

REGULATIONS

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1 Scope

Provisions of the Constitution of Capricorn Beach Homeowners Association in relation to regulations:

- 1.1 Section 8 of the constitution provides that trustees can make regulations regarding:
 - 1.1.1 The member's rights of use, occupation and enjoyment of the private (common) areas.
 - 1.1.2 The external appearance of and the maintenance of the private area and the buildings etc.
 - 1.1.3 The erection of any building and or structures of any nature whatsoever and the alteration, modification and renovation to such buildings and structures on the Unit erven.
- 1.2 Section 17 of the constitution relating to the functions and powers of the trustee committee provides in section 17 that the Trustee Committee may make regulations and by-laws not inconsistent with the constitution or any regulations and by-laws that are made in the general meeting regarding:
 - 1.2.1 Disputes generally
 - 1.2.2 The furtherance and promotion of any of the objects of the association
 - 1.2.3 The better management of the affairs of the association
 - 1.2.4 The advancement of the interests of Members
 - 1.2.5 The conduct of trustee committee meetings
 - 1.2.6 To assist in administering and governing its activities generally

These provisions are intended to enable the Trustee Committee to manage the affairs of the development on a day to day basis. The GM may override a regulation made by the committee. This is in place to protect homeowners in the event that the trustees make some decision that is not in the best interests of the majority.

2 Fines and Penalties

The trustees shall decide on the period that may be granted to make good on any breach. Failure by the person to make good on any breach within that time may result in a penalty being imposed by the Trustees or legal action taken appropriate for the circumstances.

The schedule of fines to be applied by the Trustees has to be proposed and approved at every AGM. The Trustees are not to impose fines or take legal action without having given the respondent fair time and opportunity to reply.

3 Complaints

All complaints about any breach of these Conduct Rules, the Constitution or any other matter must be directed in writing to the HOA Offices.

4 Deposits during Alterations and Building and water charges.

- 4.1 When undertaking building and alterations, in some cases damage may be caused to the common areas around the property. This has cost implications for the HOA and must be paid for out of levies thus disadvantaging other homeowners. In order to ensure that the common areas are left in or restored to their previous state after the building/alterations we require a refundable deposit from the homeowner. The trustees strongly advise homeowner's to inspect and where necessary take photos of the common area around their property before commencing.
- 4.2 The full deposit will be returned to the homeowner in the event that no damage is caused.
- 4.3 The full deposit will be returned to the homeowner in the event that a homeowner rectifies any damage to common areas to the satisfaction of the Trustees.
- 4.4 In the event that the HOA is required to rectify any damage, the unused balance of the deposit (if any) will be returned to the homeowner along with proof of costs incurred by the HOA in the process of rectifying such damage.
- 4.5 In the event that the cost to rectify the damage exceeds the amount of the deposit paid, the outstanding balance will be billed to the homeowner's account this will be accompanied by proof of costs incurred by the HOA.
- 4.6 The following amounts apply:
 - 4.6.1 Construction of a new Unit – R13 000 is payable to the CBHOA which includes a R10 000 refundable deposit and an additional R3 000 to cover costs for water and sewage during building
 - 4.6.2 Major renovations/alterations to an existing Unit (another bedroom, garage etc) – R6 000 is payable to the CBHOA which includes a R5 250 refundable deposit and an additional R750 for water and sewage.
 - 4.6.3 Minor alterations (pergola, carport etc.) -Nil charges
- 4.7 This deposit is applicable to all new building/alteration projects as of August 2007
- 4.8 Before an Owner may commence with the construction of any building or alterations the Owner must notify the CBHOA in writing. Both parties must meet to inspect the site/property and note any existing damage to the surrounding common areas. Should the CBHOA not be notified, it will be assumed that the surrounding areas will have been in order and any damage to common areas found at the follow up inspection after the said construction will be made good by the Owner at the Owners cost.

5 Additional Water Charges for Pool Owners

In line with the provisions of section 9 of the Constitution owners building or installing private pools will be charged a once off fee of R250 for filling the swimming pool and an additional monthly levy for ongoing water charges **when there are no municipal restrictions in place disallowing municipal water to be used** as follows:

- Jacuzzi/splash pools – R100.00 p/m.
- Medium pools up to 6 x 3m – R150.00 p/m.
- Large pools larger than 6 x 3m – R250.00 p/m

Where a home owner has a well point, the pool levy is to be waived on receipt of written undertaking from the homeowner to only use well point water to fill the pool. Such home owner must allow for random inspection of his well point between 1st Nov and 30th of April. Should such well point when found on inspection not to be functioning, a levy equal to 6 months as per the above shall be levied retrospectively and the monthly levy charged forthwith until proof of repairs has been furnished to the Trustees.

6 Private Area Swimming pools

Residents are only permitted 2 guests at the swimming pool at any one time and all residents and their guest must wear a HOA issued arm band at the pools.

