

# LA PASTORALE

HOMEOWNERS ASSOCIATION

## **RULES OF CONDUCT**

The Rules of Conduct were accepted on 25 May 2023 after the electronic voting of the Annual General meeting

**Municipal Reference – Erf 12913**

**TABLE OF CONTENTS**

<b>1. OBJECTIVES .....</b>	<b>3</b>
<b>2. THE POWERS OF EXECUTIVE COMMITTEE OF THE HOMEOWNERS ASSOCIATION .....</b>	<b>3</b>
<b>3. RULES.....</b>	<b>3</b>
3.1    Purpose of the Premises .....	3
3.2    Permanent Structures on the Premises.....	3
3.3    Maintaining and Improving the Premises .....	4
3.4    Rubbish and Refuse .....	5
3.5    General Behaviour .....	6
3.6    Pets .....	7
3.7    Vehicles.....	8
<b>4. COMMUNICATION WITH EXCOM REGARDING RESIDENT'S CONDUCT.....</b>	<b>9</b>
<b>5. AMENDMENTS TO THE RULES OF CONDUCT .....</b>	<b>9</b>

## 1. OBJECTIVES

The rules of conduct are not intended to replace the constitution or architectural guidelines or painting guidelines that govern all homeowners; instead, the purpose is to supplement those documents to:

- Maintain neighbourhood standards in order to support or increase property values
- Promote stress-free living in a high density community
- Promote good neighbourliness and community spirit. The fines should be seen the very last resort if reasonable agreement cannot be reached.

## 2. THE POWERS OF EXECUTIVE COMMITTEE OF THE HOMEOWNERS ASSOCIATION

Good governance requires the enforcement of these rules for the benefit of all homeowners.

The powers of the executive committee of the homeowners association (EXCOM) are defined in the La Pastorale constitution and include the following

- Determine what constitute appropriate standards for community living and the maintenance of properties in La Pastorale.
- Decide on actions of mutual benefit such as security and maintenance.
- Enforce the constitution, the architectural guidelines, the painting guidelines and the rules of conduct through requests, warnings or financial penalties or, in some cases, the referral of the matter to the municipality for enforcement of municipal regulations.

## 3. RULES

The levying of a one-time fine or a recurring fine for the first time is subject to clause 9 of the constitution.

### 3.1 Purpose of the Premises

<b>Rule</b>	<b>Non-Compliance - Referral</b>
The premises must be used for residential purposes as specified in the La Pastorale constitution.	Non-compliance with the municipal regulations will be referred to the Stellenbosch municipality for corrective action.

### 3.2 Permanent Structures on the Premises

<b>Rule</b>	<b>Non-Compliance – Fine</b>
<b>3.2.1 Structures other than Houses or Garages</b> No tents, trampolines, carports, shade cloths or any other structures of a temporary nature will be allowed to be erected on the premises if it is in view of the ground floor any other dwelling or passing traffic. No flagpoles, masts or any other overhead wires are permitted either.	A quarterly recurring fine of 50% of the annual La Pastorale levy may be charged to the homeowner until the problem is resolved.
<b>3.2.2 Signboards</b> No advertising signboard for the operation of a business other than that of a security company used by the owner may be affixed to any structure on the premises.	A quarterly recurring fine of 50% of the annual La Pastorale levy may be charged to the homeowner until the problem is resolved.

