be operated over, or land on Private or Estate property; including

the Polo Fields, Golf course or other open areas, without consent by the HOA. Consent shall only be considered on receipt of a completed and signed application and indemnity form. Drones may be operated for the exclusive use of marketing/sales/security/events and any such related matters, subject to Civil Aviation Authority procedures and consent by the HOA.

## **9. LANDSCAPING AND PROPERTY MAINTENANCE**

The nature, content, and design of the gardens on an ERF, including the establishment and maintenance of landscaping in these areas and all pools must be maintained and shall be subject to the standards required by the HOA. Should the standards not be adhered to, the HOA shall take such steps as it may deem necessary in order to ensure that the required standards are adhered to and will charge the OWNER accordingly. No liability will be accepted by the HOA for any damage, accidents or injury to any person caused by swimming pools on an ERF.

Jungle Gyms, swings, trampolines, doll houses, bird cages, garden sheds, portable or temporary swimming pools, garden accents and decorations, sculptures, name signs / boards and similar equipment or structures must be placed below the level of garden/yard walls in order that they are not readily visible from any road and/or other ERF or public open space.

No temporary wire fencing or similar fencing may be erected, and all boundary screen elements must comply with the Aesthetic guidelines.

OWNERS may apply to the HOA to landscape areas of COMMON PROPERTY around an ERF owned by them which in their view would benefit from extra landscaping. Whether or not this will be permitted will be entirely at the discretion of the HOA with regard to any area or ERF. OWNERS will be obliged to accept that such permission will be granted in some cases and not in others. No temporary structures, as defined by the National Building Regulations, may be erected.

## **10. PROPERTY APPEARANCE**

- 10.1 The planning concept for Pearl Valley is one of openness and visual transparency. Garden areas on both street and golf course sides of any house are therefore open to viewing, and must be kept clear and uncluttered.
- 10.2 The storage of materials, wendy-houses, tool sheds, boats, windsurfers, trailers, caravans, building materials, bird aviaries, motorcycles, inflatable pools, statues and any other unsightly objects are not permitted in gardens or driveways. In particular, but without limiting the generality of the aforementioned, a resident shall not hang any flag, washing or laundry or any other items that are visible from the road or the golf course, or over any boundary fence.
- 10.3 Residents are encouraged to keep their garage doors closed whenever possible in the interests of the general appearance of the Estate.
- 10.4 Fixtures and other items such as wash lines, air-conditioning ducts and units, swimming pool pumps, satellite dishes, solar heating panels, evaporative cooling radiators, generators, kennels, etc. should be sited as discretely and out of view as possible, screened where possible, and may only be installed subject to prior written approval of HOA.
- 10.5 In the interests of all residents, each resident is required to carry sufficient building insurance cover for their house in order that any major mishap may be repaired and made good.

10.6 The following are the requirements for the installation of generators.

Any installation of a generator, whether purchased or rented and irrespective of output or portability, requires approval from the MANAGER. Approval from the MANAGER can be retracted at any time should a generator causes an excessive disturbance to neighbours. All applications will be reviewed against the following criteria:

Specifications:

Only Ultra Silent Generators running at a maximum of 1500 revolutions per minute with a maximum sound pressure level of 51 dB will be allowed.

Location:

May not be installed on COMMON PROPERTY (pavements, greenbelts and roads);

May not be visible from the road, common property or the Golf Course. Planting or other screening may be required;

Fire safety: must not be within 1m of boundary;

All fuel to be stored in leak-proof/airtight containers specifically designed for such storage e.g. Jerry cans;

Potential for noise disturbance – whilst it is accepted that generators are noisy, attempts should be made to position them for minimum impact on neighbours;

Sufficient ventilation to prevent fumes build-up is required. If the unit is not to be used

externally then full details will be required of venting in accordance with National Building Regulations.

Operating Times:

Generators may not be operated between 23:00 and 6:00;

If it can be demonstrated that the generator unit in operation cannot be heard from adjacent properties, then exemption from the above rule may be granted.

Requirements for Approval – Portable Generators

This applies to small portable generators that are not connected into the existing electrical circuits / distribution board but merely have an extension cord that electrical appliances may be plugged into;

A site plan showing the location of intended operating position including proximity to boundary wall needs to be submitted for approval prior to use to assess fire safety;

Full details of the generator to be purchased, needs to be detailed in the application for approval.

Note: The risk of CO (Carbon Monoxide) poisoning is very real. Portable generators are not intended to be used internally. CO build-up is possible in open sided carports and hence these areas are not considered to be external.

