

# **CHIANTI VILLAS**

  

# **HOMEOWNERS'**

# **ASSOCIATION**

  

# **RULES**

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## **1 INTRODUCTION**

- 1.1 The purpose of these Rules is to harmonise living in Chianti Villas .
- 1.2 The Conduct Rules (Rules), and all policies forming part thereof, have been established in terms of the Constitution of the Chianti Villas Homeowners' Association (the "HOA"). They are binding on all residents on the Estate, as is any decision taken by the Trustees in the interpretation of these Rules.
- 1.3 The registered owners of the properties are responsible for ensuring that their tenants, members of their families, visitors, their employees, and contractors abide by the Constitution and Rules.
- 1.4 In the event of annoyances or complaints, the parties involved should attempt to settle the matter between themselves, exercising tolerance and consideration. In instances where problems cannot be resolved, the matter should be brought to the attention of the Trustees for arbitration and settlement.
- 1.5 Although the Estate has 24-hour access control and the boundary walls are topped by an electric fence, owners, tenants and / or residents must remain aware that such measures are not fool proof and only exist as a means of minimizing the risk against burglary, personal harm and such like. Neither the HOA nor the Trustees can be held responsible for any consequences, financial or otherwise, arising because of such security measures being breached.
- 1.6 Notwithstanding anything contained in these Rules the provisions as set out in the Constitution will prevail.
- 1.7 These Rules are subject to change from time to time.

## **2 CONDUCT RULES**

2.1 USING THE STREETS & RELATED MATTERS

- 2.1.1 The streets on the Estate are not only for the use of motor vehicles, motorcycles, and bicycles, but also pedestrians.
- 2.1.2 The speed limit is 20 km per hour.
- 2.1.3 In as far as appropriate, the provisions of the Cape Road Traffic Ordinance shall apply to the Estate and may be enforced by the Trustees.
- 2.1.4 Parking on any road surface or traffic islands / common gardens (common property) is prohibited. Parking is only allowed on paved areas that have been designated for this purpose and does not cause any road obstruction.
- 2.1.5 The use of vehicles, motorcycles or any other mobility devices which are excessively noisy is restricted as far as possible for consideration of neighbours.
- 2.1.6 No business vehicles or equipment (e.g. tow trucks, tractors, lorries, trailers or similar vehicles) may be parked overnight on the Estate.
- 2.1.7 Relevant street numbers must be displayed on all houses such that they are legible, clearly visible from the street frontage and fit in with the architectural style of the houses on the Estate.

## 2.2 GOOD NEIGHBOURLINESS

- 2.2.1 No unnecessary hooting or disturbance of neighbours is allowed in the estate. This includes all activities of a social nature, use of power tools and general disturbance at unreasonable hours.
- 2.2.2 No hobby, which causes aggravation or nuisance to fellow residents, may be conducted on the Estate.
- 2.2.3 No Member, tenant or resident shall conduct any business activity on his property which could cause inconvenience to neighbours (e.g. noise, pollution) or poses a safety risk is allowed or could lead to an increase traffic in the Estate.
- 2.2.4 Auctions, jumble sales, or similar sales or exhibitions conducted from homes or anywhere on the Estate are prohibited.
- 2.2.5 All television, radio, and other appliances emitting sound, including musical, electronic or percussion instruments, and all activities of a social nature, should be kept at audio levels which are reasonable.
- 2.2.6 Household maintenance, (e.g. mowing the lawn etc.) should be undertaken between the following hours:
- |                           |               |
|---------------------------|---------------|
| Mondays - Fridays         | 08h00 – 17h30 |
| Saturdays                 | 08h00 – 14h00 |
| Sundays & Public Holidays | Not allowed   |

- 2.2.7 With the exception of emergency repairs and domestic help (including gardeners), building contractors (e.g. builders, painters, carpenters, garden services, pool maintenance services etc.) are not allowed on the Estate after 17h30 or on Sundays or public holidays.
- 2.2.8 Washing may only be hung on lines that are fully screened from the street where practically possible. Washing may not be hung over balconies and boundary walls, or anywhere it is visible from the street.
- 2.2.9 Caravans, trailers, boats, as well as accommodation for pets should be sited out of view of the street. Caravans, trailers, and boats may only be parked in front of the owner's property for a maximum period of 2 x weeks for cleaning, repairs and related purposes.
- 2.2.10 All refuse should be placed in refuse bins provided by the City of Cape Town. The bins (both for normal as well as recyclable waste) should be screened from view from the road and should only be placed on the sidewalk no earlier than the evening before the day of collection and removed from the sidewalk by the evening on the day of refuse collection. If the bins for a valid reason cannot be placed at the back of a property and needs to remain at the front of a house, the owner needs to ensure there is a neat and tidy screen which ensures the bins are out of sight from the street view as far as possible. Should an owner wish to erect a screen, a proposal of the design must be submitted to the Trustees for approval before the screen may be erected.
- 2.2.11 No advertisements or publicity material may be exhibited or distributed on the Estate without the consent of the Trustees of the HOA.

