

# Likweti



BUSHVELD FARM ESTATE

LIKWETI ESTATE  
HOME OWNERS  
ASSOCIATION (LEHOA)

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**RULES OF CONDUCT – JANUARY 2014**

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## **A. INTRODUCTION:**

LIKWETI ESTATE HOME OWNERS ASSOCIATION (“The Association”) is a non-profit company incorporated as a Non-profit Company under the Companies Act 71 of 2008.

The main purpose of the Rules of Conduct is to encourage individuality whilst enhancing the objectives of Likweti Bushveld Farm Estate (“The Estate”) as a whole and for the benefit of all the residents.

These rules will remain in effect until such time as the Executive Committee (EC) of Likweti Home Owners Association (LEHOA) amends it. For the duration of the development the EC will be the developers after which The Owners will appoint the new EC at an annual general meeting.

The registered Owner of the property (“The Owner”) is responsible for ensuring that all members of his family, tenants, employees, contractors, sub-contractors, delivery persons and any other person visiting the property also comply with the Rules of Conduct.

These rules may be amended, supplemented or deleted at any time by the EC.

Any reference to an Owner includes that Owner’s lawful successors-in-title and permitted assigns;

The headings in the Rules of Conduct are for reference purposes only and shall in no way govern or affect the interpretation of nor modify nor amplify the terms of this document.

Unless inconsistent with the context, an expression in this Rules of Conduct which denotes:

- a) any one gender includes the other genders;
- b) a natural person includes an artificial person and vice versa; and
- c) the singular includes the plural and vice versa.

Any person contravening or failing to comply with any provision of the Rules of Conduct shall be liable to a penalty as the directors may from time to time decide.

## **B. ARCHITECTURAL GUIDELINES**

The design and construction, including any alterations or additions, of all structures must be strictly in accordance with the provisions set out in the Likweti Estate Home Owners Association - Architectural Guidelines document. The EC reserves the right to update and / or amend these guidelines from time to time as it deems necessary. The EC will have the right to charge penalties in accordance with these Rules of Conduct, in the case of an owner contravening the Architectural Guidelines.

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## **C. RULES OF CONDUCT**

### **1. TRAFFIC AND STREETS**

- 1.1 Streets are primarily intended for vehicular traffic by all occupants of The Estate.
- 1.2 The general speed limit is 40km/h on any paved roads unless otherwise indicated. Drivers should be aware that the roads contain speed humps.
- 1.3 Vehicles are only allowed on the tar roads and specifically indicated off-road routes.
- 1.4 Only licensed drivers are permitted to operate motor vehicles, motorcycles, road bikes or golf carts on The Estate. Only children with special Likweti permits may drive golf carts on The Estate provided that the parents have signed the necessary indemnity documentation. The use of golf carts without lights and reflectors is not permitted on The Estate's streets after sunset.
- 1.5 No person shall drive or ride any vehicle on The Estate while he is under the influence of alcohol or any drug which may, in any way, affect his ability to control such vehicle.
- 1.6 No vehicle shall enter or leave The Estate at any point apart from at the designated entrance gates, except in special circumstances and then only with the consent of or at the discretion of the EC.
- 1.7 Contractors and sub-contractors shall only enter through the designated "service entrance" and keep to the demarcated contractor roads at all times.
- 1.8 The EC may refuse entry to The Estate of any vehicle which emits engine noise considered to constitute a nuisance to other home Owners.
- 1.9 The following vehicles are specifically banned from long-term parking or storage in an unsightly manner on The Estate unless suitably garaged or screened:
  - a) Caravans
  - b) Trailers
  - c) Boats
  - d) Trucks or lorries and
  - e) Any vehicle in store or under repair
- 1.10 No person may wash, dismantle or effect major repairs to any vehicles on any portion of the common property.
- 1.11 No helicopters or any other means of aerial conveyance may be landed at any place in The Estate, except with the consent of and subject to such conditions as may be laid down by the EC.

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1.12 The following restrictions are placed on any vehicle entering the estate:

- a) Maximum axle weight: 6 000 kg
- b) No interlinks

1.13 Hooters shall not be sounded within the common property other than in the case of emergencies.

2. COMMON AREAS:

2.1 Any fences, walls and outbuildings shall be maintained and be kept neat and clean.

2.2 Wendy houses, sheds, horse-boxes, engines and vehicle parts, as well as accommodation for pets, are to be sited out of view and screened from neighbouring properties as far as possible.