Requirements for Approval – Permanently Connected Generators:

Any generator that is intended to be permanently connected into the existing electrical circuits/distribution board must be installed by a qualified electrician and the appropriate compliance certificate issued. A copy of the certificate must be lodged with the HOA who will attach this to the approved site plan, a copy of which is retained at the office for future reference;

Applications for approval of permanently connected generators will be referred to the Sub Committee specifically set up to deal with such applications. This committee has been housed under the Architectural portfolio, and applications will be reviewed against the National Building Regulations;

A site plan showing the location of the intended position including proximity to boundary walls needs to be submitted for approval prior to installation.

Full details of the generator to be purchased, needs to be detailed in the application for approval. A response to an application will be given within 24 hours in respect of

portable generators and 48 hours in respect of permanent generators, workloads permitting.

Submissions must be lodged at the ESTATE office before 14:00 on any given day, Monday to Friday.

## **11. ESTATE APPEARANCE**

- 11.1 Residents are requested to leave the private areas in a clean and acceptable condition, and to conscientiously dispose of any litter wheresoever same may be found.
- 11.2 No trees or plants in private areas may be damaged or removed.
- 11.3 Swimming pool water must be discharged into a sewer drain, and not into any storm water pipe or drain.
- 11.4 Certain dams may be designated for fishing, from time to time, on a catch-and-release basis. Under no circumstances may any person swim, boat or indulge in any other activity of whatsoever nature in or on any of the Estate's dams, lakes or waterways.
- 11.5 No fires, braaiing or barbecuing is permitted except on a resident's property or in designated areas.
- 11.6 No person shall discharge any firearm, air-rifle, crossbow, paintball gun or similar weapon or device on or about the Estate. Hunting and trapping in any manner is strictly prohibited, provided that the HOA and/or the Developer may approve such activities for the sole purpose of the control of alien species, nuisance or vermin.
- 11.7 No boreholes or well points may be installed/sunk on any Erf.

## **12. ANIMALS AND PETS**

- 12.1 Only domestic animals posing no danger, noise or odours may be kept. A resident of a pet shall be obliged to immediately remove a pet from the Estate in the event that such pet causes a nuisance, is not controlled on a leash, or displays aggressive behaviour. No breeding of dogs or cats is allowed on the Estate.
- 12.2 The maximum number of dogs and cats that may be kept on an Erf is as follows:
  - Hotel – no pets allowed
  - Golf Lodges – no pets allowed
  - Polo Villages – one small dog or cat, as per the management and conduct rules
  - Vines – 1 dog and 1 cat; not 2 of a kind
  - Evergreen – 2 small dogs or 2 cats alternatively one small dog and one cat (as per the Evergreen Rules)
  - Vines (#2) – 1 dog and 1 cat; not 2 of a kind
  - Standard sized Residential Erven between 500 and 2200m<sup>2</sup> – 2 dogs and 2 cats
  - Gentleman's Estate – 3 dogs and 3 cats
  - River Reserves – 3 dogs and 3 cats
  - Reserve Erven – 3 dogs and 3 cats

- Champions Field Erven – 3 dogs and 3 cats
  - Acre Erven – 3 dogs and 3 cats
- 12.3 In light of neighbour proximity and the openness of gardens, cats and dogs need to be strictly controlled by residents, both on and off their property.
- 12.4 Every cat and dog must be registered and wear a tag displaying the resident’s name and stand number. All cats and dogs must be spayed or neutered. Dogs must be controlled on a leash in all private areas, and must not harass or be allowed to harass other persons, children, cyclists, joggers or pets. Dog excrement must be immediately removed by a resident.
- 12.5 Dogs are strictly forbidden on the Golf Course, Polo Fields, Equestrian Centre, berms, in the stables or paddocks and in the Estate dams. Dogs found hunting or harassing wildlife will be required to be removed from the estate.
- 12.6 At all times, and particularly at night, pets must not create a disturbance or a nuisance, and should not be left unattended.
- 12.7 The natural fauna on the Estate is to be protected and must not be chased or attacked by pets.
- 12.8 No reptiles, farm animals or any exotic pets may be kept, or brought onto the Estate.
- 12.9 The following dog species, mixed breed or pedigree are not allowed on the Estate; Pitbull terriers, Rottweilers and Boerboels. The Estate Veterinary Advisor will have the final determination as to the likely breed or mix thereof, in determining compliance with this rule.
- 12.10 Visitors are not allowed to bring any animals onto the Estate, with the exception of a guide dog.
- 12.11 Cats:  
 All cats need to have a securely attached collar with an effective bell to limit hunting success as well as a tag displaying the owners name, address and phone number. All cats need to be neutered / spayed.  
 Problem cats or cats found wandering will be humanly trapped and impounded by the HOA Compliance Officer. Where cats are a nuisance to other residents, the transgression chart point 3 will be applied.  
 Any damage caused by problem cats to other residents` property will be for the account of the cat owner.