2.3 MAINTENANCE OF PROPERTIES AND GARDENS

- 2.3.1 Improvements and/or maintenance (see definition in Van Riebeeckshof Homeowners Association (VRHMHOA) Guidelines & Rules of Conduct) including boundary walls not comprising part of the common property and fences should be properly finished, maintained, and painted. Failure to comply within 30 days after the giving of written notice by the Trustees or Managing Agent to repair or maintain will result in steps being taken in terms of the Compliance Policy (set out in Annexure D).
- 2.3.2 Every owner or occupier as the case may be is responsible for maintaining at their expense the area between the road kerb and the boundary of his / her property. Failure to comply within 14 days after the giving of written notice by the Trustees or Managing Agent to maintain will result in steps being taken in terms of the Compliance Policy (set out in Annexure D).
- 2.3.3 The erection of “Wendy-houses”, tool sheds, and similar structures is not permitted.
- 2.3.4 Building material may not be dumped on the sidewalks for an unreasonable time. See - Annexure C
- 2.3.5 Planting of shrubs and other plants should not obscure the vision of motorists.
- 2.3.6 Owners and residents shall ensure decorative items displayed in public view by residents on the Estate (e.g. pots, figurines, etc.) are neat and tidy at all times. The Trustees will inform owners when the Trustees deem that this standard is not met. Ongoing non-compliance in this aspect may result in the Trustees acting accordingly as set out in Annexure D.
- 2.3.7 Sports or exercise equipment should be sited out of view of the street.

2.4 SWIMMING POOLS

Swimming-pool water may only be emptied into the sewer system.

2.5 PETS

2.5.1 No residence may keep more than 2 small breed dogs or 2 cats (a maximum of 2 animals) in the Estate without the written approval of the Trustees.

2.5.2 The local authority by-laws relating to pets will be strictly enforced.

2.5.3 No pets are permitted to roam the streets.

2.5.4 Dogs must be walked on a leash at all times.

2.5.5 The owner of a pet must immediately remove excrement deposited by his pet in a public space.

2.5.6 Dogs and cats must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags may be caught and handed to the Municipal Pound.

2.5.7 An owner of a pet becoming a nuisance on the Estate (such as dogs barking incessantly) may be required to remove the pet from the Estate.



2.6 DAMAGE TO COMMON PROPERTY

- 2.6.1 Should any damage of whatsoever nature be caused to the common property, including areas adjacent to the street, by an owner, tenant, or resident, or members of their families, visitors, contractors, or employees then such owner, tenant, or resident, shall be liable to properly repair such damage forthwith.
- 2.6.2 It is expressly prohibited for owners, tenants, or residents to permit the disposal of paint products or the washing away of cement or suchlike into the sewerage pipe system or storm water drains irrespective as to whether or not such drains are located on either their own or the common property.
- 2.6.3 Should such owner, tenant, or resident fail to repair any such damage forthwith, the Trustees may cause such damage to be repaired and all costs and expenses including legal fees arising out of or in connection therewith will be added to the owner's HOA account.

2.7 STORAGE OF INFLAMMABLE MATERIALS AND OTHER DANGEROUS ACTS

- 2.7.1 An owner, tenant or resident shall not store any dangerous or inflammable materials in or around properties on the Estate.
- 2.7.2 LP gas may only be used for domestic cooking and heating purposes. (It is recommended that the valve(s) on the cylinder(s) are closed when a dwelling is left unoccupied for any length of time so as to isolate the gas supply.)
- 2.7.3 Explosives, crackers, fireworks, or items of a similar nature may under no circumstances be exploded, lit or operated on the Estate. Any person in contravention of this rule will be prosecuted in terms of the municipal by-laws.

### **3 SECURITY**

- 3.1 Security is paramount to all residents on this Estate, and thus it is important for all owners, tenants, contractors, and visitors to adhere to the security measures as implemented on the Estate.
- 3.2 Security measures and rules may be amended from time to time to keep up with the latest technology, crime activities and legal/insurance requirements.
- 3.3 Owners, residents, visitors, and contractors are required to comply with the Security Policy as set out in Annexure A.

### **4 SALE AND LETTING OF PROPERTY**

#### **4.1 SALE OF PROPERTY**

- 4.1.1 In the case of a sale, it is the seller's responsibility to ensure that the purchaser, prospective or otherwise is provided with a copy of the Constitution and Rules including Building Guidelines as required in terms of the Constitution together with any other conditions specifically relating to the property subject to sale.

- 4.1.2 When an owner wants to sell his/her property, he/she needs to get clearance permission in writing from the Trustees to confirm that all levies, fines, taxes and maintenance to the property have been paid and completed according to the Constitution and Rules, and there are no transgressions of any sort (e.g. architectural non-compliance), or fines outstanding.
- 4.1.3 In instances where a property is being sold the seller remains fully responsible for levies and reimbursement of any other expenses due to the HOA until such time as the property is transferred into the name of the purchaser.
- 4.1.4 "For Sale" or "Sold" signs may only be erected outside of the Estate at specific time periods. Weekends from 12h00 – 17h00. Erected signs must be removed outside of these allotted time periods.
- 4.1.5 A set of council approved plans should be emailed to the Trustees and the VRHMHOA.

#### 4.2 LETTING OF PROPERTY

- 4.2.1 In instances where properties are being let it is the owner's responsibility to ensure that the lessee is provided with copies of both the Constitution and Rules. It is also the responsibility of the owner in his capacity as lessor to provide his lessee with copies of newsletters that are distributed by the HOA from time to time. The consequences of failure to do so will rest with the owner as lessor.
- 4.2.2 It is the owner's responsibility to provide the tenant's e-mail address & details to the Managing Agent to ensure effective communication.
- 4.2.3 It is strongly advised that when a property is let, the owner includes the services of a garden service company to maintain the property's garden.

