

**GENERAL RULES
FOR
ADMIRAL ISLAND
AND
PELICAN BAY
HOMEOWNERS ASSOCIATION**

General Rules for Admiral Island and Pelican Bay



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1. PREAMBLE

- 1.1 Living in the Estate means being part of a community which shares a secure and high-quality lifestyle through an acceptable set of Rules by which Members may live together, reasonably and harmoniously, to the benefit of all, without interfering with one another's enjoyment.
- 1.2 Genuine respect and consideration by all Members for each other will assure agreeable accord and contented association in the Estate.
- 1.3 Members must attempt to, as far as possible, settle any differences or annoyances between themselves, exercising respect, tolerance and consideration.
- 1.4 The Rules should be seen as a judicious framework to safeguard and promote appropriate and fair interaction.

2. INTERPRETATION, STATUS AND APPLICATION OF THE RULES

- 2.1 The General Rules of the Estate are made in terms of clause 9 of the Constitution, to govern the use of the Estate and its facilities, to protect and serve the rights and interests of all Members, and to define acceptable standards of conduct.
- 2.2 Unless the context requires a different meaning, the definitions in the Constitution apply to these Rules. For purposes of these Rules—

“the Rules” means the General Rules of the Estate.

“Common Areas” means any open spaces in the Estate that belong to the HOA.

- 2.3 The Rules must be read together with, and supplemented by, the Constitution, the by-laws enacted by the Municipality, and any other legislation that may be applicable in the circumstances.
- 2.4 If there is a conflict between the provisions of the Rules and any provision in the Constitution, a by-law or any other law, the provisions of the Constitution, by-law or any other law prevails.
- 2.5 The Rules are binding and equally applicable to all Members without any form of discrimination.

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- 2.6 Members are reminded that, in terms of clause 9.6 of the Constitution, any Rule applicable to a Member will, equally in context, be applicable to their visitors, tenants, occupants, employees, service providers, contractors, invitees, trusts and their beneficiaries, even if the Rule does not specifically refer to them. Members are accountable not only for their own actions, but also for the actions of the aforementioned persons and entities.
- 2.7 These Rules replace and supersede all previous Rules and come into effect upon adoption thereof by the Members in accordance with the procedure set out in Clause 9.4 and 23.2 of the Constitution.
- 2.8 Matters arising prior to the day on which these Rules come into effect will be governed by the Rules in place as at the date when the matter arose.
- 2.9 A Member wishing to raise any matter or lodge any complaint must do so in writing, addressed to the Board of Trustees (BoT) via the managing agency.
- 2.10 The commencement of these Rules does not affect any rights, obligations, debts or liabilities that existed immediately before these Rules came into effect. Any such rights, obligations, debts or liabilities continue in force and are deemed to have arisen under the corresponding provisions of these Rules.
- 2.11 No extension of time, waiver, relaxation or indulgence granted by the BoT with relation to these Rules shall be regarded as a waiver or estoppel of the BoT rights or as preventing the BoT from enforcing these Rules any time thereafter. Any such extension, waiver, relaxation or indulgence shall apply only to the specific circumstances for which it was granted and shall not create a precedent or any entitlement for any other member or future matter.

3. MEMBERS' OBLIGATIONS

- 3.1 Each Member is responsible for ensuring that their visitors, tenants, occupants, employees, family and friends, service providers and contractors (including sub-contractors) are made aware of and abide by these Rules and the Constitution. Any breach of the Constitution or Rules by such persons may be regarded as a breach by the member concerned.
- 3.2 These Rules must form part of any lease agreement between a member and a tenant renting a property or part thereof.

4. GENERAL RULES

- 4.1 Littering in the Estate is prohibited.