### **13. NEIGHBOUR RELATIONS**

- 13.1 Noise levels must always be kept to a minimum.
- 13.2 The volume of TV, music, radios, partying, children and power tools, etc. must be moderated in consideration of other residents. It must also be understood that the HOA and its Trustees, the Developer and its agents, are not responsible for “instant policing” of such problems. Neighbours and security must be notified of imminent parties or social activities, and all residents must conform to moderate restraints.
- 13.3 No business activity or hobby which causes aggravation or nuisance to other residents, may be conducted at Pearl Valley. Save and except for domestic staff, no staff that require daily access to the Estate may be employed by residents.

- 13.4 No activities are permitted in the private areas if they cause unreasonable nuisance to other residents.
- 13.5 Residents are reminded that their conduct at all times is governed, in any event, by the Drakenstein Municipality by-laws which include the following:
- “21(1) No persons shall disturb the public peace in a street or public place, or on private premises by making noises or causing them to be made by shouting, quarrelling, fighting, singing or playing any type of musical or noise-creating instrument or gramophone, or by means of a radio, loud speaker or similar device, or by riotous, violent or immoral behaviour.*
- 21(2) No persons shall, except with the written permission of the Assistant Chief protection Services, discharge any fireworks within the municipal boundaries of the council or allow such fireworks to be discharged”.*
- 13.6 In order to maintain the low density residential nature of the Estate, no resident or tenant shall accommodate or allow the accommodation of more than 2 (two) persons per bedroom in any dwelling on the Estate.
- 13.7 No fireworks of any kind are permitted on the Estate.

#### **14. REFUSE**

- 14.1 A refuse removal service is provided on a weekly basis. Information of the times and days and method of removal will be provided.
- 14.2 No refuse, garden spoil, or rubble may be dumped on vacant stands.
- 14.3 All refuse must be stored in bins and out of sight from the road and Golf Course.
- 14.4 Refuse bins may only be put out on the road verge on day of collection and must be removed on the same day.

#### **15. SWIMMING POOLS**

- 15.1 Swimming pools present an obvious danger to young children, but with many dams, lakes and water features openly accessible, it is recommended that parents take responsibility for their children and fence their property.

According to the National Building Regulations:

*“The owner of any site which contains a swimming pool or swimming bath shall ensure by means of a wall or fence that no person can have access to such pool or bath from any street or public place or any adjoining site other than through a self-closing and self-latching gate with provision for locking in such wall or fence: Provided that where any building forms part of such wall or fence, access may be through such building.*

*Such wall or fence and any such gate therein shall be not less than 1.2m high measured from the ground level, and shall not contain any opening which will permit the passage of a 100mm diameter ball”.*

- 15.2 Plans for swimming pools must be submitted and approved by the HOA and Council, as per any other external building works, before work may commence.
- 15.3 More specific and detailed rules for the planning and construction of swimming pools will be incorporated within the Architectural and Building Rules to be established

from time to time.

## **16. GOLF COURSE**

- 16.1 The Club will manage and control all aspects of golf, sport, recreation and social activities of its members, including the clubhouse and recreational facilities.
- 16.2 Although the Golf Course is a major added-value aspect of every resident's property, it is a separately owned, private property. Limited access is allowed to the Golf Course for those not officially playing golf, by consent of the owner of the Golf Course and the Club, confined to:
  - 16.2.1 After hours, when play on that part of the Golf Course is completed; and
  - 16.2.2 Walkers and joggers whose activities are restricted to the cart and other designated paths and the fringes of the Golf Course.
- 16.3 The owner of the Golf Course shall further be entitled to make rules relating to the recovery of golf balls from a resident's property, the driving of carts, machinery and equipment necessary for playing golf and the maintenance and irrigation of the Golf Course, including at night. All residents will be bound to observe such rules.
- 16.4 No games and sports, save for golf, are permitted on the Golf Course. No picnicking or braaiing is allowed on the Golf Course.
- 16.5 No private carts are allowed on the Golf Course unless used for the purpose of playing golf. No vehicles are allowed on the Golf Course at any time, save and except when used for authorized maintenance or sales promotional purposes. Golf carts must be registered and annual "trail fees" paid.
- 16.6 The retrieval of golf balls from any lakes and water features shall be the sole entitlement of the Club. Residents are not permitted to recover golf balls from the lakes and water features.
- 16.7 Residents shall not hinder or unreasonably disturb golfers whilst playing.
- 16.8 The owner of the Golf Course, its directors, officers, employees or contractors shall not be liable for any loss of life, personal injury or damage to property suffered by any person whilst in or on the Estate or any part hereof arising from the flight of golf balls or from any other cause whatsoever relating to the use of the Golf Course.
- 16.9 No motorcycling or rollerblading will be allowed on the Golf Course, cart paths and other paths designated for golf carts.
- 16.10 The practicing of golf on the Golf Course is forbidden. Golf may only be practiced at the areas designated for practice purposes i.e. the driving range, the practice green(s) and practice chipping area(s).