## **5 RULES WITH REGARD TO BUILDING ACTIVITIES AND RELATED ISSUES**

### **5.1 ADHERING TO ARCHITECTURAL STANDARDS**

Owners are required to comply with the Building Guidelines and Regulations as set out in Annexure C, (as well as the Building Guidelines of the Van Riebeeckshof Master Homeowners' Association - VRHMHOA). The architects or architectural consultants appointed by the Trustees from time to time must certify that all proposed building additions or changes to existing structures are aligned with the Development Guidelines of the Estate before such work proceeds.

### **5.2 BUILDING CONTRACTORS**

- 5.2.1 An owner has the responsibility to ensure that any building contractor employed is made aware of the various terms and conditions relating to building activities on the Estate and as more specifically set out in the "Contractors' Code of Conduct" per Annexure B.
- 5.2.2 The Trustees reserve the right to suspend any building activities which are being carried out in contravention of the Constitution or Rules or not in accordance with the plans as approved by the Trustees who accept no liability whatsoever for any losses sustained by an owner / resident / contractor as a result thereof.

### 5.3 BUILDING DEPOSITS

- 5.3.1 An owner wishing to carry out any building operations will be required to pay to the HOA a deposit determined by the Trustees from time to time to cover damages to common property or property belonging to any other owner; this requirement will be at the sole discretion of the Trustees and dependent upon the nature and extent of such building operations. Such deposit will be payable before construction is permitted to commence and held by the HOA for account of the owner and refundable in full or in part without interest, upon completion of building operations to the satisfaction of the Trustees.
- 5.3.2 Should the builder cause any damage to property referred to above, the owner will be required to effect such necessary repairs as soon as practically possible to the satisfaction of the Trustees, failing which such repairs will be carried out by the HOA and the cost will be added to the owner's account.

### 5.4 BUILDING COMPLETION

Once construction has commenced building operations must be completed within 3 months unless otherwise approved by the Trustees; such approval not to be unreasonably withheld provided there are valid reasons for operations having to be extended beyond 3 months.

### 5.5 MAINTENANCE OF PROPERTIES

Owners are required to maintain their properties in accordance with the Estate's Constitution and Rules. The provisions contained in Annexure C are applicable. This applies in particular to:

- Painting of exterior walls,
- Alterations and additions to existing structures,
- Boundary walls and gates,
- Driveways.

**ANNEXURE A: SECURITY POLICY**

**1 GENERAL**

- 1.1 Security is the collective responsibility of all owners.
- 1.2 Residents, visitors, domestic workers and contractors are required to adhere to the access control procedures of the Estate. Details of the procedures are set out below.
- 1.3 Residents are required to treat security personnel with courtesy and co-operate with them.
- 1.4 Owners, tenants and residents are fully responsible for ensuring that their visitors, including employees and contractors, abide by the Rules of the Estate. It is the responsibility of owners, tenants or residents as the case may be, to ensure that domestic or contract workers employed by them do not loiter on the common property nor cause any undue noise or inconvenience to other residents. In the event of non-compliance by any of the aforementioned persons the Trustees have the right to have them (visitors, workers and contractors) removed from the Estate or refuse them access.
- 1.5 Attempts at burglary or instances of unlawful entry must be reported to the guardhouse and the Trustee responsible for security and in the latter's absence, any other Trustee.
- 1.6 Residents, contractors, gardeners, domestic workers or visitors are not allowed in the guardhouse or to use it as a thoroughfare.
- 1.7 Smoking in the guardhouse is not permitted.

## **2 AREAS OF RESPONSIBILITY COVERED BY THIS POLICY**

<ul style="list-style-type: none"><li>▪ Security Officers</li><li>▪ Any general security aspect</li><li>▪ Fingerprint scanners</li><li>▪ Boundary walls &amp; electric fencing</li></ul>	<ul style="list-style-type: none"><li>▪ Entrance / exit gates</li><li>▪ Security cards</li><li>▪ Security access system (SAS)</li></ul>
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The Trustees have delegated responsibility for security to a nominated trustee to oversee the security portfolio. His/her name will be available at the guardhouse and owners and/or residents will be advised from time to time of any changes to same.

## **3 SECURITY HOUSE RULES**

- 3.1 It is in the interest of all residents to report any breach in the security policy (transgressions and unprofessional conduct) and/or any other form of inefficiency on the part of the security officers to the nominated trustee responsible for security, failing which any other of the Trustees. Owners and residents should be alert and to contribute to the efficient management of security on the Estate.
- 3.2 Residents must note that the security officers will not be allowed under any circumstance to grant discretionary access to the Estate. Access to the Estate is limited to members that are registered on the biometric system. It is expected that owners and/or residents will respect this instruction from the trustees and not invite actions that may result in dismissal of the security officers concerned.

- 3.3 Security guards may not accept any postal deliveries at the guardhouse or act as a parcel delivery service. Leaving of keys at the guardhouse is not permitted. In case of emergency alternative arrangements may be made by the responsible trustee subject to the owners' risk.
- 3.4 Residents are not allowed to provide the officers on duty with food, drinks, utensils and articles (heaters, television, radio's etc.)

#### **4 SECURITY SERVICES**

- 4.1 The trustees will contract the security service provider for Chianti Villas. The scope of the services that will be provided by the security service provider will be negotiated and agreed by the trustees.
- 4.2 The trustees will determine the number of security officers on duty at any given time as the security requirements dictate.