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- 4.2 Members must leave any Common Area visited at least as clean as it was found. Members are urged to pick up and dispose of any litter encountered in such open spaces.
 - 4.3 The consumption of alcohol is prohibited in any Common Areas.
 - 4.4 No fires may be lit in any Common Areas.
 - 4.5 AIPB is not a public coastal access point and therefore fishing activities within the estate are not permitted.
 - 4.6 Flora, as well as any natural features such as rocks and items of archaeological significance, may not be damaged, removed or moved from any open space.
 - 4.7 Fauna of any nature may not be chased, trapped, harmed or interfered with in any way whatsoever.
 - 4.8 No slaughtering of animals and related butchery activities of such animals may be conducted in the Estate, unless for *bona fide* cultural or religious purposes, in which case specific prior written permission must be obtained from the BoT, which may impose reasonable conditions for such slaughter.
 - 4.9 Swimming pool, jacuzzi, hot tub, fishpond or fountain water may not be emptied in any communal areas, neighbouring properties or into the municipal stormwater system, but must be appropriately channelled into the sewerage system as required by the Municipality in terms of the applicable Stormwater Management By-law, 2009.
 - 4.10 The use, in any manner whatsoever, of fireworks is strictly prohibited within the Estate.
 - 4.11 Members' use of any Common Areas is always entirely at their own risk. The HOA, through its BoT, will not entertain any claims for damages of whatsoever nature or from whatsoever cause arising from the use of such areas.
 - 4.12 Swimming pool pumps, swimming pool heating apparatus, cold storage rooms, power generators, water features and any motorised equipment must be placed and installed in such a way that they will not cause any noise or nuisance to neighbours or other Members.
 - 4.13 Members must ensure that—
 - 4.13.1 The pool areas on their properties are safe and always maintained so as not to cause any health hazards.

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- 4.13.2 Electrical and water services on their properties are properly controlled and always maintained.
- 4.14 Power generators may only be operated in compliance with the procedures and specifications as determined by the BoT.
- 4.15 A Member may not, without the written approval of the BoT, install any apparatus, ornament, or any feature that will negatively affect the overall aesthetics of a property, including but not limited to, aerials that protrude above the roof pitch, wind turbines, artificial hedges or artificial statues at the gate entrance of a house.
- 4.16 No burning of rubbish in the Estate is permitted. No household or garden debris may be discarded on vacant stands or on HOA property.
- 4.17 No vandalism of, or tampering with, any HOA property or infrastructure of whatsoever nature will be tolerated.
- 4.18 No storing of building materials or any other goods on vacant erven is permitted unless—
- 4.18.1 the building materials or goods are for the development of a property on that erf and construction has commenced, or
 - 4.18.2 it relates to the construction of a property that has commenced on a neighbouring erf and the neighbour on whose vacant erf the building materials or goods are being stored has provided written consent to store the building materials or goods related to that construction on their erf, and the Estate Manager has been informed in writing.
- 4.18.3 Communication:

Members are required to report any matter of concern to the Estate Manager and Managing Agent in writing via email. Any building-related issues must be communicated in writing via email to the Estate Manager and CAP. These matters will be discussed at a scheduled meeting with the Estate Manager and CAP, if applicable.

5. GOOD NEIGHBOURLINESS

- 5.1 Any activity by a member which causes aggravation or nuisance to fellow Members is not permitted.
- 5.2 Any noise must be reduced to a level so as not to be a disturbance, and noise emanating from a member's property must not be audible to surrounding neighbours between 23:00 and 08:00 the following morning.

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- 5.3 The use of noisy machinery such as leaf blowers, hedge trimmers, lawn mowers, power saws and other power tools is only permitted from Mondays to Saturdays between 08:00 and 18:00.
- 5.4 Audible alarm systems must be linked to an armed response company. Members are responsible for ensuring that alarm systems are properly maintained, and that false and continuous alarm activations are addressed without delay.
- 5.5 Refuse bags and refuse bins may not be placed on the sidewalk except on dedicated refuse removal days as announced by the Municipality.

6. USE OF STREETS IN THE ESTATE

- 6.1 Pedestrians and cyclists always have the right of way on the streets in the Estate.
- 6.2 All streets in the Estate are subject to the relevant road traffic legislation.
- 6.3 The speed limit is restricted to thirty (30) kilometres per hour.
- 6.4 Engine-powered vehicles, motor vehicles, motorcycles, bicycles, scooters, and electric vehicles are permitted to drive on the demarcated roads of the Estate only, and may not be driven on sidewalks, service roads, garden areas, or in the dog park. This excludes any powered mobility aid for the physically disabled.
- 6.5 No quad bikes are permitted to be driven anywhere within the Estate.
- 6.6 The use of vehicles with noisy exhaust systems is prohibited in the Estate.
- 6.7 A vehicle may not be parked in a manner that obstructs traffic flow or access to a property.