## **17. GOLF CARTS**

- 17.1 Privately owned carts that are used to commute around the Estate are encouraged, provided they remain on the roads and are in the control of a licensed driver at all times, with no more occupants than designed for. Any claims that may arise in relation to the use of a privately-owned golf cart on the Estate will be the sole responsibility of such driver and the registered resident of the privately-owned golf

cart. Normal traffic regulations and considerations are applied.

- 17.2 All carts must be registered with the Club, and a registration number (your stand number) must be displayed on the golf cart. Registration numbers can be ordered from the Pearl Valley Golf Shop. Failure to display a registration number will incur a penalty.
- 17.3 Unless used for playing golf, no carts are permitted on the Golf Course.
- 17.4 Certain designated paths that cross the Golf Course, but that link parts of the Estate, are permitted for cart usage after playing hours, provided due consideration is given to pedestrians, and carts remain on the path route. This situation will be reviewed on an ongoing basis by the Club and the HOA as the Estate is built out.
- 17.5 Carts must be electric, silver, green or cream in colour and in good condition. Carts must have head lights, break lights, rear view mirrors and indicators. Only silver privately owned golf carts will be allowed on the golf course when playing golf.

## **18. WALKING, JOGGING, CYCLING, BLADING ETC**

- 18.1 Walking and jogging are obviously encouraged throughout the Estate, but only after playing hours in respect of the Golf Course.
- 18.2 Cycling may only take place on the roads and in areas specifically designated for cycling. Cycling may take place on the cart paths but only after playing hours in respect of the Golf Course.
- 18.3 Roller blading, skate boarding and similar activities shall be confined to designated recreation areas and not allowed in any Common area or on any roads within the Estate.

## **19. THE CLUB FACILITIES**

- 19.1 As the Club Facilities (defined as the club house, driving range, pavilions, refreshment rooms and other conveniences built and/or erected on the Estate for the general functioning of the Club and any improvements thereto) are owned, operated and managed by the Developer, the Developer shall be entitled to regulate the use of and access to the Club Facilities in its sole and absolute discretion and shall accordingly be entitled to prescribe rules governing the use of and access to the Club Facilities from time to time.
- 19.2 As such, the right of admission to the Club Facilities is strictly reserved and the Developer shall be entitled to deny access to the Club Facilities to any person it so desires. Without limiting the generality of the aforesaid, the Developer may deny access to the following persons:
  - 19.2.1 persons whose attire is perceived to be inappropriate by the Developer;
  - 19.2.2 persons who are rowdy, use foul language and generally cause a nuisance/disturbance to other persons using the Club Facilities;
  - 19.2.3 persons who are drunk and disorderly;
  - 19.2.4 persons who are in arrear with payments due to the Club and/or the HOA;

and

- 19.2.5 persons whose behaviour is deemed to be not becoming of the Estate or not in the best interests of the Estate.
- 19.3 No person shall have any claim of any nature whatsoever against the Developer, the Club, nor the HOA, by reason of such person being denied access to the Club Facilities.
- 19.4 Employees of any of the Club Facilities may not under any circumstances be abused or be spoken to in a rude or derogatory manner.

## **20. SPORTS & LEISURE CENTRE**

- 20.1 Access to the Sports & Leisure Centre may be temporarily suspended for practical reasons such as maintenance, in the sole discretion of the Gym Manager appointed at the time.

The Gym Manager may at times perform inspections of equipment and sportswear used at the gym to ensure safety, cleanliness and hygiene.  
The gym and the pool may be locked between certain hours.  
Players with bookings will have preference to use any booked facility.

No food and/or drinks may be brought into the pool areas as well as on the tennis courts, padel tennis court, multipurpose court and cricket nets.

No Bluetooth speakers playing loud music are to be used on/in (courts, parks, pools & fields).

### **20.1.1 GYM**

Access to the gym is free for all HOA Members. This right shall be transferred to the lawful tenants, should any property be let out, subject to the conditions that the relevant resident and tenant remain in good standing with the HOA.  
Additional services rendered (e.g. Pilates) at the Gym may be chargeable.  
Hotel residents, employees of the HOA and certain outside users i.e. short-term visitors may subject to specific criteria and fees, and on application to the HOA have controlled access to the gym, pool and tennis courts. In order to make use of the gym, any resident and tenant must comply with the terms in the Gym Rules & Regulations (please see Annexure A).  
The relevant indemnity documents must be signed.  
All users of the Gym are subject to the rules.

### **20.1.2 POOLS**

No persons under the age of 14 are allowed to use the pools without supervision of a parent, adult or guardian.

