



# STONEHURST

MOUNTAIN ESTATE  
OWNERS ASSOCIATION  
Dated 30 April 2013

# CODE OF CONDUCT

# CONTENTS

	<b>Page</b>
<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. GENERAL</b>	<b>3-4</b>
<b>3. SECURITY</b>	<b>4</b>
<b>4. MOTOR VEHICLE REGULATIONS</b>	<b>5</b>
<b>5. CONTROL OF PETS</b>	<b>5</b>
<b>6. COMMON AREAS AND PRIVATE OPEN SPACES</b>	<b>5-6</b>
<b>7. ROAD VERGES/LANDSCAPING</b>	<b>6</b>
<b>8. NUISANCE, DISTURBANCE, NOISE AND LIGHT CONTROL</b>	<b>6</b>
<b>9. BODY EXCEL GYM</b>	<b>7-8</b>
<b>10. FUNCTIONS</b>	<b>8-9</b>
<b>11. SIGNAGE;SELLING AND LETTING OF PROPERTY</b>	<b>10</b>
<b>12. NON-COMPLIANCE</b>	<b>11</b>

## **1. INTRODUCTION**

- 1.1 Stonehurst Mountain Estate is a private Estate which has been designed to provide homeowners/residents with a secure living environment whilst enjoying the benefits of living on an Estate surrounded by fynbos and in close proximity to the Table Mountain National Park. This harmonious type of living can only be achieved when homeowners/residents have respect and due consideration for their neighbours' rights and the rights of all others lawfully on the Estate when using and enjoying both their own properties, the Private Open Spaces (POS) and Riverine Corridors on the Estate, the Gym and the Lifestyle Centre.
- 1.2 The intention of these rules is that of enhancing this lifestyle and the surrounding environment and this Code of Conduct is binding upon all owners, residents, visitors and contractors, as are decisions taken by the Trustees in interpreting or enforcing these rules.
- 1.3 The registered owners of properties are responsible for ensuring that members of their families, tenants, visitors, friends, all employees, service providers and contractors are aware of, and abide by this Code of Conduct and that they are obliged to cooperate with the Estate Manager, Security and or the SMEOA Trustees in their effort to enforce security and the rules and regulations as described in this document.
- 1.4 The Trustees of Stonehurst Mountain Estate Owners Association (SMEOA) reserve the right to modify, amend, and add to, any of these rules from time to time, without prior notice.

## **2. GENERAL**

- 2.1 This document serves to offer the homeowner/resident with information relevant to the Estate and should be read in conjunction with the other documentation issued to all homeowners/residents which includes the General Guidelines for Homeowners, Architectural Design Guidelines, the Constitution and the Contractor's Agreement for Stonehurst Mountain Estate, which stipulates the conditions under which construction may take place on the Estate. Ignorance of such documents shall not constitute a reason for non-compliance.
- 2.2 None of the Stonehurst Mountain Estate Owners Association, the Trustees, the Manager or the Developer nor any of their employees, servants or agents shall be responsible or liable in any way for any loss or damage to any building, person or property anywhere on the Estate howsoever and by whomsoever caused, and whether by any act or omission of any of the foregoing, and all homeowners/residents on the Estate hereby waiver any claims which at any time might arise in consequence of any act or omission aforementioned.
- 2.3 No business or trade may be conducted on any erf within the Estate without the prior written consent of the Trustees. The grant or withdrawal of such consent and the conditions attaching thereto shall be entirely at the discretion of the Trustees. This restriction does not apply to the Developer and/or its agent(s) in respect of activities relating to the sale and development of erven or to the SMEOA as such.
- 2.4 No sign, notice board or advertisement of any kind whatsoever may be placed on the common area or on or in the vicinity of any erf within the Estate with the exception of the standard building contractor's signboard, details of which are to be obtained from the Contractor's Agreement. This restriction does not apply to the Developer and/or its agent(s) in respect of activities relating to the sale and development of erven or to the SMEOA as such.
- 2.5 No firearm, pellet gun/air rifle, catapult, bow and arrow or any other weapon may be used on or in the vicinity of the Estate.
- 2.6 No fires are to be lit anywhere on the Estate's Open Spaces except at resident's private homes and only if the resident has taken the necessary fire precautions.
- 2.7 No fuel is to be stored anywhere on the Estate except for LP Gas, which is to be professionally installed at resident's private homes and which does not exceed the legal limit for private use, which is 38kg = 2x19kg per household.