7. STREETScape, GARDENS, WATER FRONTAGE

- 7.1 Members must ensure a neat and pleasing streetscape on their properties and maintain the area between the kerb and the boundary of their property.
- 7.2 Members must maintain their garden, water frontage and sidewalk in a neat and tidy manner.
- 7.3 Garden fences, walls and outbuildings forming part of the streetscape must be regularly repaired, maintained and painted where necessary.
- 7.4 Members must ensure that declared noxious flora are not planted nor permitted to grow in their gardens, and in the event of any uncertainty, Members are requested to confirm the status of any plant with the Estate Manager.

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- 7.5 A person may not—
- 7.5.1 damage any trees, plants or lawn in any common areas; or
 - 7.5.2 remove any trees, plants or lawns in common areas without the written permission of the BoT.
- 7.6 Washing lines must be suitably screened from any street and neighbouring properties.
- 7.7 Caravans, motor homes, equipment, tools, engine and vehicle parts and the like, as well as any accommodation for pets, must be located out of view and totally screened from any street view.
- 7.8 No heavy industrial or commercial vehicles, including but not limited to,
- 7.8.1 buses, pantechicons and trailers, construction vehicles;
 - 7.8.2 vehicles that have three axles or more; or
 - 7.8.3 vehicles that have more than two rear wheels,
- may be parked or stored in the Estate unless located out of view and totally screened from any street view.
- 7.9 A Member may not allow vegetation or any other objects to be planted, erected or placed, as the case may be, in the area between the kerb and 1 meter from the kerb bordering their property or which otherwise is likely to interfere with or obstruct pedestrian traffic on the sidewalk or obscure the vision of vehicular traffic.
- 7.10 No advertising, notice boards, signboards or similar may be placed, affixed or attached on or near a property or in any other visible area.
- 7.11 A Member may not park or store any equipment, vehicle, jet ski, boat or trailer on any vacant erf unless—
- 7.11.1 that Member has written permission from the BoT to do so;
 - 7.11.2 the equipment, vehicle, jet ski, boat, or trailer is stored in a neat and tidy manner in accordance with the general rule that the Estate must be visually pleasing; and
 - 7.11.3 the Member complies with any conditions that the BoT may impose when granting such permission.

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7.11.4 All trailers must display ownership details and contact information.

8. PETS

- 8.1 The municipal bylaws relating to any pets will be strictly applied.
- 8.2 Members may not keep racing pigeons, wild animals, livestock or the like in the Estate.
- 8.3 Pet owners must always keep their dogs on a leash when walking them on any street or pavement in the Estate and must immediately remove any excrement deposited by their pets outside their own properties.
- 8.4 Members are responsible for ensuring that their pets are properly kept within the boundaries of their property. The BoT may demand that a member remove a pet should such a pet become a nuisance or a danger in the Estate. If a member fails to comply with a demand in this regard, the BoT may make arrangements to remove the pet at the cost of the Member.

9. TENANTS AND OCCUPANTS

- 9.1 Members are responsible for ensuring that all tenants or occupants of their property have been provided with a copy of these Rules. Receipt of the Rules must be acknowledged in writing by the tenants or occupants, and a copy of such receipt must be provided to the BoT by the Member at the BoT's request. The Member must ensure and is responsible for compliance therewith.
- 9.2 Should a Member let their property or permit any person to occupy their property, the Member must notify the BoT in writing, in advance of such letting or occupation and provide details of the tenant or occupant and the period of the lease or occupation. A form for this purpose is attached to these Rules.
- 9.3 If any of these Rules are breached by a member or any visitor, tenant, occupant, employee, service provider, contractor, or invitee of that Member, the Member will be held liable for such breach(es), any action, recovery or damages or penalties imposed by the BoT in terms of the Constitution or these Rules.
- 9.4 A Member may not utilise or permit their property to be utilised for purposes of a commune.

10. PROPERTY TRANSACTIONS AND ESTATE AGENTS

- 10.1 Estate agents must always personally accompany prospective purchasers or lessees who are not Members whilst they are on the estate.

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11. HOME BUSINESSES

11.1 A Member may not conduct any business from a property or any part thereof—

11.1.1 that requires constant access to the Estate by visitors or staff of that business; or

11.1.2 that places a burden on the infrastructure of the Estate,

without the prior written consent of the BoT and provided further that all conditions of the relevant town planning scheme or title deed for that property have been complied with.

11.2 The application process for home businesses is described in the document “Admiral Island and Pelican Bay Home Businesses Rules”.

