



ESTATE RULES

(CODE OF CONDUCT)

of

ZINI RIVER ESTATE

HOME OWNERS' ASSOCIATION

("The Association")

INDEX

SECTION	DESCRIPTION	PAGE
1.	Introduction	3
2.	Definitions, interpretations and delegations	3
3.	Domestic Refuse	5
4.	Domestic Animals	6
5.	Traffic/pedestrians	7
6.	Open space and environmental control	8
7.	Access Control	10
8.	Administration	11
9.	Letting and resale and occupation by Members' guests of properties	11
10.	Conduct at ZINI RIVER ESTATE	13
11.	Commercial activity	16
12.	Miscellaneous Regulations	17
13.	Fines & Penalties	18

1. INTRODUCTION

ZINI RIVER ESTATE has been designed to provide a gracious and secure lifestyle for its residents. To protect and enhance the lifestyle, Estate Rules have been established in terms of Section 9 of the Memorandum of Incorporation. They are binding on all persons resident at or visiting ZINI RIVER ESTATE, and shall be administered by the Directors. The registered owners of erven or units are responsible for ensuring that members of their households, tenant, visitors, invitees and all their employees, which include tradespersons and suppliers, are aware of, and abide by the Estate Rules. Tenants have the same responsibility with respect to their households, visitors, invitees and employees. The Estate Rules may be modified, amended or repealed from time to time subject to the procedure laid down in the Memorandum of Incorporation, which vests the ultimate acceptance of the Estate Rules in the hands of the general body of members of the ZINI RIVER ESTATE HOME OWNERS' ASSOCIATION.

Members/residents must acquaint themselves with the Memorandum of Incorporation, the ZINI RIVER ESTATE Architectural and Development Guidelines and this Code of Conduct. Ignorance of such shall not constitute a reason for non-compliance.

2. DEFINITIONS, INTERPRETATIONS AND DELEGATIONS

2.1 In these Estate Rules, unless it appears to the contrary, either expressly or by necessary implication, the word and expressions as defined in the Memorandum of Incorporation, shall bear the same meaning in these Estate Rules as in the Memorandum of Incorporation.

Unless the context otherwise requires any words importing the singular number only shall include the plural number and *vice versa*, and words importing any one gender only shall include the other gender as well as juristic persons.

In particular, the following words and phrases shall, unless the context otherwise requires, have the meanings given below:

- 2.1.1 The “Association” means the ZINI RIVER ESTATE HOME OWNERS’ ASSOCIATION (ZREHOA) as created in the Memorandum of Incorporation (also referred to as the Mol).
- 2.1.2 The “Common Property” means the common property to be managed and controlled by the Association as defined in the Memorandum of Incorporation.
- 2.1.3 “ZINI RIVER ESTATE” means the Township established on the development area.
- 2.1.4 “Member” means a member of the Association. The term “Member” generally has the same meaning as “home owner”, but is more exact and ties in with the Mol. For this reason, “Member” is used in preference to “home owner” or “owner”.
- 2.1.5 “Directors” means the Directors for the time being which acts on behalf of the Association, and more fully described in the Memorandum of Association (also referred to as the Mol).
- 2.1.6 “Vehicle” means any form of conveyance, whether self-propelled, or drawn by machine, animal or human agency.
- 2.2 It shall be the responsibility of every Member to ensure that all members of his household, tenants, invitees and guests, paying or otherwise, are fully aware of these Estate Rules. In the event of any breach of the Estate Rules by the Member, members of his household, employees, tenants, invitees and guests, or by members of his tenant’s household, employees guests and invitees, such breach shall be deemed to have been committed by the Member himself.
- 2.3 Where there is a conflict between the Estate Rules and the Memorandum of Association, the Memorandum of Association shall prevail.

3. DOMESTIC REFUSE

- 3.1 Subject to the provisions of the services agreement entered into between the DEVELOPER of ZINI RIVER ESTATE and the local authority, the removal of domestic, garden and other refuse shall be under the

control of the Association which may, in exercising its functions in this regards from time to time by notice in writing to all persons concerned:

- 3.1.1 lay down the type and size of refuse containers to be obtained and used;
- 3.1.2 give directions in regard to the placing of refuse for collection;
- 3.2 All refuse, whether domestic or garden must be kept in the containers, which must be placed out of sight of roads, except when put out for collection.
- 3.3 Where any item of refuse is of such a size or nature that it cannot be conveniently removed by the refuse removal services provided or arranged by the Association, the Association may give directions as to the manner in which such refuse must be disposed of.
- 3.4 The Association supports recycling and all recyclable products must be recycled in a manner as directed by the Association from time to time.