### 3.3 Maintaining and Improving the Premises

Rule	Non-Compliance – Fine
<b>3.3.1 Building and Alterations</b> When constructing a new house or doing alterations or additions, homeowners must comply with the building guidelines, as set out in The architectural Guidelines. Homeowners must submit their building plans to EXCOM for approval at least one month before it is submitted to the municipality. The municipality will not consider or approve plans without the endorsement of the La Pastorale Homeowners Association.	A one-time fine of 15 times the annual La Pastorale levy may be charged to the homeowner if building and /or alterations took place without the necessary approval or did not adhere to the architectural guidelines and the homeowner will be required to change it to comply with the architectural guidelines of La Pastorale.
<b>3.3.2 Disturbance during the building process</b> To avoid disturbance to other residents, building works may only take place between 07H30 and 17H30 on weekdays and between 07H30 and 13H00 on Saturdays. No building works may take place on a Sunday or on a public holiday. If an exception needs to be made, the consent of the occupants of neighbouring properties is required before the intended overtime work may commence.	After one warning had been issued, a fine of 50% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.
<b>3.3.3 Damage to Neighbouring Properties during the building or landscaping process</b> The homeowner accepts responsibility for any damage to neighbouring properties caused by his/her workmen and/or contractors. The damage must be repaired by the homeowner who is building and it must be done within a 30 day period or any other period agreed with the neighbours.	The HOA will have the damage repaired and this cost plus a one-time fine of 2.5 times the annual La Pastorale levy may be charged to the homeowner.
<b>3.3.4 Gardens and Pavements (See addendum A for further details regarding street verges)</b> a) EXCOM is not prescriptive regarding the plants in or the layouts of gardens, but expects all gardens to be as well maintained as climatic circumstances allow.  b) EXCOM is also not prescriptive regarding the pavements but expect pavements, curb stones and driveways to be weed free and as well maintained as climatic circumstances allow.  c) If paved areas, for whatever reason, are lifting or sinking, the damage must either be repaired or the paving replaced with plants or pebble stones.  d) Overhanging trees and plants that may impede traffic flow or impede visibility must be pruned regularly.	A recurring monthly fine of 2.5 times the annual La Pastorale levy will be charged to the homeowner until the problem is resolved.  A recurring monthly fine of 2.5 times the annual La Pastorale levy will be charged to the homeowner until the problem is resolved.  A recurring monthly fine of 2.5 times the annual La Pastorale levy will be charged to the homeowner until the problem is resolved.  Note that trees and plants that are growing on the pavement will be pruned by municipal workers if owners do not respond to a request and warning from the trustees.
<b>3.3.5 Houses</b> Dwellings must be kept neat and tidy. The walls, boundary walls, garage doors, white mouldings (especially those of flat roofed houses) and roofs must be well painted and regularly maintained.	A quarterly recurring fine of 50% of the annual La Pastorale levy may be charged to the homeowner until the problem is resolved.

Rule	Non-Compliance – Fine
<b>3.3.6 Painting of Houses and Perimeter Walls</b> When painting a house and / or perimeter walls, homeowners must comply with the painting guidelines which are defined in a separate document and submit the selected colour scheme for approval to EXCOM.	A one-time fine of 15 times the annual La Pastorale levy may be charged if painting is outside the guidelines and/or not approved

### 3.4 Rubbish and Refuse

Rule	Non-Compliance – Fine
<b>3.4.1 Dumping</b> The dumping of materials or goods on the internal roads or on any other erf is not permitted.	A recurring quarterly fine of 50% of the annual La Pastorale levy may be charged to the homeowner until the problem is resolved.
<b>3.4.2 Garden Refuse</b> Garden refuse must be removed from the pavement or front garden within a week of it being put there.	The HOA will have the refuse removed and this cost plus a one-time fine of 2.5 times the annual La Pastorale levy may be charged to the homeowner.
<b>3.4.3 Rubbish Bins</b>  <b>For the Municipal Collection of Rubbish on Tuesdays</b> a) Non-recyclable rubbish must be put in wheelie bins.  b) Wheelie bins and transparent bags may be put on the pavement after 18H00 on Monday.  c) Wheelie bins must be removed from the pavement before 22H00 on Tuesday.  d) Note that if residents are not at home for a day or two it will be taken into account if any complaints are received, provided that it is not a weekly occurrence  <b>At all other times</b> All rubbish bins must either be stored completely out of sight so that it is not visible from the street or the ground floor of neighbouring homes or screened from the street view if it cannot be accommodated in a garage or back garden. Apart from the fact that rubbish bins in full view are unsightly, it also poses security risks as it can be used to scale gates or walls.	A fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.  A fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.

### 3.5 General Behaviour

Rule	Non-Compliance – Fine
<b>3.5.1 Fireworks</b> Fireworks are never permitted.	There will be no written request or warning - a fine of 100% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.
<b>3.5.2 Garden Area</b> The garden area bordered by Beethoven, Haydn and Mozart streets is there for the enjoyment of all residents and may be used for braais and children's parties etc. The normal rules about noise apply and residents must leave the area in the same state as they found it.	There will be no written request or warning - a fine of 50% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.
<b>3.5.3 Noise</b> <p><b>General</b>            Municipal regulations regarding noise must be adhered to so that no resident or guest or service provider causes a nuisance or disturbance to other residents in the quiet enjoyment of their own premises. This includes the use of radios, televisions, sound systems, musical instruments, power tools, motorbikes, lawn movers, swimming pumps, grinders and any other noisy household equipment used outside.</p> <p><b>Alarms</b>            It is a good idea to let your neighbour have, if not keys to your house, at least a remote control to be able to switch off unattended alarms that go off in error.</p> <p><b>Generators</b>            The impact of the noise of the generator on neighbours must be minimised:            Generators may only be operated between 06H00 and 22H00.            It must be equipped with a good silencer and proper soundproofing.</p>	After one warning had been issued, a fine of 50% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.  Note only  After one warning had been issued, a fine of 50% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.
<b>3.5.4 Washing</b> Washing may not be hung out on portable washing racks or on balcony railings or on any other device where it is visible from the ground floor of neighbouring homes or from the street.	After one warning had been issued, a fine of 50% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.