2.3 Littering anywhere on The Estate including open spaces is strictly forbidden.

2.4 No rubble or building material may be dumped on the sidewalks or other common areas under any circumstances.

2.5 No person shall anywhere in the common area disturb, harm, destroy, or permit to the disturbance of any wild animal, insect, reptile, or bird.

2.6 No person shall disturb, destroy or collect any plant material, whether living or dead without the prior consent of EC.

2.7 No fires shall be lit anywhere in the common area except at such place as designated for that purpose by the EC and in a properly constructed fireplace.

2.8 No camping shall be permitted, except at areas specially designated by the EC.

2.9 Fishing shall only be permitted in areas specifically designated for the purpose by the EC.

2.10 No boating is permitted on any of the dams.

2.11 Any pollution to dams, water-courses and parkland is strictly prohibited. The cost of rectification and clean-up thereof shall be borne by those found to be responsible for the pollution.

2.12 No person shall use any open space within The Estate in any manner, which may unreasonably interfere with the use and enjoyment thereof by others in The Estate.

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2.13 Where the EC has granted any Owner the exclusive use and occupation of any area within The Estate, no person shall in any manner whatsoever, disturb or interfere with such member's enjoyment of his rights / of his exclusive use and occupation.

2.14 Should an Owner or occupant fail to comply with any of the above rules, the Association is entitled to carry out the necessary work (or have it done) and to claim payment of this expenditure from The Owner or occupant.

### 3. NATURE RESERVE:

3.1 The nature reserve section of The Estate will be owned by the Association as common property, with each Owner as equal shareholders' in the nature reserve property.

3.2 The nature reserve may be used by the residents only for walking, birding and related activities. Walking should preferably take place on the demarcated walking trails. Driving on the nature reserve section will only be allowed on demarcated roads and areas.

3.3 Non-residents will not be allowed to enter the nature reserve section of The Estate, except if accompanied by an Owner or a member of his family.

3.4 No feeding of the animals will be allowed anywhere in The Estate.

3.5 Hunting and / or trapping of any sort is strictly forbidden on The Estate.

### 4. STAND APPEARANCE AND MANAGEMENT:

4.1 Each Owner is responsible for maintaining the area between the road and the boundary of his property in a clean and pleasing condition. The LEHOA may compel an Owner or tenant to improve the aesthetic appearance of this area or carry out the work when deemed necessary at the cost of The Owner or occupant. No trees, plants or pavement lawn may be damaged, removed or planted within this area without the prior approval the LEHOA. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.

4.2 Residences and walls should be regularly maintained and painted. If in the opinion of the EC the lack of maintenance is impacting on Estate standards and market values, a penalty will be imposed on The Owner.

4.3 Owners are not allowed to traverse or trespass any other residential erf other than its own, whether as pedestrian or by vehicle.

4.4 Owners will not be allowed to develop a garden or erect any structures within the 1:100 year flood line, or in any way affect the riverine vegetation, or alter or impede the flow of any stream.

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- 4.5 The erection of all structures including swimming pools will only be allowed within the approximate 1500m<sup>2</sup> “hard” building zone.
  - 4.6 A further approximate 1500m<sup>2</sup> “soft” building zone, constituting a total building zone of 3000 m<sup>2</sup>, is allowed for the development of gardens,
  - 4.7 The total building zone of approximately 3000m<sup>2</sup> may be fenced according to the stipulations in the Architectural Guidelines.
  - 4.8 The portion of the residential erf outside the demarcated building zone may not be developed in any way and must remain natural and undisturbed.
  - 4.9 Fencing is subject to the following conditions:
    - a) Only the building zone of 3000m<sup>2</sup> may be fenced in, and in addition to this, only with the fence type as prescribed by the EC.
    - b) The Board must approve the fence before erection starts.
    - c) Swimming pools must be fenced in or covered so that it is not of any danger to anyone, and must to be maintained properly.
  - 4.10 Owners must assist with the prevention, control and extermination of invasion plants everywhere on their property.

