



HOME OWNERS ASSOCIATION

PENALTIES

19 OCTOBER 2024

Annexure "A"

2. LEGAL STATUS

2.1. These rules have been established by the directors in terms of the Memorandum of Association and Articles of the Heron Banks Golf and River Estate Homeowners Association ("**HOA**").

2.2. Notwithstanding any provision contained herein, the provisions of any law, by-law, regulation or proclamation issued by the local authority or any other competent authority shall prevail and shall without exception or limitation be observed by all members, their agents, representatives, contractors and sub-contractors.

2.3. All owners are obliged to comply with the Estate rules.

2.4. The registered owner or occupier of every property within the estate ("the owner"), is responsible for ensuring that all members of his family, tenants, visitors, employees, contractors, contractors' subcontractors, and delivery persons, also comply with the Estate rules.

2.5. The directors shall have the right in the event of a breach of a rule by an owner, his family, tenants, visitors, employees, contractors, contractors' subcontractors, and delivery persons, (and without any notice should the directors in their discretion deem that no notice is warranted) to take such action against the defaulting owners as they deem fit on behalf of the HOA, including but not limited to:

2.5.1. Remedying of the breach at the defaulting owner's cost, and/or

2.5.2. Imposition of a fine as the directors deem appropriate; and/or

2.5.3. Removal of the defaulting owner from and the barring of his access to the Estate.

5. GENERAL CONDUCT

5.1. In order to preserve and enhance the residential amenity and lifestyle within the Estate, all owners shall at all times behave and conduct themselves in a considerate, reasonable and civilized manner, and shall in particular avoid causing inconvenience or nuisance to other owners.

Procedures on Penalties

1. Any person contravening a provision of the HOA rules may be liable to a penalty as determined by the Board of Directors of the HOA from time to time. Such penalties shall be deemed to be part of the levies referred to in the MOI 9.5.
2. Penalties will automatically be debited to the Member's account and payable within 21 days.
3. These rules also apply to all contractors and / or visitors entering the Estate, which the homeowner is responsible for.

Penalties for Transgression of Estate Management / House Rules

	Frequency	1 st Offence	2 nd Offence	3 rd Offence
6. Obligations by the Members				
6.1 Property maintenance – not maintained	Monthly	Warning	R500	R1 000
6.3 Garden maintenance – not maintained	Monthly	Warning	R500	R1 000
6.4 External boundary walls not maintained	Monthly	Warning	R500	R1 000
6.5 Parking on common areas – vehicles, boats (watercrafts), caravans, trailers, etc.	Monthly	Warning	R500	R1 000
6.6 Noisome, unsightly, injurious, detrimental, nuisance, injurious, damage or disturbance to any member, tenant or occupier & adjacent properties	Per incident	Warning	R500	R1 000
6.7 Conducting a business from home not approved or in line with the Estate Rules	Monthly	Warning	R2 500	R5 000
Use of property in contravention of the title deed	Monthly	Warning	R5 000	R10 000
7. Security, protection & Access Control				
7.3 Abuse or obstruction of security personnel performing their functions	Per offence	R1 500	R3 000	R6 000
Replacement of lost / broken access card		R120		
Failure to comply with access rules & security procedures	Per incident	R500	R1 000	R1 500
Transfer of access card to non-authorized individual or non-resident / homeowner	Per offence	R500	R1 000	R1 500
Failure to cancel lost / stolen or not in use access card	Per offence	R350	R500	R500
Access onto the Estate bypassing Internal booms	Per offence	R500	R1 000	R1 500
8. Roads & traffic				
8.2 Exceeding the speed limit of 20km/h	Per incident	Warning	R1 000	R2 000
8.9 Visitor cars obstructing the road	Per incident	Warning	R250	R500
8.10 Revving of boats, cars, bikes, etc	Per incident	Warning	R250	R500
8.13 Golf Carts not registered @ HOA	Per incident	Warning	R250	R500
Disobeying traffic signs / rules	Per incident	Warning	R500	R1 000

10. Property Appearance				
10.2 Storage of materials, wendy-houses, tool sheds, boats (watercrafts), windsurfers, trailers, caravans, building materials, bird aviaries, motorcycles, inflatable pools, unsightly objects in gardens or driveways	Per month	Warning	R500	R1 000
Washing or laundry visible from the road, golf course, or hung over a boundary or balcony	Per month	Warning	R250	R500
10.4 Fixtures visible and not within guidelines	Per month	Warning	R500	R1 000
13. Animals				
13.5 Keeping live poultry, pigeons, wild animals, reptiles, livestock or similar brought onto the estate, or have aviaries, catteries or kennels.	Per month	R1 000	R2 000	R4 000
13.6 Pets roaming the street unsupervised or without a leash.	Per incident	Warning	R500	R1 000
Pets attacking / harassing cyclists, walkers, joggers, pedestrians.	Per incident	Warning	R500	R1 000
Pets causing a nuisance or disturbance to neighbours or fellow residents	Per incident	Warning	R250	R500
13.7 Failure to clean up after pets	Per incident	Warning	R250	R500
13.8 Failure to adhere to the Municipal pet by-law	Per incident	Warning	R500	R1 000
13.18 Pets attacking or killing the natural fauna.	Per incident	R1 000	R2 000	R3 000
Use of catapults, pellet guns, firearms, traps	Per incident	R1 000	R2 000	R3 000
13.20 Failure to neuter or spay pets	Per month	Warning	R500	R1000
14. Neighbour relations				
Noise created in contravention of clause 14	Per incident	Warning	R1 000	R1 500
14.6 Discharge / usage of fireworks on the Estate	Per offence	R5 000		
15. Refuse				
15.2 Illegal dumping of refuse, garden spoil or rubble on vacant stands or common property	Per incident	R5 000		
16. Swimming Pools				
16.2 Construction without approved plan	Per month	Warning	R1 000	R2 000
17. Boating				
Failure to comply with the boating rules	Per month	Warning	R500	R1 500