- 2.8 No resident, resident's agent and/or contractor is allowed to dispose of any garden refuse, rubble and lawn trimmings and/or excess of any kind may not be dumped on any private and common property on the Estate. No cleaning of bins is permitted on the road or road verges. Bins are to be kept clean and hygienic by each individual homeowner.
- 2.9 Wendy Houses are not permitted on the Estate.

### **3. SECURITY**

- 3.1 All residents, their guests and their domestic staff are required to use the Main Entry Gate only.
- 3.2 Access to the Estate via the main entrance is via a biometric access control system. This system is on all five vehicular access/egress points ie Residents, Visitors and contractors in; residents and visitors/contractors out and the two pedestrian turnstiles.

Forms for registering on the biometric access system are available at Estate management as well as security and have to be completed and authorised by Estate management prior to programming on to the system.

- 3.3 All homeowners/residents must be registered on the biometric system. If they have tenants in their properties they must cede their gym rights to the Tenants. The forms associated with this procedure are with Estate management
- 3.4 All contractors and service providers are required to use the Contractor's Lane entry at the specified times as per the Contractor's Agreement.
- 3.5 Visitors will not be admitted unless telephonic, via Telkom or Smartvillage landline only, or written approval has been given by the homeowner/resident to Security. Visitors will be required to sign a visitors' log.
- 3.6 Visitors will not be granted access onto the Estate if under the influence of drugs and or alcohol. Stonehurst Mountain Estate Security reserves the right to search for contraband, and reserves the right to prohibit access onto the Estate.
- 3.7 ***The following regulations apply to homeowners'/resident's domestic staff:***

- 3.7.1 No visitors to domestic staff are allowed while working at Stonehurst Mountain Estate.
- 3.7.2 Domestic staff are not allowed to enter or exit the Estate by taxi or any form of public transport.
- 3.7.3 No domestic staff's vehicles will be allowed on the Estate unless prior approval has been given by the employer in writing to Security or to the Estate Manager's Office. These vehicles are to be parked on the homeowner's property.
- 3.7.4 Domestic staff who are under the influence of alcohol or drugs will not be allowed to enter Stonehurst Mountain Estate unless collected from the main gate by the employer. Stonehurst Mountain Estate Security reserves the right to search for contraband and reserves the right to prohibit access onto the Estate.
- 3.7.5 Domestic staff will not be allowed to bring alcohol onto the Estate or to sell such items to any other person staying on the Estate.
- 3.7.6 Domestic staff and are not allowed to solicit for any cause on Stonehurst Mountain Estate.
- 3.8 Building contractors are not allowed onto the Estate unless they have been inducted by the Estate Manager and until all the necessary Site Induction procedures has been explained/completed as per the Contractor's Agreement.
- 3.9 No burglar alarm may be operated on the Estate unless it is linked to an armed response service which has the ability to disarm it.

### **4. MOTOR VEHICLE REGULATIONS**

- 4.1 The speed limit on the Estate is 30kph. This speed limit is to be complied with at all times.
- 4.2 All vehicles must keep to the designated roads and drivers shall observe all the road signs within the Estate.
- 4.3 The use of motorcycles, quad bikes, scramblers, motorized scooters or other vehicles with noisy exhaust systems are prohibited anywhere on the Estate unless authorised by the SMEOA.  
Only licensed drivers will be permitted to use the Estate roads.

- 4.4 As roads on the Estate are narrow, it is essential that all vehicles are parked off the roadway either in resident's own driveways and garaging in such a way that the flow of traffic to and from erven and garages is not obstructed.
- 4.5 Parking of vehicles on verges is not permitted as this could damage irrigation sprinklers and verge plantings. Parking of homeowner or tenant vehicles in designated Visitor's parking areas in the Stone Village townhouse complex is not allowed and fines will be issued and vehicles clamped. Parking of homeowner or tenant vehicles in roadways or vacant plots or POS's after normal hours is not allowed and fines will be issued and vehicles clamped
- 4.6 The parking of commercial vehicles or trucks, caravans, boats and road trailers in open areas and driveways is not permitted.
- 4.7 All damage caused within the Estate by vehicles delivering or transporting persons/equipment to or from an erf shall be the responsibility of the resident/homeowner concerned.
- 4.8 Habitation or storage of any mobile home or caravan on the Estate will not be permitted.