## 5. GOOD NEIGHBOURHOOD:

- 5.1 Any activity or hobby which might cause aggravation or nuisance to fellow residents may not be conducted from any property. Auctions and jumble sales are not permitted, with the exception of legitimate legal auctions of stands or houses as arranged with LEHOA.
- 5.2 Dynamite, explosives, fireworks, fire-crackers or other inflammable substances of any type may not be brought into or kept on The Estate, and their use is prohibited at all times.
- 5.3 No firearms or weapons of any type, including bb-guns, daisie-guns or any other form of air-gun, may be used or discharged on The Estate except in the case of emergencies.
- 5.4 Owners must ensure that domestic workers and other employees do not congregate at any prominent public areas on The Estate, such as at the gates, road circles and cross-roads or anywhere on the streets.
- 5.5 No washing or laundry shall be hung where it will be visible from the street or any other property.

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## 6. SECURITY:

- 6.1 Both vehicular and pedestrian access will be strictly controlled at the gate house. Owners have overall responsibility for ensuring that all personnel residing, visiting or employed at their property adhere to the security protocol and ID system in practice at the main gate and elsewhere on The Estate.
- 6.2 No instructions shall be given to security personnel other than by the EC and no favour, payment, reward or any other form of inducement may be passed to security staff, other than the annual Christmas arrangements made by the EC.
- 6.3 All attempts at burglary or fence breaching are to be reported immediately to the EC.
- 6.4 New occupants have to register themselves and their contact particulars with The EC on arrival and existing occupants similarly have to provide updates of any amendments to their particulars.
- 6.5 All domestic workers, gardeners and any other employees have to be registered with the EC, and furthermore have to be informed of the termination of such an employee so that they may be deregistered from the system.
- 6.6 An Estate ID will be issued to these domestic workers, gardeners and other employees after registration and The Estate ID should then be worn at all times outside of The Owner's property.
- 6.7 Suspicious persons not wearing an Estate ID are to be reported to the Security immediately.
- 6.8 Owners have the responsibility to inform all members of their families, friends, visitors, employees and contractors of the dangers associated with the electrified fences. The EC and LEHOA may not be held liable for damage, injury or loss of life caused by the perimeter fences.
- 6.9 Gate access cards / keys / remote controls and replacements thereof are issued by the EC for a fee and are not to be used by anyone other than the registered user. They may not be loaned and losses or theft thereof should be reported immediately to enable their invalidation on the system and reissue thereof.
- 6.10 The gate house security is to be informed of any expected visitors in advance. Failing to make contact with the residence concerned the visitor will be denied access. Visitors will be issued with an access card for their entry.
- 6.11 Owners are fully responsible for the security of their properties, contents and any belongings whatsoever.



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- 6.12 Neither the EC nor the LEHOA will accept any liability or be held responsible whatsoever for any theft, damage or injury, including death arising from a breach of security on The Estate.
- 6.13 Only three (3) entrance cards will be permitted per stand and can be obtained from The Estate office at a cost. An Owner may apply for more cards in writing to the EC. The reason for and the amount of the extra cards should be stated in the application. Lost cards should be reported to The Estate Manager. A fee will be charged for lost cards.
- 6.14 It is recommended that owners install a home security system as soon as possible after taking occupation of their homes and is required to link the system to the response company appointed by the EC.

## 7. LEVIES:

- 7.1 Any amount due by an Owner by way of a levy shall be debt due by him to LEHOA. The obligation of The Owner to pay a levy shall cease upon his ceasing to be a member LEHOA, without prejudice to The Association's right to recover arrear levies. No levy paid by an Owner shall under any circumstances be repayable by LEHOA upon The Owner ceasing to be a member. An Owner's successor-in-title to an erf shall become liable upon the date upon which he becomes a member pursuant to the transfer to the erf into his name, to pay the levy attributed to that erf. No Owner shall be entitled to transfer his erf to any transferee until LEHOA have certified in writing by means of a clearance certificate that the outgoing Owner has as at the date of transfer paid all amounts owing by him to LEHOA. The condition may become a title condition of erven in the Township.
- 7.2 No Owner shall be entitled to enter into a lease agreement without all levies being fully paid up.
- 7.3 No Owner shall be entitled to neither attend or vote at any meeting of members of The Association nor be a director of LEHOA while any amount due to The Association is in arrears.
- 7.4 The levies for the initial period will be R1700 per month. An additional amount will be charged for the link with the appointed armed response company.

## 8. LETTING AND RESELLING OF PROPERTY:

- 8.1 Should an Owner wish to sell or lease his property, personally or through an agent The Owner is obliged to ensure that the agent is in possession of a copy of these rules as well as the Memorandum and Articles of Association, Architectural and Contractors Guidelines and that the purchaser or lessee is furnished with copies thereof and binds himself in writing to subject himself

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to these rules, and the Memorandum and Articles of Association as from the date of occupancy or Ownership, whichever is the earlier.