### **20.1.3 VAL DE VIE SQUASH COURTS**

Minors between 12 – 16 are allowed to play squash under adult supervision.  
No minors under 14 years are allowed to use any gym equipment or be in gym area.  
Only proper squash equipment (racquets and balls) may be used on the court.  
Only Residents along with their guests may play.  
The Resident must always be present for his guest to be allowed to play. Only clean, light-soled and non-marking squash shoes are allowed on the courts. To make use of the Squash Court facility, residents and tenants must comply with the Val de Vie Squash Court Rules (please see Annexure B).

#### 20.1.4 TENNIS COURTS

Only residents and residents' along with their guests are allowed to make use of the Tennis Courts.

No activity other than tennis may be conducted on the courts.

Appropriate non-marking footwear must be worn on the Tennis Courts at all times. No skateboards, rollerblades or similar devices are allowed on the Tennis Courts.

#### 20.1.5 SAUNA

Users must shower before using the sauna.

Please wear shoes to and around the sauna area.

No persons under the age of 16 are allowed to use the sauna.

### **21. SERVICES**

- 21.1 Save and except for the water and electricity supplier, Drakenstein Municipality and Telkom, all other completed services and roads of the Estate are privately owned by the Developer and/or the HOA, and accordingly operated and maintained by the Developer or the HOA.
- 21.2 Filling or re-filling of swimming pools must be approved by the HOA before commencement.

### **22. RE-SALES AND LETTING**

- 22.1 In order to ensure that prospective purchasers or tenants are correctly advised of their rights and obligations relative to the Estate, e.g. the obligations relative to the building period, and to avoid the proliferation of unsightly signage, Members are obliged to employ an agent accredited by the HOA for re-sales and letting, subject to the Code of Conduct required by the HOA.
- 22.2 In the case where the beneficial ownership or control of a company, close corporation, trust or other association which owns a property in the Estate is changed or transferred, the transferor must notify the HOA forthwith of the change or transfer and with the full names and addresses of the new representatives.
- 22.3 Any lease agreement in respect of a property in the Estate must be in writing on the official HOA Tenant Leasing Procedure pack, which include all the required documents. A written undertaking must be given by such tenant to comply with the provisions of both the Pearl Valley Golf Club Constitution (where applicable) and the HOA Constitution and the rules and regulations made and determined in accordance therewith. Members of the HOA shall ensure that no tenants are allowed occupancy, unless such tenants have been approved by the HOA, and the appropriate Administration fee paid. The same HOA approval will be required for any renewals of lease agreements and a renewal fee will be payable to the HOA before access is extended.
- 22.4 The proposed tenants will be required to complete an application form provided by the HOA and submit a copy of his/her identity document and/or passport and submit him/her for fingerprints to be taken by the Security Manager and/or his delegate for the purpose of doing a criminal and/or background check. If any tenant, guest, employee or other invitee of any member fails to comply with any of the provisions of these Estate Rules, the HOA shall be entitled to deny that tenant, guest, employee or other invitee access to the Estate.

- 22.5 In order to protect the integrity of the permanent residential component on the Estate and ensure exclusivity on the Estate, rental of properties at Pearl Valley shall be for the following minimum periods:
- 22.5.1 in respect of all residential Erven (excluding Residential Lodges):  
1 (one) month; and
- 22.5.2 in respect of all Residential Lodges: 2 (two) weeks; and
- 22.5.3 in respect of all Sectional Title Units: daily,
- Provided that the Developer during the development period, and thereafter the HOA, on notice to all members, may relax the minimum rental periods in respect of residential Erven and Residential Lodges for the duration of any major tournament hosted by the Developer and/or the Club or for such other event/function which the Developer/the HOA may decide from time to time. The extent of such relaxation as also the period during which such relaxation shall be of force and effect shall be within the sole discretion of the Developer/the HOA.
- 22.6 Each Unit may only be occupied by 1 (one) *bona fide* household, consisting of 1 (one) family unit, and its direct relatives, and temporary *bona fide* social visitors from time to time. No Resident shall be allowed to gift, grant, let, or sub-let a part or section of his/her/its Unit as accommodation, or to form a commune, or similar live-in arrangement.