4. DOMESTIC ANIMALS

- 4.1 By reason of the fact that ZINI RIVER ESTATE is an Eco Estate adjacent to a Nature Reserve and is sensitive to fauna and flora and the biodiversity of the development area the keeping of domestic animals shall be restricted to protect the ecology of the ESTATE.
- 4.2 Taking into consideration the type of domestic animal that a member intends to keep on the township property, the Directors may prescribe from time to time Rules with regard to the keeping of such animal. In relation to the keeping of cats and dogs the following Rules apply:
 - 4.2.1 the keeping of cats is prohibited, due to the ecologically sensitive nature of the ESTATE, but should the Directors in their sole discretion approve any application for the keeping of a cat/cats on the ESTATE then the Directors may impose such conditions as they deem necessary for the keeping of such animal, which conditions may include inter alia the wearing of a collar and bell, confinement to the MEMBER'S property and clipping of nails or declawing;

- 4.2.2 two dogs per household are permissible subject to containment in a fenced area. Should a MEMBER wish to keep more than two dogs on the ESTATE written approval must first be obtained from the Directors, which may not be unreasonably withheld.
- 4.3 Should any animal kept on the estate becomes a nuisance or endanger any naturally occurring fauna then the Directors may by thirty (30) days written notice to the member require that such animal be removed from the township.
- 4.4 No vicious dogs may be kept on the ESTATE.

5. TRAFFIC / PEDESTRIANS

- 5.1 The movement and control of traffic and pedestrians are subject to the security and access rules and regulations of ZINI RIVER ESTATE and all relevant National and Provincial Traffic Legislation and the Rules and Regulations promulgated thereunder.
- 5.2 Heavy deliveries (being vehicles having a gross weight in excess of 8 tons) are not permitted without the consent of the Directors for the time being of the Association.
- 5.3 Furniture removal vehicles are not allowed on the estate and all furniture shall be brought in and taken out of the estate with a furniture shuttle vehicle not exceeding 3 tons.
- 5.4 Motorised vehicles, including golf carts, shall be driven on ZINI RIVER ESTATE roads only by persons who hold a valid current driver's licence which would permit them to drive that vehicle on a public road within South Africa.
- 5.5 No person shall drive any vehicle on any road within ZINI RIVER ESTATE at a speed in excess of 40 km per hour. A lower speed limit may be imposed by the Association where appropriate.
- 5.6 Animals, birds and wild life shall have the right of way at all times within ZINI RIVER ESTATE and vehicles shall be brought to a stop whenever necessary.

- 5.7 The Association may, by means of appropriate signage designed specifically for ZINI RIVER ESTATE, give directions as to the use of roads and any portion of the roads and Common Property and failure by any person to obey this signage shall be a contravention of these Estate Rules.
- 5.8 All persons on ZINI RIVER ESTATE shall observe and comply with the provisions of any road traffic legislation applicable to the KwaZulu-Natal Province as fully and effectively as though ZINI RIVER ESTATE'S roads are public roads as defined in such legislation.
- 5.9 No person shall store any motor vehicle, golf cart, caravan, boat or the like in any place on ZINI RIVER ESTATE except in a structure built for this purpose approved in writing by the Design Review Committee. None of the above shall be left overnight on any road.
- 5.10 No vehicle may at any time block the thoroughfare of other vehicles on any road.
- 5.11 Vehicles shall be parked in designated parking bays only on roads and hard surfaces and no parking shall be done on any grass or pavements situated outside any erf or unit boundary.

6. OPEN SPACE AND ENVIRONMENTAL CONTROL

- 6.1 The Association shall have the right and duty to control the environment, which shall include but not be limited to the vegetation on the erven and Common Property, the erection of walls, fences and hedges, and shall have the right to trim hedges and trees.
- 6.2 No person shall do anything that detrimentally affects the amenities, flora and fauna of ZINI RIVER ESTATE, or unreasonably interfere with the use and enjoyment of the Common Property.
- 6.3 No person shall discard any litter or any item of any nature whatsoever in ZINI RIVER ESTATE, except in receptacles set aside for this purpose by the Association.
- 6.4 No camping and or picnicking shall be permitted except at any place set aside for the purpose and designated as such by the Association.