- 8.2 Should an Owner conclude a rental agreement or grant anyone right of occupancy, that Owner shall be obliged to notify LEHOA in writing before such a person occupies the property.
- 8.3 Each lease agreement in terms of which a property is let shall as a prerequisite have the Rule of Conduct as an integrated annexure.

#### 9. PETS:

- 9.1 Pets may be kept providing that it is not a nuisance to neighbouring houses. No domestic animal that could be of danger to other people or animals are allowed to be kept on The Estate.
- 9.2 In compliance with the regulations of the Mbombela Local Municipality, no more than two (2) dogs shall be permitted per property.
- 9.3 Dogs must be walked on a leash in common areas and are not allowed to roam the streets. Should any excrement be deposited in a street or other public area, The Owner of the pet shall immediately remove it.
- 9.4 Poultry, pigeons, wild animals or livestock may not be kept on The Estate.
- 9.5 Keeping of cats is not recommended. Only the first Owner of a property may keep cats and limited to two (2) cats. No subsequent Owner will be allowed to keep any cats nor will the first Owner be allowed to replace any cats. Any cats kept on Estate must be sterilized.
- 9.6 Every pet must wear a collar with a tag indicating the name, telephone number, and address of its Owner.
- 9.7 As a last resort, LEHOA reserves the right to have a pet removed should it become a nuisance within The Estate. LEHOA has an unfettered discretion in this regard, but will not exercise the said right without having first directed a written notice to The Owner furnishing details of the complaint and the complainant and affording The Owner a reasonable opportunity to eliminate the cause of the complaint.
- 9.8 All local authority bylaws relating to pets will be strictly enforced.

#### 10. GARDENING:

- 10.1 An Owner or tenant of a property shall maintain his property for garden purposes in a neat and tidy condition.
- 10.2 Garden tools and other equipment shall not be kept in any place where they will be in view from the street or any other property.

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- 10.3 Every Owner shall ensure that all exotic plants are removed and destroyed especially plants such as Lantana, Guava, Sering and Jacaranda.
- 10.4 Vacant stands must be cleaned on a regular basis and kept neat throughout the year. Failing to do so will result that LEHOA will have the right to impose a penalty on The Owner, and if necessary carry out this work and claim the costs from The Owner.
- 10.5 Members are not allowed to cut-off or remove any trees or bushes outside the 1500m<sup>2</sup> “soft” building zone without the prior written approval of the EC.
- 10.6 Exotic plants, trees or bushes can only be planted within the 3000m<sup>2</sup> area or within the fenced area, whichever one is the smallest, and only in pots. The Owner is to prevent the spreading of this exotic flora.

## 11. REFUSE DISPOSAL:

- 11.1 The removal of domestic and other refuse shall be under the control of the EC, who may, in exercising their functions in this regard from time to time, by notice in writing to all persons concerned:
- a) Lay down the type and size of refuse containers to be obtained;
  - b) Give directions in regard to the placing of such refuse for collection in terms of day and place
  - c) Require the payment of reasonable charge for the provision of such containers.
- 11.2 An Owner or tenant of a property shall:
- a) Maintain in a hygienic and dry condition, a receptacle for refuse within his property;
  - b) Ensure that before refuse is replaced in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained
  - c) Ensure that the receptacle is animal resistant especially as far as monkeys and baboons are concerned.
- 11.3 No person shall keep any refuse within or outside his property except in the containers mentioned above and in the areas stipulated by LEHOA.
- 11.4 Any item of refuse of such size or nature that cannot be conveniently removed by the refuse removal services provided by LEHOA, may be disposed of in any manner as the EC may deem fit.

## 12. NOISE AND LIGHT POLLUTION:

### 12.1 NOISE POLLUTION:

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12.1.1 By the judgment of the EC, no one is allowed to behave in an unmannerly or disorderly way or to be a nuisance to other members. Each Owner shall ensure that he and his visitors do not cause undue noise.

12.1.2 The volume of music or electronic instruments or other sources of noise, partying and the activities of domestic workers should be restricted to a level or should take place in such manner as not be to be heard on adjoining properties.