### **23. LEVY PAYMENTS**

- 23.1 Levies are payable in advance, on the 1<sup>st</sup> 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 for levies jointly and severally.
- 23.2 In the event of default of payment of levies, the HOA shall be entitled, in addition to any other rights it has at law, to take such action against the defaulting resident as is contemplated in rule 23.4.
- 23.3 Residents are urged to arrange a debit order for the payment of levies in order to streamline this process. Residents should contact the Pearl Valley accounts office on 021 867 8000 to arrange this.
- 23.4 Notwithstanding the Developer/HOA's rights entrenched in clause 25 of the HOA Constitution, and subject to 23.5 below, all residents who:
- 23.4.1 fail to complete the construction of their dwelling and the establishment and landscaping of their garden by the date on which they are obligated to do so as set out in clause 25.5 of the HOA Constitution; or
- 23.4.2 fail to complete any renovation/alteration within a period of 12 (twelve) months,
- shall be penalized whilst they are in breach by having to pay a penalty equal to double the basic monthly HOA levy in addition to the monthly HOA levy with effect from the first day of the month following the month in which the breach occurs.
- 23.5 Any penalty imposed in accordance with the provisions of Rule 23.4.1 above shall be suspended for a maximum period of 12 (twelve) months calculated from the first day of the month following the month in which a resident commences with the bona

fide construction of his dwelling, provided that:

23.5.1 the construction and any landscaping associated therewith is continued with in a bona fide manner; and

23.5.2 such resident is not in arrears with payment of his Levies and/or any other amounts due to the Association and continues to timeously pay his Levies and any other amounts that may become due to the Association, until such time as a Certificate of Completion and a Landscaping Certificate have been issued.

## **24. WARNINGS AND PENALTIES**

24.1 Warnings and penalties are issued according to the ERT chart as published on the Val de Vie Website. Penalty levies are to be paid into the HOA account within 30 (thirty) days from date of being issued. If a resident is of the view that the penalty is unwarranted, he/she may appeal in writing to the Trustees, but the penalty must be paid in the meantime.

The HOA shall investigate (in such manner as it deems fit) written complaints received from residents relating to the behaviour and/or conduct of other residents and persons on or about the Estate and shall take such steps with regard thereto as it may deem fit. The HOA shall be entitled on its own initiative to investigate the conduct of any person or persons and to take such action as it may deem fit, whether or not complaints are received. If any person contravenes or fails to comply with any of the provisions of these Estate Rules or any conditions imposed by or directives given by the HOA in terms of the Estate Rules, the Trustees shall be entitled (without limiting any other rights afforded to them in terms of the Estate Rules) to impose a penalty and/or any other relief as they may deem appropriate in the circumstances.

If the person concerned is a family member, guest, tenant or other invitee of a member, that member will be liable for payment of such penalty. Any penalty imposed on a Member and/or his family members, tenant, guest or other invitee shall be deemed to be a debt due and payable by the member concerned to the HOA forthwith on demand.

## **25. TRESPASSING**

25.1 No unauthorised persons are allowed on any Erf where building operations are underway. The same shall apply to any restricted areas, picnic areas after hours, privately owned erven or the river area.

25.2 No persons apart from authorised staff and horse residents may enter the Equestrian Facilities.

25.3 No children may be left unattended in the stables and paddocks areas.

25.4 No persons apart from authorised staff and horse residents may feed any horse.

25.5 Trespassing on a resident's private property with the intention of playing "tok tokkie" / "ding-dong-ditch" will incur a penalty as set out in the Estate Rules Transgression Chart.

## **26. VANDALISM**

26.1 The HOA has a zero-tolerance approach to vandalism (damage) to property. The following action will be taken against the perpetrators of any such acts, as per the ERT chart:

All damages will be restored at the perpetrator's or his/her parents' expense in the case of a minor. Should damage be caused to the property of a resident within the

Estate, the HOA will provide the resident with all information at its disposal with regards to such damage. Any legal action (if any) by the resident against the perpetrator will be a personal matter between the parties concerned at their cost.

**27. DISCLAIMER**

- 27.1 Neither the HOA, its trustees, officers, employees or contractors nor their respective agents shall be liable for any loss of life, personal injury or damage to property or any other claim of any nature whatsoever suffered by any person whilst in or on the Estate or any part thereof and from any cause howsoever arising.

### **General Gym Rules and Regulations:**

“A”

- Athletic shoes are required in all exercise areas, no bare foot training allowed
- No skate boarding, roller blading or cycling on the tennis courts
- No shirtless training is permitted
- Members are required to bring and use their own towels during training
- Members are asked to wipe the equipment and place weights back on individual racks after use
- Entry of the gym area and use of gym equipment is not permitted by minors under the age of 14
- Minors under 14 years may only be allowed in the pool under adult supervision
- Appropriate swimwear and a cap should be worn at the Val de Vie training pool
- The use of the gym is reserved for Estate residents only
- Members not adhering to the rules will be subjected to penalties and/or the suspension of using the gym and/or other facilities, as set out in the Estate Rules Transgression chart (ERT) published on the website [www.pearlvalley.co.za](http://www.pearlvalley.co.za)

### **Val de Vie Squash Court Rules**

- No food or drinks will be allowed on the Squash Courts.
- Only non-marking shoes to be worn on the squash and tennis courts.
- Bookings to play squash is essential (bookings can be made at the gym office or on notice board).
- The use of the squash courts is limited to the playing of squash and Pilates classes.
- Proper court behavior need to be maintained while using the squash courts.
- Minors between 12 and 16 will be allowed to use squash courts with adult supervision.
- Gym Members take responsibility for their guests and need to inform them of the rules pertaining to the Gym and Squash Courts.
- Parents of minors take responsibility for their children’s behaviour on the squash courts and / or in the Gym.
- The Estate will not be responsible for any loss, theft or damage to the personal property of a Member, their children or guests.
- No banging of the Squash Court Doors will be tolerated.