11.3 If a member fails to comply with the above rules and any criteria or condition specified by the BoT may instruct the Member concerned to cease the business operations from home.

12. SECURITY RULES

12.1 Security personnel may not under any circumstances be abused or mistreated.

12.2 Security protocol at the gatehouses must always be adhered to. Under no circumstances may Members or any person other than security personnel, Board Trustee or authorised personnel be allowed into the gatehouse.

12.3 The access control system for permanent workers, temporary workers, contractors, and subcontractor representatives must be diligently enforced by every Member with respect to their tenants, employees, contractors and subcontractors. No visitor or any category of employee may enter the Estate without being issued the requisite authorisation.

12.4 All Members and visitors must adhere to security protocol and may not use access control devices belonging to another person. Misuse of access control devices may result in a penalty being imposed and the blocking of such devices.

12.5 Members are required to always treat the security personnel respectfully.

12.6 All Members must ensure that contractors or subcontractors in their employ adhere specifically to all the security stipulations.

12.7 Security-related incidents must be reported to the gatehouse security personnel or the Estate Manager immediately.

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- 12.8 Except for the Estate Manager or their appointed representative, no other person or security officer may authorise a deviation from these Rules or other Rules governing operational aspects for access or egress and movement in the Estate.
- 12.9 No electric fences may be erected inside the Estate boundary.
- 12.10 No unauthorised person/s may issue instructions to or countermand the standing instructions issued to security personnel.
- 12.11 Visitors to the Estate must be able to produce valid identification for access to the Estate, failing which such visitors may be refused entry.
- 12.12 Members are requested, where possible, to advise security in advance of large groups of visitors by informing the gatehouse staff or estate manager of the relevant particulars of the visitors.
- 12.13 A Member may not make or be party to the making of any false or frivolous alarm, alert, or notification, which may cause unnecessary concern or response.
- 12.14 The BoT may, from time to time, amend procedures regarding access.

13. HOA PERSONNEL

- 13.1 HOA personnel may not under any circumstances be verbally or otherwise abused or mistreated.
- 13.2 Members are requested to always treat the HOA personnel respectfully and courteously.
- 13.3 A Member may not issue instructions to, or countermand instructions given to HOA personnel by their respective managers.
- 13.3 Members may not request personal favours from HOA personnel, nor may they use personnel to do any private work during official working hours whilst the personnel are on duty.

14. DISCIPLINARY RULES

- 14.1 If a Member, or any other person for whom that Member bears responsibility in terms of these Rules and who are bound by these Rules, breaches any of the Rules (hereafter referred to as the defaulting Member"), the BoT may take action as contemplated in clause 10 (Penalties, Remedial Actions and related Matters) of the Constitution, read with clause 31 (Breach by Members) and clause 32

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(Dispute Resolution and Arbitration) of the Constitution, including any of the following actions:

- 14.1.1 request the defaulting Member to provide an explanation or apology in writing;
 - 14.1.2 issue a Written reprimand and request such defaulting Member to rectify such breach;
 - 14.1.3 withdraw any previously given consent applicable to the matter to which such default pertains;
 - 14.1.4 take such further action, including legal action, as the BoT may deem fit to enforce the Rules.
- 14.2 Subject to 14.6, the decision of the BoT regarding the enforcement of the Rules and the imposition of any sanctions in terms of these disciplinary Rules is final and binding.
- 14.3 Should a defaulting Member dispute that they have committed a breach of any obligation in terms of the Rules, the Member may elect to deliver a written submission to the BoT within a period of not more than 7 (seven) days from the date of expiry of the period of demand contained in a notice delivered to the affected defaulting Member. The written submission to the BoT (via the Managing Agency) must state why the defaulting Member is of the view that a breach of a rule was not committed.
- 14.4 Upon receipt of such submission, the BoT must convene a meeting with the Member as soon as reasonably possible to consider such submission.
- 14.5 The proceedings at such a meeting of the Board of Trustees must comply with the principles of natural justice.
- 14.6 The decision of the BoT is final and binding upon the HOA and the defaulting Member. However, the provisions of this clause do not preclude any party from seeking any relief from CSOS or a competent court.
- 14.7 Members acknowledge that they are responsible, as provided in the Rules, for the acts and omissions of their family, employees, contractors (and subcontractors), visitors and invitees, in respect of any of the aforementioned, and that the exercising by the BoT of any rights insofar as an offending party (who is not a Member) is concerned will not relieve the affected Member from their obligations, nor abrogate from the rights of the BoT to exercise any right or

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enforce any remedies against such Member arising from the offending breach of the Rules.