## **5. CONTROL OF PETS**

- 5.1 The local authority by-laws relating to pets shall apply to homeowners/residents and they will be enforced.
- 5.2 Dogs and cats may be kept on any erf within the Estate provided that:
  - 5.2.1 No more than two dogs/cats may be kept without prior written consent from the Trustees. The grant or withdrawal of such consent and the conditions attaching thereto shall be entirely at the discretion of the Trustees.
  - 5.2.2 Each pet should be registered with Estate management
- 5.3 Homeowners/residents are required to ensure that their pet(s) is/are contained within their property at all times. A feature of the Estate is its wildlife – birds, squirrels, frogs, guinea fowl etc. – which need to be protected from dogs and cats roaming freely on the Estate.
- 5.4 All dogs must be kept on a leash while walking on the Estate's Private Open Spaces and roads.
- 5.5 Dog poo bins are located throughout the Estate. These are not to be used for general refuse.
- 5.6 No homeowner/resident shall permit their dog(s)/cat(s) to cause a nuisance to other residents.
- 5.7 The Trustees shall have the right to prohibit, restrict and control the keeping of, or remove any pet which they regard as dangerous or a nuisance to other occupants of the Estate.

## **6. COMMON AREAS AND PRIVATE OPEN SPACES**

- 6.1 No homeowner/resident, visitor, employee, contractor or agent may collect or remove anything from the common areas, Riverine Areas and or Private Open Spaces including but not limited to wood, stones/rocks, flora or fauna. In particular, no person may pick or uproot any indigenous plant, or approach, disturb or kill any animal, reptile or bird (wildlife).
- 6.2 Injured animals, reptiles or birds are to be immediately reported to either the Estate Manager's Office or to Security.
- 6.3 If any snakes are encountered on the Estate, they are to be left alone and their presence reported to either Security or to the Estate Manager's Office. In the case of a snake bite, contact Constantiaberg Medi Clinic immediately (*Constantiaberg Medi Clinic (021) 799 2911 or the Emergency Unit (021) 799 2196*).
- 6.4 No homeowner/resident, visitor, employee, contractor or agent shall remove, damage or prune any tree on the road verge, common areas, Riverine Areas or Private Open Spaces.
- 6.5 There is to be no swimming, washing or fishing in any of the Estate retention ponds and or streams.
- 6.6 No fish, birds or foreign items/animals are to be released onto the Estate, Riverine Areas, Private Open Spaces and into detention ponds and streams.
- 6.7 There is to be no back washing of swimming pools into streams or retention ponds, only into the sewerage system.
- 6.8 Walkers, cyclists and or runners are requested to keep to the footpaths and roads as far as possible.

- 6.9 Littering of any kind in the Private Open Spaces and or anywhere on the Estate, including the disposal of cigarette stubs, is strictly forbidden. Animal proof litter bins have been installed at the play parks. Doggie Poo bins and general bins have been placed at certain points of the walkways.

## **7. ROAD VERGES/LANDSCAPING**

- 7.1 It is required that the homeowner/resident landscape and maintain their verge(s) adjacent to their property and select plant and tree species in accordance with the plant list as described in the Design Guidelines. Grass verges must be cut and kept neat at all times.
- 7.2 While there is an irrigation system for the watering of most of the Private Open Spaces and flower beds, residents are encouraged to water the grass verges adjacent to their own properties where irrigation is not installed.
- 7.3 Due to the threat of bush fires, especially during the summer months, residents are requested to ensure that their irrigation systems are always in good working order and that fire hose reels and outside taps are accessible and well maintained.
- 7.4 No invasive alien vegetation is permitted anywhere on the Estate. Owners of un-developed plots are required to keep their plot clean and free of undergrowth and alien vegetation, if owners neglect to do this, the Stonehurst Mountain Estate Owners Association will clear the plot at the owner's expense.
- 7.5 Property owners are required to take appropriate steps to ensure that any surface erosion does not result in the accumulation of soil on the roads and sidewalks.
- 7.6 No trees, which existed on plots at their date of acquisition, can be felled or removed by owners/builders/landscapers without the prior approval of the Trustees and the Estate Manager and is subject to approval by the Estate's Environmental Consultant.
- 7.7 No hard structures are permitted in the Riverine Areas. Stonehurst Mountain Estate is obliged to maintain all Private Open Spaces and Riverine Corridors as per the Riverine Operational Environmental Management Plan as approved by the City of Cape Town – South Peninsula Administration.
- 7.8 All homeowners/residents must maintain their erven (main dwelling; garages; outbuildings; boundary walls; site walls and gardens).
- 7.9 Residents whose property's boundary faces the electrified fence are expected to ensure that trees and bushes are trimmed to prevent contact with the electric wires and are planted at least 2m from the fence.

## **8. NUISANCE, DISTURBANCE, NOISE AND LIGHT CONTROL**

- 8.1 Homeowners/residents, their guests and employees may not engage in any activity, occupation or hobby that causes or is likely to cause a nuisance or disturbance to any other resident.
- 8.2 No exterior speakers are permitted and the level of any music played shall be limited so as not to cause or be likely to cause a nuisance or disturbance to any other resident.
- 8.3 No outside lights which shine directly into a neighbouring erf or are otherwise intrusive or reasonably likely to be intrusive to any other resident shall be permitted.