- 6.5 No fire shall be lit at ZINI RIVER ESTATE, except in such places as may be designated for the purpose by the Association or in an approved and a properly constructed fireplace or braai.
- 6.6 No person shall do any gardening or landscaping on the Common Property without the express prior written agreement of the Association in regard to the nature and extent of such gardening or landscaping activity. No person shall, unless authorised by the Association to do so, pick or plant any flowers or plants on the Common Property.
- 6.7 Subject to any Environmental- or Planning Law or regulation made in terms of such laws, the Association shall be entitled to prohibit access to any part of the open space in order to preserve the natural flora and fauna, and no person shall enter such area without the written consent of the Association.
- 6.8 The driving of motorised vehicles in the common Property is confined to roads and driveways.
- 6.9 No person shall discharge a firearm, air rifle, bow or any similar weapon anywhere on ZINI RIVER ESTATE or publicly display any such weapons.
- 6.10 Hunting is prohibited on ZINI RIVER ESTATE and the trapping of birds and animals and setting of snares are specifically prohibited.
- 6.11 Members are required to keep the exterior of their dwellings in a good state of repair and their erven tidy. Should a dwelling fall into a state of disrepair, or should an erf become unsightly, the Association shall call upon such Member to rectify the situation, detailing what remedies are required and giving the Member a reasonable period for commencement and completion. If the Member fails to comply with the Associations' requirements within the stipulated times, the Member shall be in breach of the Estate Rules and the Association may proceed in terms of Clause 13 of these Estate Rules.
- 6.12 All owners of erven or units, members of their households, tenants, visitors, invitees and all their employees, which includes tradespersons and suppliers, shall be obliged at all times to observe and adhere to

any provision or condition contained in any Environmental Management Plan approved by any competent authority in respect of the Township.

7. ACCESS CONTROL

It is recorded that it is not the intention to create a "GATED" Estate but in order to ensure adequate security for the ZREHOA and its MEMBERS the following security measures shall be implemented:

- 7.1 The Estate's entire perimeter will be fenced with the exception of the River frontage. The fencing material will be small game permeable in order to allow the migration of fauna between the ZREHOA property and the adjoining SIYAYA Coastal Park, Golf Course and adjacent Sugarcane Farm.
- 7.2 The fence shall be electrified and alarmed to warn of unauthorised access.
- 7.3 The entrance to the Estate will be controlled by a gatehouse which will be erected on SITE 287 which belongs to the ZREHOA. The gatehouse shall be controlled by security personnel and shall contain the necessary infrastructure to monitor inter alia the electric, vehicle and pedestrian traffic.

8. ADMINISTRATION

- 8.1 Levies become due from the date of transfer of the property or stand, and are payable **monthly in advance on the first day of each and every month.**
- 8.2 Clearance certificates, issued by ZREHOA, will not be issued in order to effect a transfer until such time as the Seller's levies including all monies and interest owing, together with three months advance levies are fully paid up. Purchasers of homes/properties in Close Corporations should exercise caution in taking transfer of members interest as any arrears levies will become the responsibility of the new member/s and the under mentioned rules and regulations will then apply to the new owner/s.

8.3 Interest will be charged on all accounts in arrears at an interest rate to be determined by the Directors at the time, in addition to an administration fee to be determined by the Directors, from time to time.

9. LETTING, RESALE AND OCCUCPATION BY MEMBERS' GUESTS OF PROPERTIES

9.1 The following rules, read with 2.2 above, shall apply to the letting and resale of property:

9.1.1 Only an estate or property agent approved by the Association may be employed in the sale or letting of any property at ZINI RIVER ESTATE, which approval may be withdrawn by the Association in its discretion.

9.1.2 Such agents must operate on a "by appointment" basis. They may not erect any "for sale" or "show house" or "sold" boards or any other signage boards whatsoever, and they must personally accompany prospective buyers or tenants onto the property.

9.2 An agent will be approved only after signing an agreement with the Association that such agent will abide by stipulated procedures applicable to the sale or letting of property on ZINI RIVER ESTATE, and in particular will make any buyer aware of the Estate Rules, Architectural and Development Guidelines, Memorandum of Incorporation, building deadlines and any other relevant considerations applicable to ownership or occupancy. Any document prepared by the agent containing an offer of sale or an offer to purchase must include such clauses as the Association may require from time to time.