## 3.6 Pets

Rule	Non-Compliance – Fine
<p><b>3.6.1 General</b></p> <ul style="list-style-type: none"> <li>a) The only non-captive animals that may be kept on a property without permission are cats and dogs. To keep any other non-captive animal such as a pet pig, permission must be obtained from EXCOM.</li> <li>b) There is limit of four non-captive animals per property. To keep more than four residents must obtain written consent from EXCOM.</li> <li>c) EXCOM may report the owner of any animal that is considered a danger or a nuisance or disturbance to other residents be it captive or not.</li> </ul>	<p>A one-time fine of 2 times the annual La Pastorale levy may be charged to the homeowner.</p> <p>A one-time fine of 2 times the annual La Pastorale levy may be charged to the homeowner. If the amended rules of conduct are accepted this fine will not be applied retrospectively.</p> <p>Non-compliance with the municipal regulations may be referred to the Stellenbosch municipality for corrective action.</p>
<p><b>3.6.2 Cats</b></p> <p>All male cats must be neutered and female cats must be spayed. Failure to comply will result in the HOA taking the animal to a vet for the necessary procedure.</p>	<p>A one-time fine of the vet's cost plus 2.5 times the annual La Pastorale levy may be charged to the homeowner.</p>
<p><b>3.6.3 Dogs</b></p> <ul style="list-style-type: none"> <li>a) Dog owners must ensure that all points of access to their property remain closed at all times so that dogs cannot get out and wander around the neighbourhood. This applies to all dogs irrespective of size and age.</li> <li>b) All dogs must be on a leash when not enclosed in their owner's or carer's garden.</li> <li>c) Barking for longer than 15 minutes continuously or noisiness for no apparent reason is not allowed either inside the house or garage or outside on the property.</li> <li>d) Dog faeces must be removed immediately by the pet owner, particularly on pavements and the public space which is for the enjoyment of the whole community.</li> </ul>	<p>After one warning had been issued, a fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.</p> <p>After one warning had been issued, a fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.</p> <p>After one warning had been issued, a fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.</p> <p>After one warning had been issued, a fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.</p>

### 3.7 Vehicles

Rule	Non-Compliance – Fine
<b>3.7.1 Number of Vehicles</b> A tenant and his family may not have more vehicles in permanent use in La Pastorale than there are garages and parking spaces in the driveway of the property.	A recurring monthly fine of 50% of the annual La Pastorale levy may be charged to the homeowner until the problem is resolved.
<b>3.7.2 Speeding</b> Be considerate and drive according to the speed limit of 30 kilometres per hour -the roads are narrow and pavements are not pedestrian friendly.	Continuous reckless driving may be reported to the traffic department.
<b>3.7.3 Illegal Parking</b> To ensure safe driving and to minimise inconvenience to residents all vehicles in La Pastorale must be parked according to the K53 manual for learner and driving licence tests. The following no-parking areas as quoted are especially pertinent in our neighbourhood:	Periodically the traffic department may be asked to issue parking tickets to illegally parked vehicles.
a) On a pavement / sidewalk, unless the vehicle is being used for business by a peddler, street vendor or hawker. (I.e. you may NOT park on the pavement).  b) Across a private or public vehicle entrance. (Please make sure your neighbours can get in and out of their garages / driveways).  c) In an urban road that is less than 5.5 metres wide unless it is a one way road. (I.e. you may NOT park in the street as the La Pastorale streets are only 5 metres wide).	
<b>3.7.4 Permanent parking in front gardens rather than in garages or driveways</b> This is not allowed as it is unsightly and unappealing and lowers the tone of the neighbourhood. Vehicles must be parked either in a garage or in a driveway. Where there is no clearly defined driveway no more than two cars may be parked on other paved areas.	A recurring quarterly fine of 50% of the annual La Pastorale levy may be charged to the homeowner until the problem is resolved.
<b>3.7.5 Parking for Guests</b> If you are expecting guests that will arrive in more cars than can be accommodated in your driveway:	Note only
a) Ask your neighbours if you may use their driveway for the occasion.  b) Ask your guests to park on one of the three sides of the public space. But please note that this area is available for a period of 24 hours maximum - it is NOT an area to accommodate spill-over vehicles permanently. Parking is at the owner's own risk.	Note only
<b>3.7.6 Parking of Caravans, Trailers and Boats</b>	A recurring quarterly fine of 50% of the annual La Pastorale levy may be

<b>Rule</b>	<b>Non-Compliance – Fine</b>
No caravans or trailers or boats may be permanently parked in a driveway, on the pavement or front garden of a property.	charged to the homeowner until the problem is resolved.
<p><b>3.7.7 Vehicle Repairs</b></p> <p>Vehicle repairs may not cause a disturbance for other homeowners - any repairs are to be undertaken inside the garage with the door closed.</p>	After one warning had been issued, a fine of 25% of the annual La Pastorale levy may be charged to the homeowner every time the transgression occurs.