#### **5 FINGERPRINT SYSTEM AND SECURITY TAGS**

##### **5.1 NUMBER OF REGISTERED USERS PER HOUSEHOLD**

- i. Access to the Estate by owners and/or residents is controlled with the biometric fingerprint system located at the residents and exit gates. The Trustees can be contacted to arrange for registration of biometric information on the access control system. Registered users will be limited taking into account the number of residents residing at the particular residence, the number of vehicles and the available parking space at the residence. The Trustees have the discretion to limit the number of users if the number of vehicles may create overcrowding, the compromising of other owners and/or residents right to privacy, and/or pose a risk should a sudden evacuation of the Estate



be required.

- ii. Should there be a valid reason why an owner and/or resident's fingerprint cannot be used, the trustees must be notified and the trustee responsible for security will provide an alternative access mechanism via a RFID identification card.

## 5.2 NEW OWNERS / RESIDENTS

Registering of biometric information will be limited to owners and/or residents living permanently on the estate. Any other applications (owners renting their houses) will be considered on merit and need to be motivated in detail and will be at the discretion of the trustees.

## 5.3 CHANGE OF RESIDENCE

It is the responsibility of owners to notify the Managing Agent of changes to the occupancy of their properties.

# 6 ACCESS PROCEDURES

## 6.1 RESIDENT ACCESS

6.1.1 All residents with registered biometric information or security tags will have access to the resident, visitor and exit gates.

6.1.2 Residents are required to present their biometric information/security tag every time they enter or exit the Estate.

- 6.1.3 No tailgating of vehicles will be allowed, and the Chianti Villas HOA and Trustees will not accept any responsibility for consequential damages. Damages to the Estate caused through tailgating will be for the account of the tailgating party.
- 6.1.4 The trustees have the discretion to deregister a person's biometric information/security tag or impose penalties if the owner and/or resident repeatedly transgress the access procedures. The extent of the penalty will be determined in terms of the Compliance Policy (set out in Annexure D).
- 6.1.5 Residents who have not registered biometric information/security tag will have to sign in at the visitor's gate and follow the procedures as provided for in the 6.2 VISITORS section.

## 6.2 VISITORS

- 6.2.1 Visitors will enter through the visitors' gate closest to the guardhouse. After the on-duty security guard successfully captured the visitor's details via the "At The Gate Device", the security officer will contact the resident via the SAS system and inform the resident of the details of the visitor. The resident at his own discretion provides entry to the visitor. If that particular resident cannot be contacted, entry will be denied.
- 6.2.2 Once a resident has granted access to the visitor, the resident remains responsible for the conduct of the visitor until the visitor departs from the Estate.

6.3 DOMESTIC/CASUAL WORKERS

- 6.3.1 Domestic / casual workers (workers) employed by residents may be granted access to the Estate after having been registered. Registration forms are available from the security officer at the gate. Completed registration forms need to be submitted, (with 2 original passport size photographs) to the guardhouse or to any of the security committee members. The security committee comprises the trustee responsible for the security portfolio and the assisting members if there are any.
- 6.3.2 A worker will receive his/her personalized Chianti Villas ID-card when entering the Estate. The ID-card needs to be carried and displayed by the worker at all times whilst on the Estate. The ID-card must be returned to the security officer for safekeeping until the domestic/casual worker wants to re-enter the Estate.
- 6.3.3 The conduct of the domestic/casual worker will remain the responsibility of the owner / resident. Residents are encouraged to do criminal checks on any prospective domestic/casual workers prior to employing them.
- 6.3.4 No access will be granted to domestic/casual workers on the Estate without the official Chianti Villas ID-card or before signing in via the access control entry ledger located at the guardhouse.
- 6.3.5 Domestic / casual workers employed by residents may not loiter on the estate and if found to be, will immediately be removed from the Estate.

6.4 CONTRACTORS/GARDEN AND DOMESTIC SERVICES

- 6.4.1 Contractors (extended periods) and other regular domestic services employed by residents on the Estate need to be registered. Registration forms are available from the security officer at the gate and must indicate the duration or regularity. The registration form must also indicate the person who will be responsible for supervision during the day (supervisor). Completed registration forms may be handed to the guardhouse or to any of the security committee members.
- 6.4.2 Contract workers may not loiter on the estate, and when leaving the estate must do so in the presence of the supervisor.
- 6.4.3 The supervisor (on behalf of the contractor if not the same person) will complete the contractor's register at the visitors' gate.
- 6.4.4 Non-registered contractors may enter the estate as per the visitor's access procedures. Residents will grant access to contractors in the same way as for visitors (refer to Rule 7.2 of the Security Policy).
- 6.4.5 Owners and/or residents must take note of the rules applicable to contractors as contained in the "Contractors' Code of Conduct" in the Chianti Villas HOA Members' Rules. (See Annexure B)
- 6.4.6 The conduct of any contractor will remain the responsibility of the owner / resident.
- 6.4.7 Casual workers (domestics and gardeners) will only be allowed access to the Estate during the following hours:
- Weekdays (Monday – Friday): 08h00 – 17h30
  - Saturdays : 08h00 – 14h00
  - Sundays and Public Holidays: Not allowed

- 6.4.8 With the exception of emergency repairs (which require special prior approval to be arranged with the guards) and casual workers as defined, building contractors are not allowed on the Estate on Saturday's after 17H30, Sunday or Public holidays.
- 6.4.9 The trustees will annually announce a period between Christmas and New Year when no contractors, garden or casual workers will be allowed on the Estate. In case of emergency the trustees may be contacted to consider exceptions.