9.3 Tenants to whom properties are let or leased are obliged to abide by all of the Estate Rules, regulations and requirements of the MOI at ZINI RIVER ESTATE. The agent who is letting a property is obliged to supply the tenants with copies of the MOI and Estate Rules.

9.4 Where the Member himself sells or lets his property, the provision of Clause 9 will apply to him.

- 9.5 Members or their agents are required to give the Association prior notice of any tenants or guests who are to occupy the Member's property in the absence of the Member. This may be done in writing or by telephoning the office of the Association and giving the name of the tenants or guests and the dates of their occupancy. In the case of tenants, the tenants will be obliged to register at the offices of the Association within one working day of arrival, and to sign a declaration that they are acquainted with the Estate Rules and MOI of ZINI RIVER ESTATE and agree to abide by them.
- 9.6 Access to the Estate may be denied to tenants, members of their households, invitees, employees or guests should the tenant or anyone for whom the tenant is responsible, transgress the MOI, Estate Rules or any other rules, regulations or bylaws of ZINI RIVER ESTATE (see also 12.1)
- 9.7 The Association shall be entitled to refuse its consent to sell, alienate or give transfer of an erf or unit or to approve any building plan for as long as any member is in breach of any provision of the Estate Rules.

10. CONDUCT AT ZINI RIVER ESTATE

- 10.1 No garments, household linen or washing of any nature, may be hung out or placed anywhere to dry except in a drying yard or such other area designed for such purpose. Washing lines, twirl dry's etc. must be below the level of the yard walls.
- 10.2 The lighting of fireworks is not permitted at ZINI RIVER ESTATE.
- 10.3 No unauthorised persons are allowed onto building sites under construction. All building sites must be properly screened and secured and workers must be transported by the Contractor onto any building site. All contractors shall use the main entrance for all purposes including but not limited to the transporting of workers to and from site and the delivery and removal of building materials. The entrance time for construction time is 6:00 and all contractors shall leave the estate by no later than 17:00. No construction shall take place on weekends or public holidays without the express permission of the HOA.

- 10.4 No person shall make or cause to make any unacceptable disturbance or excessive or undue noise, which constitutes a nuisance to other persons.
- 10.4.1 Burglar alarms must comply with any regulations which the Association may institute from time to time.
- 10.4.2 All vehicles, but particularly motorcycles and quad bikes, must have efficient silencer systems.
- 10.4.3 The mowing and/or edging of lawns, the use of leaf blowers, or the operation of any other noisy machinery which may disturb neighbours is strongly discouraged after normal working hours unless there are exceptional circumstances. These activities are, however, prohibited after 13:00 on the following days: Sundays, New Year's Day, Easter, Christmas and Family Day (26 December). All building work, whether undertaken by a contractor or by the home owner, must be done during the hours stipulated by the Association from time to time for building contractors, unless written approval for an exception is given by the Association.
- 10.4.4 All undue noise must cease between 17:00 and 7:00. In the case of a party or function, all noise must cease by 23:00.
- 10.5 In order to maintain the low-density residential nature of the estate, no Member shall accommodate nor allow to be accommodated more than two persons per bedroom.
- 10.6 Members must ensure that their children and the children of members of their households, employees, tenants, invitees and guests do not pose a safety threat to themselves or to any other person or driver at ZINI RIVER ESTATE. Tenants shall have the same responsibility as regards their households, employees, invitees and guests.
- 10.7 Whenever the Association receives a written complaint from a Member relating to the behaviour of any persons at ZINI RIVER ESTATE, the Association shall investigate appropriately and take any steps required within the scope of the Estate Rules and the MOI. The Association is not prevented by this clause from taking action on its own initiative, if evidence of behaviour, which in the opinion of the Directors is

unacceptable, should come to its attention from a source other than a written compliant.