12.1.3 The use of power saws, power tools, lawn-mowers, and the like, should only be undertaken between the following hours:

Mondays to Fridays:	07:30 – 18:00
Saturdays	07:30 – 13:00
Sundays	Not allowed

## 12.2 LIGHT POLLUTION:

12.2.1 Outside lights and spotlights must be placed in such a manner as not to be of any disturbance to neighbours.

12.2.2 Any spotlights must preferably be switched off after 22h00.

## 13. GUESTS:

13.1 All guests, lodgers or family members visiting The Estate must take note of the contents of the Rules of Conduct and must comply with them.

13.2 Entry to The Estate for guests or workers, can only take place with the consent of The Owners. Please ensure that you have communication with the gate or let security know in advance.

## 14. GRAVES:

14.1 No new graves are allowed and no one's mortal remains can be buried on The Estate.

## 15. PENALTY CLAUSE:

15.1 Any members of the Association acknowledge the right of the Association to enforce the rules contained herein as well as in the Architectural and Contractor Guidelines.

15.2 The member of the Association who contravenes any of the rules contained in the above documents agrees to pay the following fines and penalties for any infringement and / or violation:

First offence	R 1 100.00
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Second offence	R 2 200.00
Third or subsequent offence	R 3 300.00

- 15.3 Any person who contravenes or fails to comply with any provision of these rules, or any conditions imposed or directions given in terms thereof, shall be deemed to have breached these rules and will be liable for payment of the penalties laid down in terms hereof.
- 15.4 The above penalty clause does not preclude the Association from taking any alternative legal action provided for in Law, or in the Articles of Association and the Memorandum of Incorporation.
- 15.5 The EC will notify any Owner violating the above rules in writing. The Owner will be given thirty (30) days to rectify the problem. In the case that Owner fails to sort out the problem to the satisfaction of the EC, he will be fined monthly for as long as it takes to rectify the problem to the satisfaction of the EC. After 60 days, if the EC can sort out the problem, they will fix it and send the bill to The Owner.

#### 16. HOME OFFICES AND BUSINESSES:

- 16.1 No home offices or any other type of business will be allowed within The Estate without the prior consent of LEHOA.
- 16.2 This approval may be granted by LEHOA at their sole discretion. This approval will be subject to any conditions as may be deemed necessary by LEHOA.
- 16.3 No advertisements, billboards or publicity material will be allowed.

#### 17. DOMESTIC STAFF:

- 17.1 All workers must comply with the Rules of Conduct.
- 17.2 Domestic staff will be limited to two (2) workers per dwelling unit, with a maximum of one (1) worker residing on the erf (except in the case of a married couple both employed by The Owner).
- 17.3 Each Owner or tenant shall register each staff member with The Association and obtain an Estate ID at a cost to be determined by the EC. For security purposes, staff must present their original ID.
- 17.4 An Owner or tenant of a property shall:
- a) Be responsible for the activities and conduct of his employees and shall ensure that they understand and do not breach any rules,

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national or provisional legislation, or local authority bylaws which may affect The Association.

- b) Ensure that his employees and their visitors do not loiter on the common property.
- c) Ensure employees keep to the pathways and not to walk through the veld.
- d) That no children of employees reside on or within The Estate.
- e) Ensure employees do not walk around on The Estate after sunset.

17.5) Any Owner or tenant whose employee consistently fails to abide by the Conduct Rules may be required to remove such employee from the property if so instructed by the LEHOA.

17.6) Visitors for residing employees will only be allowed entrance to The Estate with permission of The Owner.

#### 18. TAXI'S, BUSES & MINI BUSES:

18.1 No Taxi's, Buses or Mini Buses will be allowed on The Estate premises.

18.2 Private / personal taxis may only enter with knowledge and consent of The Owner.

#### 19. DEVELOPMENT PHASE:

19.1 During the development phase certain areas might become restricted areas and for safety reasons all Owners, their family and guest should strictly adhere to any restrictions that might be imposed in these areas.

#### 20. INDEMNITY:

In signing these Rules of Conduct each Owner hereby acknowledges that the use of private open spaces and communal areas is entirely at their own risk at all times. Every member of the Association hereby waives any right he may obtain against the Association to claim any damages incurred by virtue of damage to or loss of property or the personal injury of the member occasioned while anywhere on The Estate. Every member indemnifies the Association against any such claim made by the member's spouse, child, parent, staff, guest or invitee.