20. Golf Carts				
20.1 Private golf carts driven by unlicensed driver – Minimum requirement of 125cc license – Age of 16	Zero tolerance - immediate	Stationary / non-use of cart	R2 500	R5 000
Failure to sign liability / indemnity forms	Per incident	R1 500		
Failure to register or have stand no on cart	Per month	R250	R500	R1 000
22. Services				
Damage of Estate infrastructure & property	Per incident	Cost + 50% admin		
Tampering with estate infrastructure	Per incident	R5 000	R10 000	R20 000
23. Re-Sale & Letting				
23.3 Tenants failure to comply with rules	Per incident	R500	R1 000	R1 500
23.4 “For Sale” boards on display during week days	Per offence	R500	R1 000	R1 500
24. Levies				
24.2 – 2.5.3 Failure to pay levies – limited access	60 days overdue	60 days – restricted access	90 days – handed over	
25. Advertisements / Signboards				
25.1 Failure to comply with rules	Per offence	R500	R1 000	R2 000
Distribution of flyer / promotional material, canvassing, door-to-door or outside the gates	Per offence	R250	R500	R1500
25.5 Erecting of more than one advertising board during construction	Per offence	R250	R500	R1500
26. General				
26.2 Commence with construction of any building without the required HOA & Municipal approved plan.	Zero tolerance - immediate	Suspend building activities		
26.3 Failure to maintain sidewalk	Per month	R500	R1 000	R1 500
Additional				
Landing a helicopter on a non-designated or registered landing pad	Per offence	R15 000	R20 000	R25 000
Illegal water usage without being metered and paid for	Zero tolerance	R15 000	R30 000	R50 000
Harming or destroying the natural flora & wildlife	Zero tolerance	R5 000 / incident		
Slaughter of wildlife deemed inappropriate	Zero tolerance	R5 000 / incident		

Penalties for Transgression of Architectural Guidelines

Time Limits				
Building work must commence within 2 years from date of first (1 st) registration	Per month	Double levy		
Construction to be completed within 12 months from commencement until receipt of an Occupation Certificate	Per month	R5 000		
Deviation from approved plans during construction.	Zero tolerance - immediate	Suspend building activities	R5 000	
1.2.4 (3). Commencement without submitting 2 sets of HOA & Municipal approved plans to the HOA & no NHBRC Enrolment certificate	Zero tolerance - immediate	Suspend building activities	R5 000	
1.2.6 Contravention of the conditions of title	Zero tolerance - immediate	Suspend building activities		
5. Site boards not compliant with the rules	Per incident	Warning	R500	R1 000
6. Failure to comply with the building envelope & guidelines	Zero tolerance - immediate	Suspend building activities		
7. Exceeding the building height	Zero tolerance - immediate	Suspend building activities		
18. Building lines – failure to comply	Zero tolerance - immediate	Suspend building activities		
19. Boundary walls – failure to comply with the guidelines / rules	Zero tolerance - immediate	Suspend building activities		
20. Golf Carts, trailers, boats(watercrafts), jetski's – visible from street & park areas	Per month	Warning	R500	R1 000
21. Caravans visible & not parked in a garage	Per month	Warning	R500	R1 000
22. Gates not painted charcoal	Per month	Warning	R1 000	R5 000
23. Exterior walls – failure to comply with the rules	Per month	Warning	R5 000	R10 000
24. Windows – failure to comply with rules	Per month	Warning	R1 000	R5 000
25. Doors – failure to comply with rules	Per month	Warning	R1 000	R5 000
26. Awnings – facing the street, golf course or open spaces	Per month	Warning	R1 000	R5 000
27. Louvre awning – failure to comply with the rules	Per month	Warning	R1 000	R5 000
28. Swimming pools – installation without approved plan or within the guidelines	Per month	Warning	R1 000	R5 000
31. Services	-----	-----	-----	-----
31.2 Sewer, vent & air- conditioning pipes not concealed in vertical ducting	Per month	Warning	R1 000	R5 000
31.4 Air-conditioning condenser units higher than 1200mm and visible trunking	Per month	Warning	R1 000	R5 000