- 10.8 No unauthorised person shall interfere with ZINI RIVER ESTATE'S security arrangements or the activities of its appointed security staff. All security personnel shall be treated with respect. Disrespect to security staff will attract a fine as determined by the Directors from time to time.
- 10.9 No person shall do anything or cause anything to be done which constitutes unacceptable behaviour or which may affect good order at ZINI RIVER ESTATE.
- 10.10 Alarm or protection systems may be installed in private dwellings subject to the condition that it shall not cause an unnecessary nuisance to neighbours.
- 10.11 No motorised water craft of any nature including ski-boats and jet skis shall be launched from the property or moored overnight on the water edge of Zini River Estate.
- 10.12 Members may launch non-motorised watercrafts from specially designated areas on the property but it is the Member's responsibility to ensure that the Member complies with any relevant Legislation governing the use of the River and/or the use of water craft.
- 10.13 Swimming shall be entirely at the Members risk subject to the member complying with any applicable Legislation relating thereto.
- 10.14 Fishing shall be allowed subject to the Member complying with any applicable Legislation relating to inter alia licences, and the type and size of fish that may be caught. A member shall ensure that the fishing activity shall not cause a nuisance or interfere with any other persons use and enjoyment of the facilities. To this end a Member may not gut fish at the water's edge, leave unattended lines in the water and shall remove all unused bait.
- 10.15 The Association specifically draws the attention of members to the fact that all river related activities are strictly regulated in particular by Ezemvelo KZN Wildlife and where any rule of the Association conflicts with such regulations then such rule will be considered null and void. It

is the responsibility of each member to acquaint themselves with the Rules and Regulations set down by any competent authority for the use of the river and the rules as set out in clauses 10.11 and 10.14 are intended as a guide ONLY.

10.16 Any reference to the river in these rules includes the admiralty reserve.

10.17 No drones may be operated in ZINI RIVER ESTATE, not for private, public or any other reasons.

11. COMMERCIAL ACTIVITY

11.1 The Association may regulate commercial activity on ZINI RIVER ESTATE and it is expressly required that any application for a trading licence receive the prior approval of the Association such approval shall not be unreasonably withheld.

11.2 No advertising board may be displayed anywhere on ZINI RIVER ESTATE other than the standard architectural building board during building construction, except with the written permission of the Association.

11.3 No door-to-door canvassing or selling is permitted at ZINI RIVER ESTATE.

12. MISCELLANEOUS REGULATIONS

Generators

12.1 Permanent automatic generators:

12.1.1 A residential silencer must be fitted to all automatic generators.

12.1.2 The generator must be housed in an aesthetic acoustic enclosure to reduce the noise level to 65 db.

12.1.3 A certificate of competency for electrical installations must be produced.

12.1.4 The placement of the generator must be of such nature that it does not create an unsightly image or any inconvenience/disturbance to neighbours.

12.2 Portable Generators:

12.2.1 Noise levels cannot be intrusive to your neighbours, and cannot exceed 65 dBA.

12.2.2 Exhaust emissions do not exceed those governed by National Environmental Management: Air Quality Act and Municipal By-laws.

12.2.3 The generator must be installed in a position that is hidden from view.

12.2.4 Only minimal spare petrol or diesel is allowed to be stored in safe and secured area out of sight.

12.2.7 No generators are allowed to run between 22:00 – 5:00.

13. FINES AND PENALTIES

13.1 Any person who contravenes or fails to comply with any provision of these Estate Rules, or any conditions imposed by or directions given in terms of the Estate Rules, shall be deemed to have breached these Estate Rules and will in the entire discretion of the Trustees for the time being of the Association be subject to any penalties imposed by the Trustees having regard to the circumstances and which may include the imposition of fines which amount shall not exceed R1 000 (one thousand rand) for each separate offence, adjusted for inflation from time to time.

13.1.1 In the event of a breach by members of the Member's household, employees, invitees, guests and tenants, and the members of the tenant's household and the tenant's employees, invitees and guests, the members shall be liable for the payment of any fines imposed;

13.1.2 In the event of a breach by a tenant, a member of the tenant's household or employees, invitees or guests of the tenant, the Association may, in addition to the imposition of any fine or other penalty, bar the abovementioned from access to ZINI RIVER ESTATE.

13.2 In the event of a continuing offence, any person subject to these Estate Rules who contravenes or fails to comply with any of their provisions, or any condition or direction given in terms thereof, shall be deemed to be guilty of a separate offence for every 24 hours or part thereof during

which such offence continues and shall be liable in respect of each such separate offence.

- 13.3 Any fine imposed on a Member, in terms of 12.1.1. or 12.1.2, shall be a debt due and payable to the Association by the Member on demand.
- 13.4 The imposition of penalties is subject to the relevant provisions of the Association's MOI.
- 13.5 Should a Member fail or refuse to comply with these Estate Rules, the Association may take whatever action may be necessary and appropriate in the circumstances and recover from the Member any costs incurred in taking such action without prejudice to its rights to recover any fines or other penalties imposed.

-----0-----