## 6.5 GENERAL

- 6.5.1 All visitors/contractors need to have a valid driver's licence ready on gaining access to the Estate. If the visitor/contractor does not have a valid driver's licence, it is necessary to provide his/her ID in order that it may be scanned.
- 6.5.2 In the case where a visitor/contractor cannot provide the necessary document for identification, the security officer will notify the resident of the visitor/contractor and ask the resident to verify the visitor/contractor in person by going to the gate. After such verification, the visitor/contractor will be allowed to enter the Estate.

## 7 OTHER

### 7.1 ELECTRICAL PERIMETER FENCING

- 7.1.1 The boundary walls of the Estate are topped by an electric fence. The efficiency of the fence is however compromised by plants and other objects causing false alarms.

- 7.1.2 It is therefore important that a distance of at least 50 cm be kept open on either side of the fence. Residents on the boundary of the Estate are responsible to ensure that no plants or other objects that could cause unnecessary false alarms touch the fence.
- 7.1.3 In case of non-conformance, and as a last resort, the HOA will have offending plants trimmed at the owner's expense. Residents and owners will be notified of transgressions to aid compliance and cooperation.
- 7.1.4 Monthly inspections of the electric fence and perimeter are done. Residents affected are requested to give their co-operation to the contractor and allow them access to the fence on the back of their properties.
- 7.1.5 In the interest of the whole Estate and its residents, it is required that the operation of the electric fence (wiring, insulators, voltage) be inspected on a regular basis. In order to do this properly, the service provider will be required to access the back of the properties bordering the perimeter of the Estate. The residents affected are required to allow the service provider access to their properties for these inspections. If there are gates that are locked, alternative arrangements must be made by the residents with the Security officers to gain access to the properties when these inspections are done.

## 7.2 CCTV CAMERAS

- 7.2.1 Security cameras monitor and record all activities at the gates (entry and exit). These serve as a record of who enters and exits the Estate, and also serve as a management tool to monitor security staff. The CCTV system records only visual images.

7.3 SPEED LIMIT

7.3.1 The speed limit on the Estate has been set at **20 KPH**.

7.3.2 Speeding endangers other road users, pedestrians, children and pets.

7.3.3 Exceeding the speed limit, as well as ignoring stop signs, will be regarded as serious offences, and will be dealt with appropriately (See Annexure D).

7.3.4 The trustees have the discretion to impose fines to regular offenders and/or to deny the offenders access to the Estate.

**ANNEXURE B: CONTRACTORS' CODE OF CONDUCT**

**1. CONTRACTORS' CODE OF CONDUCT**

- 1 Owners are obligated to ensure that their contractors, including sub-contractors, are made conversant with the rules set out in the Contractors' Code of Conduct. Owners will be held fully responsible for any breach hereof or consequences arising as a result thereof.
- 2 Contractor activity is only permitted on Mondays to Fridays, 08h00 to 17h30. Saturdays from 08h00 to 14h00. No contractor activity is permitted on Sundays or public holidays.
- 3 All contractors, sub-contractors, and any of their employees must enter the Estate under supervision of either the owner or resident of the property or a supervisor of the service provider.
- 4 Contractors are bound to provide facilities for rubbish disposal and ensure that the workers use the facilities provided and that the rubbish is removed weekly and not burnt on site.
- 5 The construction site is to be kept clean of building rubble with regular cleaning taking place during building operations. All street frontages must be kept clear of rubble at far as possible or to be cleared as often as possible.
- 6 It is expressly prohibited for contractors to dispose of paint products or the washing away of cement or suchlike into the streets, the sewerage pipe system or storm water drains irrespective as to where such drains are located.
- 7 Deliveries from suppliers may only take place Mondays to Friday between 08h00 and 17h30 and Saturdays between 08h00 and 14h00. No deliveries are permitted to take place on Sundays or public holidays.
- 8 The contractor must move materials off-loaded onto the sidewalk onto the site within 24 hours of delivery. No materials may be offloaded onto the street. Immediate attention must be paid to the removal of sand or rubble washed or moved onto the road.
- 9 The contractor must provide toilet facilities on the site before construction of any nature



commences.

- 10 Owners will be held responsible for any damage to the common or private property on the Estate such as, but not limited to, curbs, sidewalks or plants.
- 11 . If an owner/tenant is in breach of the Contractors' Code of Conduct, a formal warning will be emailed to the owner/tenant. If the owner/tenant do not immediately adhere to the Contractors' Code of Conduct, the Trustees of Chianti Villas HOA reserves the right to suspend building activity until the owner/tenant complies.