31.5 House numbers exceeding 300mm in height	Per month	Warning	R500	R1 000
31.7 Solar heating – failure to comply	Zero tolerance - immediate	Suspend building activities	Notice of removal	
31.8 Rainwater tanks protruding above boundary walls, visible from street, golf course and park areas	Per month	Warning	R1 000	R5 000
31.9 Washing & lines – visible from street & golf course	Per month	Warning	R500	R1 000
31.10 – External freestanding huts	Per month	Warning	R500	R1 000
31.11 – Generators – visible from the street, golf course, park & causing a disturbance	Per month	Warning	R500	R1 000
31.14 External Cameras – facing adjacent properties, not adhering to the privacy act	Per month	Warning	R500	R1 000
31.15 Gas heaters – not concealed or painted	Per month	Warning	R500	R1 000
32. External lighting – failure to comply with the rules	Per month	Warning	R500	R1 000
33. Landscaping – planting of invader plant species.	Per month	Warning	R500	R1 000
33. Elaborate garden features not approved by ARC/HOA	Per month	Warning	R500	R1 000
35. Driveways / Paving – failure to comply with rules	Per month	Warning	R500	R1 000
38. Colours – failure to comply	Per month	Warning	R500	R1 000
39. General prohibited building materials – failure to comply with the rules	Zero tolerance - immediate	Suspend building activities	R500 per month after completion	R1 000 per month after completion

Penalties for Transgression of Builders & Services Conduct Rules

Development deposit not paid	Zero tolerance - immediate	Suspend building activities		
Contractors application for registration not submitted	Zero tolerance - immediate	No building activities permitted		
Building commenced without HOA & Municipal approval	Zero tolerance - immediate	Suspend building activities		
Contractors board exceeds permissible size	Per week	R1 500	R3 000	R6 000
Building deviates from approved plans	Per offence	Forfeit building deposit		
Illegal Eskom connection	Per offence	Report to authorities	Suspend building activities	

Illegal Water connection or water use without being metered and paid	Zero tolerance	R15 000	R30 000	R60 000
No toilet on site / no screen around toilet area	Zero tolerance - immediate	Suspend building activities		
Removal of Stand Number board on site	Per week	R150		
Parkland not barricaded / dumping on parkland	Per week	R2 000	R2 000	Suspend building activities
No bin / skip on site – cleanliness on road, pathway, pollution. <i>HOA to arrange skip at owner's cost</i>	Per week	R500	R5 000 Cost + 50% admin	Suspend building activities
Water, mud, cement spilling on road, pathway, pollution	Per incident	R200	R200	R200
Damage done to plants, GPO, electric box, road furniture	Per incident	At cost + 50% admin		
Dumping of rubble on sidewalk / adjacent property. <i>HOA to arrange skip at owner's cost</i>	Per incident	R500	R5 000 Cost + 50% admin	Suspend building activities
Boundary wall not plastered & painted	Zero tolerance - immediate	Forfeit building deposit		
Unsafe building site	Zero tolerance - immediate	Suspend building activities		
Fire made at Estate	Per incident	R1 000	R1 000	R1 000
Lack of discipline with labour force	Per labourer / incident	R200	R200	R200
Labourer walking around Estate	Per labourer / incident	R100	R100	R100
Colour of wall unacceptable	Zero tolerance - immediate	Forfeit building deposit		
External plumbing exposed (upper floor)	Zero tolerance - immediate	Forfeit building deposit		
Speeding, ignoring stop street, reckless driving, unlicensed vehicle	Per incident	R250	R500	R1000
Non-compliance with HOA access & egress	Per incident	R5 000	R5 000	Suspend building activities
Contractors egress in respect of time restrictions	Per labourer / incident	R200	R500	R1 000
Contractor entry during non-regulated building times	Zero tolerance	R5 000	Suspend building activities	Forfeit building deposit
3.3 Deliveries during non-regulated hours	Per incident	R5 000	R5 000	R5 000

7.1 Blocking roads during loading or offloading of material / equipment at building sites	Per incident	R500	R500	R500
Non-roadworthy contractors / services vehicles – No access to the Estate	Zero tolerance – No access	No access		
Builders causing nuisance, privacy not respected of adjacent occupied properties	Daily	Warning	R1 500	R3 000
Urination	Per incident / labourer	Warning	R500	R500
Large mounds of soil / berms removed / slightly mounds / berms are not permitted	Monthly	Warning	R1 500	R3 000
EMP: No shade netting around building site prior to commencement	Zero tolerance - immediate	Suspend building activities		
EMP: No builders safety / caution board on site indicating the “no-go” area	Per incident	R500	R500	R500
Supplier trucks (ready mix, brick, sand/stone, etc.) exceeding the permitted weight limit entering the estate	Per incident	R5 000	R10 000	R15 000
NB: Penalties are payable within 5 days				

Issued in terms of the Memorandum of Incorporation of the Heron Banks Golf and River Estate Home Owners Association.

Effective date: 19 October 2024