7 Noise levels

- 7.1 Noise levels appropriate for the time of day shall be maintained at all hours.
- 7.2 Any kind of undue noises that may be considered disturbing by any occupier are prohibited between 22h00 and 7h00.
- 7.3 No car sound systems to be used whilst driving or parking.
- 7.4 No hooting.
- 7.5 No revving of engines.

8 Pool and play areas

No alcohol or smoking permitted in any of the pool and play areas.

9 Additions/alterations to private property(s)

Any homeowner wanting to make any alterations/additions to their property must contact the HOA office for the correct procedures that need to be followed.

10 Estates agents and home owners' policies and procedures

- 10.1 All Estate Agents who wish to conduct business within The Development must register, in terms of The Constitution, with the HOA.
- 10.2 All Estate Agents and members must, within 7 days of a lease having been concluded, return to the HOA offices the applicable HOA form containing the basic terms and conditions of the lease, such as number of occupants, the names and full contact details of the lessees, their ID numbers and the duration of the lease.

11 Restriction of skateboarding

- 11.1 Skateboarding on the common property is tolerated between 10am and 6pm.

11.2 Equipment such as ramps and grinding rails are not tolerated.

12 Car disk(s)

12.1 All residents are required to register their vehicle(s) with the HOA office.

13 Contractors regulations

Where a home is still under general construction or major alterations or extensions are being done the following shall apply to general contractors working on such site.

13.1 General contractors and their sub-contractors may only work within Capricorn Beach from Monday to Friday 08h00 to 18h00, Saturdays from 08h00 to 14h00.

13.2 All such contractors and their labourers must be able to present proof of employment for the particular site e.g. a letter or e-mail from the owner having notified the CBHOA office of the general construction to be commencing and to be undertaken. Identification tags should be requested from the office where applicable.

14 Visitor Entry and Egress

14.1 All visitors to the complexes serviced by Skorpios and Sanderling gates, will gain entry via the Skorpios access gate. Residents are required to direct their visitors to the Skorpios gate for entry and egress.

14.2 Entry to the Capricorn Beach complex at the Sanderling Road Gate is for residents only.

21.3 Entry to the other complexes is via the relevant entry and egress gates.

15 Parking and Roads

Any vehicle to be brought into the HOA must be of an appropriate condition/build and size suitable for the use of the existing gates, roads and parking bays. When parked, a vehicle may not be jutting out into the road or make the convenient use of a neighbouring parking bay impossible.

Vehicles which are not meeting the required conditions may be denied entry i.e. the use of the roads (e.g. clearly not roadworthy or illegally altered).

Only self-propelled vehicles may generally be parked in the parking bays. Trailers etc. must generally be parked in driveways and garages situated on unit erven. Should a home owner have a visitor for a longer time period, coming in with a trailer, who can't provide parking on his unit erf, such home owner may request a time limited parking permit for such trailer from the HOA office.

The security Trustees may request temporary (time period must be specified and may not be longer than 2 months) special powers to deploy wheel clamps on HOA private areas which are accessible to the public at large to re-establish control over such areas where and when continued disregard for parking and use of road regulations occurs. Such request must be authorised in writing by both the Chairperson and the Trustee looking after the compliance with the governing documentation or by majority resolution of the board be it round robin or taken at a meeting. The Chairperson and Rule's Trustee shall have the power to remove/veto a majority resolution to grant such powers. The board may remove/veto any such power by majority resolution if such powers were granted by the Chairperson and Rules' Trustee be it round robin or in a meeting. The release fee shall be R500 or as amended by majority resolution of the board.

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16 Access Tags and Pool Bands

No more than 2 access tags per unit erf are to be issued unless special circumstances apply. A non-refundable security deposit of R350 will be charged per tag. The amount will be added to the levy account. No cash payments will be accepted. Tenants must furnish written permission from their landlord or their agents in order to be able to collect a tag and to have it added to the respective levy account. Tags are not issued to persons but to the properties.

4 pool bands are issued free of charge per unit erf. Any additional bands are issued at R100.

17 Plan Submissions and Approvals

The Trustees shall consider each application as provided so for by the HOA Constitution, any applicable Architectural Guideline and Rules. When considering a plan application, the paragraphs 37.1.1 and 37.1.2. of the Constitution must be specifically observed. Where Trustees must reasonably come to the opinion that a proposed plan materially deviates from the provisions of the above-mentioned paragraphs i.e. where a proposed dwelling would arguably conflict with the direct neighbours' interests in terms of light, views etc. or where it would change the nature of the neighbourhood to an extent where the basis would be negated on which a neighbour may have decided to buy his property, the Trustees are to request the applicant to have his plans endorsed by all direct neighbours before giving their final approval.

DOCUMENT APPROVAL:

	NAME	SIGNATURE	DATE
EDITED:	Claus Tobin		
CHAIRMAN:	Sanet Boysen		