**ANNEXURE C: BUILDING GUIDELINES AND REGULATIONS**

(Also Applicable to the Maintenance of, Additions and/or Alterations to Existing Buildings)

**1 PREPARATION AND SUBMISSION OF PLANS**

- 1.1 Any new alterations / additions to be according to the Chianti Villas and VRHMHOA guidelines and subject to approval by Chianti Villas HOA & VRHMHOA.
- 1.2 Any Structure as defined by City of Cape Town, needs approval.
- 1.3 The Chianti Villas HOA reserves the right to issue a notification for any illegal structure(s) to be altered / removed or obtain plan approval for the structure(s). The owner / tenant needs to respond within 7 days with a solution to comply with the Chianti Villas HOA rules and VRHMHOA. The owner / tenant will have fourteen (14) days thereafter to demolish / alter or submit building plans to comply with the Chianti Villas HOA rules and VRHMHOA.
- 1.4 Three (3) sets of working drawings including the coloured copies required by the local authority, drawn up in accordance with local authority by-laws and the Architectural Rules of Chianti Villas HOA, must be handed to the Trustee responsible for architecture.
- 1.5 A three-dimensional drawing, photographs and/or colour schemes of the proposed additions may be required to clarify a complex design.
- 1.6 One (1) set of drawings together with relevant documents will be kept by the Chianti Villas HOA for records purposes. The submission can be made to the Managing Agent.

- 1.7 The other two (2) sets of drawing should be handed in at Van Riebeeckshof MHOA.
- 1.8 The council approved plans should be submitted to Chianti Villas HOA before any construction work commences.
- 1.9 The design and layout of the entire erf will be considered from the outset.
- 1.10 Plans submitted are to include the following:
  - 1.10.1 Clearly indication new additions / alterations
  - 1.10.2 A schedule of rights indicating the rights as set out in City of Cape Town's MPBL, the exiting and the proposed heights, coverage and building lines
  - 1.10.3 Clearly indicate any departures
  - 1.10.4 Written comments from surrounding neighbours should be obtained if there are any departures, changes to a boundary walls or as per Rule 3.3
  - 1.10.5 Site plan specifying the height of all corners of the erf
  - 1.10.6 Floor plans clearly specifying the total existing and new floor area on all levels.
  - 1.10.7 All elevations including height of house at highest point measured from the EGL (existing ground level) as defined by City of Cape Town MPBL
  - 1.10.8 All contour lines
  - 1.10.9 A schedule of specifications for the new alterations / additions to indicate all new materials and colours. Also indicate if the new construction do / do not match the existing construction or colour.

- 1.11 Once the plans are received, the Trustee responsible for Architecture will hand the plans to Chianti Villas HOA architectural consultant for guidance.
- 1.12 Once approved by the Chianti Villas HOA, drawings, including copies for the local authority, will be stamped “APPROVED”, subject to any conditions imposed, dated and signed by the Chairman and the Trustee responsible for Architecture prior to submission to the Van Riebeeckshof Master Homeowners` Association (MHOA) and the local authority for their perusal and approval.
- 1.13 The approved drawings carrying the stamps of approval of the Chianti Villas HOA, the Van Riebeeckshof MHOA and the Local Authority shall be available to the Trustees on request.
- 1.14 Any Trustee of the Chianti Villas HOA or its appointed agent has the right of access during working hours to any erf or property on which building work is taking place to ensure that:
- 1.14.1 the house, or any extension thereto, is being built in accordance with the approved plans;
  - 1.14.2 the Architectural Rules are being complied with;
  - 1.14.3 the standard of the completed building operations prior to the repayment of any building deposits.
- 1.15 The Chianti Villas HOA reserves the right to:
- 1.15.1 refuse to peruse any drawings of a member who is in breach of any Rule or Clause of the Articles of association to the Chianti villas HOA; or
  - 1.15.2 interdict any member, or to take any action deemed fit, to prevent such member or any person from commencing or continuing any construction work without the plans having been approved in accordance with the above procedures.

## **2 APPROVAL OF BUILDING PLANS (Including Alterations & Additions)**

- 2.1 Notwithstanding the fact that the building plans must comply with Local Authority by-laws and Building regulations, the approval or rejection of such plans will be at the sole discretion of the Chianti Villas HOA. This approval will not be unreasonably withheld.
- 2.2 The architectural character of the house will be considered in relation to that of other houses in Chianti Villas, together with the aesthetic appearance and the proposed sitting of the building and such other factors as the Chianti villas HOA may deem suitable.
- 2.3 Every effort will be made to ensure that all owners observe the Rules, by-laws and Building Regulations.
- 2.4 During the construction Trustees have the right to stop building activity should any builder be found to be in contravention of the Rules of Chianti villas or to be deviating from the approved plans.

## **3 ZONING CONDITIONS**

- 3.1 It is the responsibility of the owner of an erf to ensure the accuracy of all corner pegs of the erf by means of an accurate survey of the erf before submitting plans for approval as per Rule 2.1.
- 3.2 Height restriction  
The height of the main house structure may not be raised beyond the existing height.

- 3.3 Chianti Villas HOA will only consider approval of plans for double-storied buildings once the written comments of all surrounding neighbours have been received and evaluated. Note the impact of second storey on:
  - 3.3.1 the privacy of surrounding property owners.
  - 3.3.2 the view from surrounding residents will be considered when evaluation of comments takes place. However, an existing view cannot be regarded as a guaranteed right by any property owner.
- 3.4 Maximum height to highest point of house to be:
  - 3.4.1 It is the responsibility of the owner to ensure that all the pegs and heights of all corners of the erf are determined by an accurate survey of the erf to ensure the accurate positioning of the house, patios, and outbuildings.
- 3.5 Building Lines
  - 3.5.1 As set out in City of Cape Town's MPBL
  - 3.5.2 Notwithstanding City of Cape Town's MPBL rules, plans need to comply with Chianti Villas building lines:
    - 3.5.2.1 All common building lines (rear and sides) 1m from erf boundary
  - 3.5.3 Alternatively, if written council approval has already been obtained before 2021 the approved plans will be deemed valid.