## **9. BODY EXCEL GYM**

### **9.1 *The following regulations apply to the use of the Gym and must be adhered to at all times:***

- 9.1.1 Current operating hours (*subject to change*):

***Monday to Thursday: 06h00 – 19h00***

***Friday: 06h00 – 19h00***

***Saturday: 07h00 – 12h00    Sunday: 07h00 – 12h00***

***Public Holidays: 07h00 – 13h00***

- 9.1.1.1 Any resident attempting to make use of the facility during closed times will be given a written notice as a first offence, a second offence will lead to membership suspension for a period of three months and a third offence will lead to termination of right to use the facility.
- 9.1.2 Residents/homeowners are to pre-book and complete an initial consultation with a Body Excel staff member prior to making use of the gym facilities on their own.
- 9.1.3 No resident will be able to make use of the Gym without having been registered on the biometric system by one of the Gym instructors or by management. The biometric readers are installed at the entrance of the gym and at the door to the pool area.
- 9.1.4 Residents' children under the age of sixteen must be accompanied by an adult or make use of a personal trainer.
- 9.1.5 Correct gym and shoe attire is to be worn whilst training – no training without proper training shoes.
- 9.1.6 A sweat towel is to be used at all times whilst training and equipment is to be sprayed/wiped down after use.
- 9.1.7 Respect the twenty minute time limit at all times on cardiovascular equipment i.e. treadmills, bicycles, rowing machines and cross trainers.
- 9.1.8 No equipment may leave the facility at any time.
- 9.1.9 All dumbbells, plates and barbells to be packed away after use.
- 9.1.10 No food or canned cool drinks will be permitted on the gym floor.
- 9.2 *The following regulations apply to the use of the Pool Area and must be adhered to at all times:***
- 9.2.1 Children under the age of ten will not be permitted to make use of the main pool without adult supervision.
- 9.2.2 Children wanting to make use of the children's pool must always be accompanied by an adult.
- 9.2.3 *It is required that both children and adults wear swimming caps whilst swimming.***
- 9.2.4 Please shower after your workout prior to making use of the pool.
- 9.2.5 Running around the pool area by children will not be permitted.
- 9.2.6 For general safety, jumping or diving into the pools will not be permitted.
- 9.3 *The following regulations apply to the use of the Change Rooms and must be adhered to at all times:***
- 9.4 Lockers are provided in both male and female change rooms, please make use of them as valuables lost or stolen will not be accountable for by the Gym, Body Excel or SMEOA.
- 9.5 For hygiene purposes, please take a shower before entering the steam room.
- 9.6 No shaving is permitted in the showers or steam room.

## 10. FUNCTIONS

The Stonehurst Mountain Estate Owner's Association reserves the right to amend, at any time and without notice, the conditions and regulations applying to the hiring of the facilities at the Lifestyle Centre.

### FUNCTION VENUE:

- The number of guests is limited to 110 seated or 150 cocktail style for indoor functions.
- There are to be no "pool parties".
- Music must be played inside the Lifestyle Centre and not outside and is to be turned off at 24h00.
- The venue is to be cleared of guests by 01h00 at the latest.
- A designated, sober adult (over the age of 21) is to be in attendance throughout the function and is to be responsible for the behaviour of the guests.

- The person hiring the venue will accept full responsibility for any damages incurred by their guests to the Lifestyle Centre, surrounding areas and other property on the Estate. The cost of the damages will be deducted from the client's deposit and if the cost of the damages exceeds the deposit amount, the client will be billed separately for all additional costs.
- The SMEOA reserves the right to have the carpets cleaned after a function and the cost will be for the client's account, or deducted from the client's deposit.
- No guests are allowed in the Gym and pool areas.
- No smoking will be allowed anywhere inside the Lifestyle Centre.

#### **ESTATE:**

- All vehicles belonging to guests are to be parked in the parking bays outside the Lifestyle Centre which accommodates 50 vehicles and vehicles are not to be parked on vacant plots, in neighbour's driveways or on the public roads and verges.
- No vehicles belonging to guests are to be left overnight on the Estate.
- Under no circumstances are guests to wander around the Estate and infringe on the privacy of other residents.
- Private Open Spaces and Riverine Corridors are off limits and there is to be no swimming in dams or streams.