#### **4. COMMUNICATION WITH EXCOM REGARDING RESIDENT'S CONDUCT**

Homeowners and tenants may highlight problem areas or direct complaints to EXCOM via e-mail to the homeowners association's administrator at [Complaints@LaPastorale.co.za](mailto:Complaints@LaPastorale.co.za)

Please note that EXCOM will only become involved in disagreements between neighbours if:

- One or more of the La Pastorale rules of conduct were broken and are still being broken
- The directly affected complainant has already addressed the issue with his / her neighbours with no success or can provide EXCOM with a valid reason why this is not possible
- The complainant can provide EXCOM with dates and times when the rules were broken and when he / she addressed the issue with his / her neighbours
- The complainant is not anonymous and is willing to be named when the issue is addressed with his / her neighbours.

#### **5. AMENDMENTS TO THE RULES OF CONDUCT**

Any amendment or addition to the rules or the monetary amounts of the fines, may be effected by a Resolution passed by at least a TWO-THIRD (2/3) majority of the attendees and proxies, at a General Meeting provided that a quorum is present, after written notice thereof setting out such amendment or addition in full, has been given in the notice calling the meeting. The new rules will be applicable to all members of the association from the day the resolution is passed.

## ADDENDUM A: STREET VERGE HARD AND SOFT LANDSCAPE

### 1. Purpose

To outline and identify the responsibilities of each homeowner or occupier concerning the landscape and environmental quality of the street verges. The street verges form an integral part of La Pastorale, contributing to the visual and aesthetic continuity of the entire public realm; thereby enhancing the 'sense of place'.

### 2. What is the street verge

Our Street verges are the narrow spaces of land that are within the streetscape that need to be safe for pedestrians and road users as well as being visually attractive. This includes the sidewalks on Houtkapper street and Paradyskloof road.

The street reserve is between the edge of a made roadway or constructed kerb and the property boundary. This area can include landscaping, made footpaths, driveways, trees, and a variety of traffic furniture (i.e., stop signs and signage).

### 3. Who is responsible for the street verge

The street verges, as the roads, are part of the road reserve and is municipal land. However, the property owner or occupier is encouraged to take pride in the verge which borders their property including the corner verge, to enhance the amenity and aesthetic value of their properties and the streetscape.

Street verge development, including acceptable materials and landscaping, is the responsibility of the owner or occupier. The owner or occupier needs to ensure that any verge treatment is completed, maintained, and repaired. In the event of a change of land ownership, the responsibility for a developed/ undeveloped street verge passes onto the new owner or occupier.

The maintenance of a street verge may include the following:

- 1) Pruning of trees and plants and mowing lawns.
- 2) Raking and removing of leaves.
- 3) Replacing dead or old plants.
- 4) Weed control.
- 5) Watering.
- 6) Irrigation reticulation repair and maintenance.
- 7) Topping up, cleaning, and retaining mulch and gravel.
- 8) Cleaning and repair of walkways and driveways.

### 4. General street verge principles

Developing and maintaining, with soft and hard landscaping, a street verge contributes in many positive ways to your street: providing a healthier environment for street trees and landscapes, absorbing rainwater, and providing much needed habitat for small creatures like bees and butterflies. Plants also work as natural air conditioners when air moves through the moisture in the leaves. Collectively the more plants in an area; the cooler it can be which is particularly useful in summer.

The following principals will assist when developing or maintaining your street verge:

- 1) Homeowners are required to landscape and maintain the sidewalk / road reserve areas immediately in front of their properties
- 2) The allowance of 1,5m sidewalks are encouraged as this is in line with the proposed municipal bylaw.
  - a. The 1.5 meters should be kept clear of high shrubs and trees that could be an obstruction to adults, children and elderly walking there
- 3) Promoting the use of indigenous water-wise plant species will be encouraged but is not mandatory.
- 4) All open soil areas should be covered with hard or soft landscaping. Generally street verges should not consist of less than 50 per cent of planting or permeable surface area. The remaining 50 per cent will consist of all crossovers, footpaths, driveways, and paving. However, already paved street verges could be maintained as is.

- 5) Shading, screening, and general micro-climate controlling along street verges are encouraged.
- 6) Homeowners are encouraging to install and maintain an irrigation system that is inconspicuous and efficient. Alternative watering sources are welcomed
- 7) Consider using gravel, mulching and other permeable material in combination with the soft landscaping.