#### **4 ARCHITECTURAL REQUIREMENTS**

- 4.1 External finishes and colours must be shown on sketch plans.
- 4.2 Colour samples will be requested.
- 4.3 Awnings, TV aerials and other items, which do not form part of the basic structure, should be clearly shown and annotated. Solar heating panels, if used, should be incorporated into the building to form an integral part of the design. The positioning of the panels, if possible, should not be visible from the street
- 4.4 No geyser will be allowed to be placed externally
- 4.5 Drying yards must be screened from neighbouring properties and street views by means of at least a 1.8 m high wall.
- 4.6 Lean-to constructions's and temporary carports are prohibited.
- 4.7 No staff accommodation will be allowed.
- 4.8 All exposed plumbing should be adequately screened from the street elevation.

#### **5 ARCHITECTURAL CONTROL**

The overall intention is to create compatibility of architecture rather than repetition of styles. Flexibility of interpretation is important to encourage a variety within the constraints of these guidelines. Rather than creating overly stringent guidelines, those elements specifically excluded are clearly stated.

5.1 ARCHITECTURAL STYLE

Tuscany/Edwardian

5.2 ROOF FINISHES

5.2.1 No Flat roof structures are allowed, apart from specified white adjustable aluminium louver-type awnings.

5.2.2 New roof(s) to match the existing roof construction and colour.

5.3 EXTERNAL WALL FINISHES

5.3.1 Painted plaster for the main structure.

5.3.2 All other boundary walls to be in line with the existing architectural style.

5.3.3 Colours: A colour pallet with approved colours are available on the Estate website. The approved colour pallet can also be obtained from the Trustees and the Managing Agent. Any similar colours to the approved colours may be presented to the Trustees for approval.

5.3.4 If a similar colour (as mentioned in 5.3.3.) is presented for approval, a 1m x 1m painted sample block with the proposed colour, must be approved by the Trustee for Architectural matters before commencing with the paint work.

5.3.5 Corner quoins (blocks) should be painted in a different complementing shade.



5.4 STREET, PARKLANDS, AND OTHER OPEN SPACE BOUNDARY WALLS

- 5.4.1 In the secure environment that has been created in Chianti Villas, street boundary walls are not essential. However, if specifically required, a wall designed in the following manner may define the street, parklands, and other open space boundaries to any erf.
- 5.4.2 The finish of the boundary wall must fit in with the architectural style of Chianti Villas. The boundary wall must match the existing boundary walls. The walls may be built to a maximum height of 1800 mm.
- 5.4.3 PROHIBITED MATERIALS: Wood palisade; Wood panelling; Pre-cast concrete walling.
- 5.4.4 The height of the boundary walls between adjacent erven must be as determined by the neighbours in consultation and must comply with the Rules, by-laws, and Building Regulations of the Local Authority.
- 5.4.5 Neighbours and Chianti Villas Trustees approval is required to increase the height of any wall or adding any screen to the wall that is higher than the wall.

5.5 WINDOWS AND DOORS

- 5.5.1 All windows and doors must be Aluminium (white powder coated).
- 5.5.2 Proportions: All windows must fit in with the overall style and character of the house and Chianti Villas.

5.6 VERANDAS, BALCONIES, PERGOLAS AND PERMANENT CARPORTS

- 5.6.1 These items must be designed in keeping with the main structure.
- 5.6.2 Specified adjustable white aluminium louver-type awnings are allowed.
- 5.6.3 Pergolas are allowed but must be white in colour and needs approval from Trustees as per normal Structure approval.
- 5.6.4 No carports or structures over a driveway are allowed.

5.7 EXTERNAL BALUSTRADING

- 5.7.1 White or black painted or epoxy-coated steel balustrades to match the existing style and character of Chianti Villas and the house are allowed.

5.8 SWIMMING POOLS

- 5.8.1 Plans to be submitted to the Building & Architectural Committee for approval as per the regulations for any other Structure.

5.9 PAVING AND DRIVEWAYS

- 5.9.1 Any paving and/or driveway must be in line with the original architectural style of Chianti Villas.

5.10 BURGLAR BARS

Internally mounted in a simple gridded pattern, purpose made to suit the proportions of the window. (also refer to the Chianti Villas Constitution)

5.11 AIR CONDITIONERS, EXTERNAL WATER TANKS AND OTHER EXTERNAL HOME ELEMENTS

5.11.1 All water tanks and similar items must be reasonably screened from the street and neighbour's view.

5.11.2 Colour of the tanks should match that of the house.

5.11.3 External air conditioning units must take the interests of neighbours into consideration. This might include noise, obstructive views, and other obstructive possibilities. If an air conditioning unit legitimately creates a problem for a neighbour, the Trustees will investigate a viable resolution which may include moving the air conditioner at the transgressing residents or owner's cost.

## **ANNEXURE D: COMPLIANCE POLICY**

The purpose of this document is to set out the policy that Trustees will follow in managing compliance with the HOA's Rules.

### **1 POINT OF DEPARTURE**

- 1.1 In terms of Chianti Villas Constitution, it is the responsibility of the Trustees to manage the estate by having mechanisms in place to provide for the compliance with the HOA's Constitution and Rules.
- 1.2 It is therefore the responsibility of all Members to abide by the Rules of the HOA.
- 1.3 The provisions as set out herein do not apply to the non-payment of levies and such other sums as the HOA may have disbursed on behalf of a Member as these are regulated in terms of the Chianti Villas Constitution.