### Estate Rules Transgression Chart (ERT)

| NO.      | DESCRIPTION   | PENALTY  |
|----------|---|--|
| <b>1</b> | <b>DISTURBANCES<br/>(Warnings for First Offence)</b>  |  |
| a        | Domestic noise (loud music, partying, etc): Second Offence  | R 500.00   |
| b        | Domestic noise (loud music, partying, etc): Third Offence   | R 1000.00  |
| c        | After hours social noise (loud music, partying, etc): Second Offence                                  | R 500.00   |
| d        | After hours social noise (loud music, partying, etc): Third Offence                                   | R 1000.00  |
| c        | Domestic Animal noise disturbances (excessive dog barking)  | R 1000.00  |
| <b>2</b> | <b>DOMESTIC REFUSE &amp; WASTE<br/>(Warnings for First Offence)</b>                                   |  |
| a        | Dustbins not kept in courtyard  | R 300.00   |
| b        | Refuse, boxes and materials stored on verge or driveway   | R 300.00   |
| c        | Landscaping material stored on verge or driveway  | R 300.00   |
| d        | Washing not screened  | R 300.00   |
| <b>3</b> | <b>ANIMALS</b>  |  |
| a        | Dogs roaming/walking without a leash: First Offence   | R 1000.00  |
| b        | Dogs roaming/walking without a leash: Second Offence  | R 2000.00  |
| c        | Dogs roaming/walking without a leash: Third Offence   | Steps to remove animal from estate               |
| d        | Dogs attacking residents, animals, contractors  | Steps to remove animal from estate               |
| e        | Dog & Cat defecating in public  | R 500.00   |
| f        | Dog & Cat not wearing tag   | R 500.00   |
| g        | Cat causing nuisance to HOA or other residents: First Offence   | Warning  |
| h        | Cat causing nuisance to HOA or other residents: Second Offence  | R 1000.00  |
| i        | Cat causing nuisance to HOA or other residents: Third Offence   | Steps to remove animal from estate               |
| j        | Farm like animals, reptiles or any exotic pets/incorrect breed kept on erven                          | R 1000.00 and steps to remove animal from estate |
| k        | Horses trotting on private erfs, public open space, privately owned erven, not keeping to pony trails | R 500.00   |
| <b>4</b> | <b>RESIDENTS, DEVELOPER &amp; CONTRACTOR: EMPLOYEES<br/>(Warnings for First Offence)</b>              |  |
| a        | Employees not enrolled on the Biometric system  | R 500.00 for each day of non-compliance          |
| b        | Contractors not confining themselves to their designated work areas                                   | R 500.00   |