15. DISPUTE RESOLUTION BETWEEN MEMBERS

- 15.1 The following applies in respect of disputes between Members (including tenants and/or occupants):
- 15.2 If a dispute arises between Members (which includes any tenant or occupant), the parties involved must endeavour in the first instance to settle such dispute (whether relating to any nuisance, disturbance, or other complaint) and must in such circumstances exhibit due tolerance and act reasonably in accordance with the principles of good neighbourliness.
- 15.3 Where such a dispute cannot be resolved, should the disputing parties mutually agree, the dispute must be referred to the BoT, who must function as mediators (and not arbitrators) should the BoT have so resolved.
- 15.4 If the matter is resolved to the satisfaction of the disputing parties by mediation by the BoT, the settlement shall be final and binding upon the disputing parties.
- 15.5 Where the disputing parties have elected to submit their dispute for mediation to the BoT the disputing parties must, in equal shares, pay the reasonable costs which are incurred by the BoT about mediation, and which must be conveyed to the disputing parties before the mediation.
- 15.6 If the BoT elects not to mediate the dispute, the disputing parties must be so informed and are entitled to resolve or otherwise dispose of the dispute in such manner as they deem necessary, whether by way of legal proceedings or arbitration, it being expressly agreed that the BoT shall not be a party to any such proceedings or arbitration and shall bear no responsibility in respect thereof.
- 15.7 If a dispute arises between any Member and the HOA that cannot be resolved, the BoT, on behalf of the HOA, and the affected Member shall be entitled to declare a formal dispute, which must be dealt with in accordance with the provisions of clause 32 of the Constitution.

16. TRANSGRESSIONS AND PENALTIES

- 16.1 The Constitution of Admiral Island and Pelican Bay Homeowners Association (HOA) approved at a SGM on 4 May 2024, mandates the BoT to enforce the Rules of the Estate as imposed by the HOA and amended from time to time. Furthermore, clause 10.1 of the Constitution mandates the BoT to impose

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Penalties/Interest arising from the non- or overdue payment of any Levy, or the transgression of the Constitution or the Rules.

16.2 Clause 10.2 of the Constitution obligates the BoT to prepare and update an appropriate Schedule of Transgressions and Penalties, which forms an integral part of the Rules, the related amount, the procedure to be followed by the BoT when imposing a Penalty, the rights and obligations of transgressors, and the consequential effect of non-compliance.

16.3 The member must be notified in writing of the alleged transgression and will have 7 Days to respond. The matter will be considered by the BoT and remedial action/penalty imposed.

16.4 The following behaviour is not tolerated in the Estate and will result in a fine without the option of a warning.

Offence	Penalty
Reckless endangerment of members, animals and birds in the Estate.	100 % of monthly levy
Assault, attempted assault, intimidation, or threats of violence against any member or HOA personnel. Abusive language and swearing directed at the HOA's Estate Manager, representatives, employees, trustees, contractor or managing agent while performing their duties	100 % of monthly levy

16.5 The following penalties may apply to transgressions of the Rules other than those referred to in 16.4:

Number of Offences	Maximum Penalty
First offence	Warning or 50 % of the monthly levy
Second offence	50 % of the monthly levy
Third Offence	75 % of the monthly levy
Subsequent offence	100 % of the monthly levy

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ADDENDUM FOR TENANTS

Property Owner details:	
Name	
Address	
Town and Code	
Telephone	
Cell Phone	
E-mail	

Tenant details:	
Name	
Address	
Town and Code	
Telephone	
Cell Phone	
E-mail	
ID number	
Number of occupants	
Vehicle reg. number(s)	

Rental period start Rental period end

The rules of the AI&PB HOA have been received by the tenant in writing Yes / No

PROPERTY OWNER SIGNATURE:	
SIGNED at _____ on this ____ day of _____ 20__	
in the presence of the undersigned witnesses:	
1 _____	2 _____

TENANT SIGNATURE:	
SIGNED at _____ on this ____ day of _____ 20__	
in the presence of the undersigned witnesses:	
1 _____	2 _____