### **2 STEPS TO ADDRESS TRANSGRESSIONS AND NON-COMPLIANCE**

- 2.1 In general, the following process will be followed to address any transgressions/non-compliance of Chianti Villas Constitution and HOA Rules:
  - 2.1.1 The Managing Agent and/or any Trustee who becomes aware of a transgression or non-compliance will visit the resident at the property where the problem has been identified. They will try to resolve the problem in an amicable way. Any resident of the Estate can report any transgression or non-compliance to the Estate Manager and/or Trustees for action.

- 2.1.2 Should the transgression or non-compliance continue or not be satisfactorily addressed by the resident/owner, the next step will be for the Trustees to serve a written notice detailing the problem(s) and applicable rules to the resident (and owner, if the property is let) and requesting action to address the problem(s) within a set time period.
- 2.1.3 Failing a suitable response to the written notice, the Trustees can then move to the disciplinary process detailed below.
- 2.2 Depending on the nature and degree of seriousness of the transgression/non-compliance, the trustees have the right to waive the first step (3.1.1) and proceed to written communication directly.

### **3 DISCIPLINARY PROCESS**

The disciplinary process is the last attempt to resolve the transgression or non-compliance without involving third parties, e.g. lawyers, mediators, etc. The following process will be followed:

- 3.1 The Owner needs to be informed of the exact nature of the transgression. The offending conduct needs to be set out clearly with a reference to the specific section (sub-section) of the HOA's Constitution or Rules that has been transgressed. Such communication will be sent to the Resident and Owner by email and also by hand, where possible, delivered to the Resident and Owner.
- 3.2 Depending on the category of the offending conduct (see paragraph 5 for explanation), the communication to the Owner needs to set out what rectification is required by the Owner.
- 3.3 The Owner will be informed that a Disciplinary Committee will in terms of the HOA's Constitution be formed to consider the imposition of a fine for the transgression/non-compliance (or continued transgression/non-compliance) of the HOA's Constitution and Rules.

- 3.4 The Owner will be given at least 7 consecutive days` notice of the time and venue as to where a disciplinary committee will convene in order to consider the alleged transgression/non-compliance.
- 3.5 The Owner will be informed that he/she has the right to defend him/herself at such a disciplinary hearing and to respond to the allegations as set out in the letter. (Legal representation at such disciplinary hearings is not permitted).
- 3.6 An Owner has the right to be assisted by a person who is also a Member of the Chianti Villas HOA.
- 3.7 Depending on the unique circumstances of every case, the Disciplinary Committee may consider the imposition of a fine based on the fact that a fine would be equitable in the circumstances. The Disciplinary Committee may use the proposals below in section 5 as a guide when fines are imposed.
- 3.8 The Disciplinary Committee's recommendation will be passed on to the Trustees for ratification and the imposing of the sanction. In the case of a fine, the Trustees will instruct the Managing agent to debit the Owners levy account.

#### **4 CATEGORISATION**

In order to enforce compliance with the HOA's Constitution and Rules, Members are to note that Trustees will adopt the following approach when categorising transgressions:

##### **4.1 CATEGORY 1 TRANSGRESSIONS**

These offences are of such a nature as to warrant the imposition of a fine.

No	Transgression	Rule	Fine
1	Parking on any road surface or traffic islands / common gardens.	2.1.4	Half a month's levy per offence in a 24 hour period.
2	Parking of trailers, caravans, lorries overnight.	2.1.6	One month's levy per offence in a 24 hour period.
3	Causing a disturbance to neighbours by loud music (or similar).	2.2.5	Half a month's levy per offence in a 24 hour period.
4	Conducting household maintenance outside of allowable hours.	2.2.6	Half a month's levy per offence in a 24 hour period.
4	Hanging of washing over balconies.	2.2.8	One month's levy per offence in a 24 hour period.
5	Non-removal of refuse bins from the street view within one day of refuse removal.	2.2.10	Half a month's levy per offence in a 24 hour period.
6	Dumping of building refuse on the sidewalk.	2.3.4	One month's levy per offence in a 24 hour period.
7	Pets being a nuisance, not on leash, Animal excrement not picked up.	2.5	One month's levy per offence in a 24 hour period.
8	Speeding and failure to stop at stop signs	Annexure A; 7.3	One month's levy per offence
9	Distributing marketing material or flyers or selling stuff door to door.	2.2.11	One month's levy per offence

#### 4.2 CATEGORY 2 TRANSGRESSIONS

These offences include all offences not included in Category 1, excluding the non- payment of levies and such other sums as the HOA may have disbursed on behalf of a Member and are of such a nature that Members will be afforded the opportunity to rectify the offending situation before a fine is considered.

No	Transgression	Rule	Fine
1	All transgressions of the HOA's Rules not specifically indicated under Category 1.	Rules relating to conduct where the Member is afforded the opportunity to rectify the transgression (e.g. lack of maintenance).	A fine to be imposed by Trustees is aimed at reinforcing the Trustees' resolve to rectify the transgression.

## **5 COMPOSITION OF THE DISCIPLINARY COMMITTEE**

The Disciplinary Committee will consist of the following persons:

- The Chairman of the Trustee Committee,
- Any other Trustee,
- At least one and up to two non-Trustee Members of the HOA.