#### **SECURITY:**

- Additional security is to be hired to assist with every function – cost for the account of the client hiring the facility.
- A guest list is to be provided for Security and a designated person is to be nominated to remain at the main security gate on the night of the function to facilitate Security as guests arrive.
- Entry to the Estate will only be given to guests on the guest list.
- No drugs and or alcohol are to be brought onto the Estate by guests, either to be consumed by guests or to be sold. Security reserves the right to refuse access to guests under the influence of alcohol and or drugs and has the right to search vehicles and guests.

### **11. SIGNAGE; SELLING AND LETTING OF PROPERTY**

- 11.1 No sign, notice board or advertisement of any kind whatsoever may be placed on the common areas or on or in the vicinity of any erf within the Estate with the exception of the standard building contractor's signboard, details of which are to be obtained from the Contractor's Agreement. This restriction does not apply to the developer and/or its agent(s) in respect of activities relating to the sale and development of erven or to the SMEOA as such.
- 11.2 All Estate and Rental Agents are to be registered by the SMEOA. Documentation pertaining to registration is available from the Lifestyle Centre. No Estate or Rental Agent will be granted permission to operate on the Estate unless they are registered. "Show Houses" are not allowed. Viewing of plots/houses for sale is by appointment only. "On Show"; "For Sale"; "Sold" and "For Rent" signs, including all other signage and promotional material, will not be allowed on the Estate.
- 11.3 Homeowners are permitted to let their houses provided that the homeowner ensures that the tenant is acquainted with this Code of Conduct, the General Guidelines for Homeowners, the Architectural Design Guidelines, the Constitution and the Contractor's Agreement for the Estate. Homeowners letting their property need to sign a "Tenant Policy Document" (available at the Lifestyle Centre) ceding their rights to the use of the Gym and Lifestyle Centre facilities to their tenant from day one of the tenant's lease.
- 11.4 The tenant is to confirm in writing to the Trustees, prior to occupation, that everybody residing on the erf and all his/her guests, employees, contractors and agents shall comply with the provision thereof for the duration of his/her tenancy.
- 11.5 Homeowners/residents shall not let their properties for use as a commune or student housing or sub-letting



- 11.6 Should a tenant breach the provisions of clause (11.3) the Trustees may deny the homeowner concerned the right to continue to let his/her house, and may take such action as they deem necessary or expedient at the cost of the homeowner concerned to evict the tenant and all those claiming through or under the tenant from the property concerned.

*A copy of the Regulations pertaining to Estate Agents is available at the Lifestyle Centre*

## **12. NON-COMPLIANCE**

- 12.1 For the enforcement of the provisions of this Code of Conduct or the provisions of the General Guidelines for Homeowners, Architectural Design Guidelines, the Constitution and the Contractor's Agreement for Stonehurst Mountain Estate, generally the Trustees may:
- 12.1.1 give notice to the resident/homeowner concerned to remedy any breach within such period as they may determine;
  - 12.1.2 take or cause to be taken such action as they deem fit to remedy the breach of which the resident/homeowner concerned may be guilty and debit the cost thereof, which shall be a debt due to the SMEOA, to his/her levy account, and which shall be payable as part of his/her levy on the first day of the following month and
  - 12.1.3 impose a fine in an amount determined by the Trustees in their sole discretion on the resident/homeowner concerned, which amount shall be a debt due to the SMEOA, shall be debited to his/her levy account and shall be payable as part of his/her levy on the first day of the following month.
- 12.2 Should the Trustees institute legal proceedings against any resident/homeowner for the enforcement of any of the rights of the SMEOA, the SMEOA shall be entitled to recover all legal costs so incurred from the resident/homeowner concerned, calculated as between attorney and client, including tracing fees and collection commission.
- 12.3 In the event of any breach of this Code of Conduct or of any of the provisions of the General Guidelines for Homeowners, Architectural Design Guidelines, the Constitution and the Contractor's Agreement for Stonehurst Mountain Estate, by any person residing on a resident's/homeowner's erf or his/her guests, employees, contractors or agents, such breach shall be deemed to have been committed by the resident/homeowner himself/herself; but without prejudice to the foregoing, the Trustees may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit, in addition to any action which might be taken against the resident/homeowner concerned.
- 12.4 Complaints relating to the behaviour of another resident/homeowner are to be lodged with the Estate Manager in writing, provided that the complainant has first attempted to settle the matter amicably with the other party. In the case of a serious contravention of the Code of Conduct, General Guidelines for Homeowners, Architectural Design Guidelines, the Constitution and the Contractor's Agreement for Stonehurst Mountain Estate, the Estate Manager may be approached without prior attempts at settlement between the parties. All matters to be referred to the next Trustee's Meeting.