| <b>5</b> |  | <b>TRAFFIC &amp; TRANSPORT VEHICLES/GOLF CART</b> |                               |                               |                               |  |
|----------|--|---|-------------------------------|-------------------------------|-------------------------------|--|
| a        | Kilometres / hour  | 1 <sup>st</sup> Transgression                     | 2 <sup>nd</sup> Transgression | 3 <sup>rd</sup> Transgression | 4 <sup>th</sup> Transgression |  |
|          | 40 – 45 km/h   | R 500.00  | R1000.00                      | R2 000.00                     | R10 000.00                    |  |
|          | 46 – 50 km/h   | R1 000.00   | R2 000.00                     | R4 000.00                     | R10 000.00                    |  |
|          | 51km/h and above   | R2 000.00   | R4 000.00                     | R5 000.00                     | R10 000.00                    |  |
| b        | Reckless driving (not abiding by traffic rules)  |   |                               |                               | R 1000.00                     |  |
| c        | Cutting Traffic Circles  |   |                               |                               | R 500.00                      |  |
| d        | Illegal parking & driving, e.g. verges, golf cart paths, open areas, private parking lots, polo fields, private farms, including the Club House Porte Cochère  |   |                               |                               | R 500.00                      |  |
| e        | Caravans, Boats, trailers parked visible on driveway or road   |   |                               |                               | R 500.00                      |  |
| f        | Privately owned golf carts and vehicles not driven by a licensed driver: First Offence   |   |                               |                               | R 1000.00                     |  |
| g        | Privately owned golf carts and vehicles not driven by a licensed driver: Second offence  |   |                               |                               | R 2000.00                     |  |
| h        | Number not displayed on golf cart, 7-day Notice to comply  |   |                               |                               | R 500.00                      |  |
| i        | Verbally abusing, disrespecting or challenging the Speed Control Officer   |   |                               |                               | R 1000.00                     |  |
| j        | Children joy riding in motor vehicles  |   |                               |                               | R 5 000.00                    |  |
| <b>6</b> | <b>ENVIRONMENTAL</b>   |   |                               |                               |                               |  |
| a        | Making fires at picnic areas, in public open spaces, or uncontrolled fires on privately owned erven or private farms   |   |                               |                               | R 1000.00                     |  |
| b        | Burning of plant material or waste on private properties   |   |                               |                               | R 1000.00                     |  |
| c        | Oil spillages on roads   |   |                               |                               | R 500.00 & Clean-up Cost      |  |
| d        | Damages to Estate Irrigation   |   |                               |                               | R 1000.00 & Repair Cost       |  |
| e        | Illicit use of Estate Irrigation water   |   |                               |                               | R 2000.00                     |  |
| f        | Littering  |   |                               |                               | R 300.00                      |  |
| g        | Swimming in lakes/diving out of golf balls   |   |                               |                               | R 1000.00                     |  |
| <b>7</b> | <b>GOLF, CLUB &amp; SPORTING FACILITIES</b>  |   |                               |                               |                               |  |
| a        | <ul style="list-style-type: none"> <li>• Unsupervised children in the Gym under 14 years</li> <li>• Unsupervised children on Pétanque court under 14 years</li> <li>• Unsupervised children on tennis courts under 12 years</li> </ul> |   |                               |                               | R 300.00                      |  |
| b        | Children under 14 unsupervised in the pool area  |   |                               |                               | R 500.00                      |  |
| c        | Damage of Gym equipment, interior or exterior of premises  |   |                               |                               | R 500.00 & repair cost        |  |
| d        | Not abiding by Estate Gym Rules  |   |                               |                               | R 500.00 and/ or suspension   |  |
| e        | Non-enrolled visitors of residents using the Gym facilities  |   |                               |                               | R 500.00 and/or suspension    |  |
| f        | Skateboarding / hoverboarding/ cycling on the tennis courts  |   |                               |                               | R 500.00 & repair cost        |  |

|           |   |   |
|-----------|---|---|
| <b>8</b>  | <b>BUILDING &amp; AESTHETICS</b>  |   |
| a         | Alterations & Maintenance not in building hours   | R 500.00  |
| b         | Alterations to existing properties without approval   | R1000.00 & referred to Building Committee                               |
| c         | Aesthetic additions to properties without approval  | R1000.00 & referred to Aesthetics Committee                             |
| d         | Non-approved plants & trees added to landscaping  | R300 & referred to Landscaping Committee                                |
| e         | Landscaping unmaintained i.e. grass not trimmed and weeds visible - 48 hours' notice to repair – Refer to Estate Rule 26  | After 48 hours' notice, R500.00   |
| f         | Maintenance of House and/or Garden not in accordance to a standard acceptable to the HOA, 30-day Notice to comply   | After 30-day notice, R500.00 per day of non-compliance                  |
| g         | Trampoline including poles & safety netting visible from road / common property / other erven, 7-day Notice to comply   | R300 per week of non-compliance   |
| <b>9</b>  | <b>VANDALISM</b>  |   |
| a         | Delinquent behaviour & Vandalism to any HOA, Estate & Club buildings, equipment, landscaping, any park, private property, private building sites, Polo Fields or Golf Course. | Minimum of R 5000.00 or amount determined by the Trustees & repair cost |
| <b>10</b> | <b>TRESPASSING</b>  |   |
| a         | Children unattended in the stables & paddocks areas   | R 500.00  |
| b         | Building sites without permission   | R 500.00  |
| c         | Restricted areas  | R 500.00  |
| d         | Picnic area after hours, private farms, privately owned erven or river area   | R 500.00  |
| e         | Private Property Residence – “tok tokkie”, “ding, dong ditch”   | R 500.00  |
| <b>11</b> | <b>SHORT TERM RENTALS</b>   |   |
| a         | Short term renting of property not conforming to Estate Rule 17: First Offence  | R 2500.00   |
| b         | Short term renting of property not conforming to Estate Rules 17: Second Offence  | R 5000.00   |
| c         | Short term renting of property not conforming to Estate Rule 17: Third Offence  | Refer to Trustees   |
| <b>12</b> | <b>GENERAL</b>  |   |
| a         | Not generating codes for visitors on Guest Enrolment system (more than 10 times per month)  | R 30.00<br>(per pin code generated by Security)                         |
| b         | Generating access code for a third party  | R 1000.00   |