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RULES FOR RESIDENTS

1. INTRODUCTION

“The Gates at Hilton” aims to provide a relaxed and secure environment for the residents. The rules outlined in this document are designed to promote happy co-existence through the enforcement of a reasonable code of conduct which is neither officious nor restrictive, but which will ensure maximum enjoyment of the environment.

The authority to make and amend these rules rests with the Homeowner’s Association (HOA) of “The Gates at Hilton”, to which all owners and co-owners of property within the development are required to belong. The responsibility for ensuring compliance with the rules, by way of fines and other penalties, is vested in the elected Directors of the HOA. The provisions of the rules are binding on all residents of “The Gates at Hilton”, and on their visitors.

The over-riding objective is to produce a harmonious and happy environment, and residents are encouraged to attempt, in the first instance, to settle differences which may arise amongst themselves in a spirit of tolerance and respect. Where necessary, complaints may be lodged with the Directors of the HOA.

2. PLANNING, DESIGN AND CONSTRUCTION

- 2.1 All Property Owners shall be required to abide by the latest versions of the Building Design Code and approval regulations, Developers’ and Contractors’ regulations, Environmental Management Plan, Landscaping guidelines, Security Protocol, conditions of title and the regulations applicable from time to time. Copies of these documents are available from the “The Gates at Hilton” office, and on the website.
- 2.2 Plans are to be drafted in accordance with the provisions of the Building Design Code and submitted to the Architectural Committee for approval, according to the published procedures. No construction may commence prior to the receipt of the committee’s approval, and the approval of the uMngeni Municipality.
- 2.3 The construction must be in accordance with the published Building Procedures, and occupation may only take place following final site inspection and the issuing of a Certificate of Completion.
- 2.4 No additions, alterations or attachments may be commenced without the specific approval of the Architectural Committee. Gazebos and similar constructions also require approval.
- 2.5 The positioning of television aerials and satellite dishes is to be negotiated with the Architectural Committee prior to installation.

3. USE OF DWELLINGS AND PROPERTIES

- 3.1 No person within The Gates at Hilton may unreasonably interfere with the use and enjoyment by others or in such a way as to create a nuisance to any other person or to the detriment of the environment.
- 3.2 The number of persons occupying a dwelling is limited to twice the number of bedrooms.
- 3.3 Washing may not be hung out to dry in an area directly visible to the public or neighbours.
- 3.4 No harmful or inflammable substances may be kept on the property other than in such quantities as may reasonably be required for domestic purposes.
- 3.5 Appropriate and tasteful house signs are permitted beside the driveways to homes, as are mail boxes.
- 3.6 No freestanding sheds are permitted save during the construction period.
- 3.7 Free standing children's play houses and jungle gyms require written approval from the Homeowners' Association, prior to installation. Such items will be required to fit in with the style of The Gates at Hilton and may not impact negatively on the neighbours.
- 3.8 No flag, flag poles or radio aerials on poles will be permitted, unless specifically sanctioned by the Homeowners' Association.
- 3.9 The use of any shade cloth is prohibited.
- 3.10 The Homeowners' Association controls the style and colour of external awnings and authorization must be obtained prior to installation.
- 3.11 Any fencing of individual properties must comply with the specifications of the Building Design Code, and may only be installed following written consent from the HOA.

4. NOISE

- 4.1 The Gates is a residential estate and residents are expected to be mindful of and considerate towards their neighbours. These rules are aimed at assisting in achieving that.
- 4.2 No noise shall be created before 07.00 Mondays to Fridays, and before 08.00 Saturdays and Sundays.
- 4.3 There should be no noise audible beyond individual properties after 21.00 Sundays to Thursdays and after 23.00 Fridays and Saturdays.
- 4.4 Mowers, power tools etc may not be operated outside the specified times.
- 4.5 Generally, the sound volume of music, TV's etc. shall be maintained at a level which is not audible on adjoining properties.
- 4.6 The same rules apply to functions held at the clubhouse, where music speakers placed outside the building are specifically prohibited.

5. ADVERTISING SIGNAGE

- 5.1 No commercial advertising of properties will be permitted along Hilton College Rd, or around the entrance to The Gates at Hilton. The only exception to this will be temporary signage advertising an "Open House", and this will be restricted to the weekend of the event: Friday 1.00pm to Sunday 6.00pm. The Gates Home Owners' Association office should be advised in advance of these events.

- 5.2 No commercial advertising of any nature will be permitted within The Gates at Hilton, other than a single “For Sale” or “To Let” sign which may be placed on the verge in front of a property.
- 5.3 No signs may be displayed in the Gates at Hilton except in accordance with the Developer’s Protocol for the erection of new buildings.
- 5.4 All decorative house name boards must conform to the requirements as outlined by the HOA.

6. BUSINESS PREMISES

- 6.1 No person shall attempt to sell any goods or services to other persons within The Gates at Hilton, whether by way of door to door selling, setting up a store, spaza shop or sales table, nor may any person make any attempt to set up a business as a vendor within The Gates, for any purpose whatever, without the prior written consent of the HOA and the necessary licences prescribed by law.
- 6.2 A portion of the dwelling may be used as office space by the resident, provided that prior written approval is obtained from the HOA, which approval will be subject to compliance with the Local Authority’s regulations.
- 6.3 Any form of public auction or sale on any property is prohibited, unless specifically sanctioned by the HOA .

7. UPKEEP AND MAINTENANCE OF PROPERTIES

- 7.1 All fences, driveways, structures and exteriors of all buildings shall be maintained by the Property Owner in a clean and tidy condition, be fittingly repaired, painted and generally maintained to a standard satisfactory to the HOA.
- 7.2 All gardens or undeveloped land shall be maintained by the Property Owner in accordance with the Environmental Management Plan and the Landscaping Guidelines. Gardens and undeveloped land may not be used for any purpose, or in any manner, which is likely to have a negative impact on neighbouring properties, or on The Gates at Hilton in general.
- 7.3 Where, in the opinion of HOA, the condition of a dwelling or its surroundings is not up to the required standards of The Gates at Hilton, written notice shall be given to the Property Owner to carry out the necessary improvements within a specified time.
- 7.4 Should the Property Owner fail to carry out such work as requested, the HOA shall be entitled to carry out that work and to recover the reasonable cost thereof from the Property Owner, which amount shall be deemed to be part of the levy due by the Property Owner.

8. LANDSCAPING

- 8.1 Private gardening is encouraged and all efforts to enhance The Gates of Hilton are supported.
- 8.2 A landscaping plan should be submitted to the Architectural committee for approval, prior to construction.
- 8.3 Plant material must consist of at least a 60% indigenous ratio. Recommended plants are listed as part of the Landscaping Protocol.

9. LEVIES

- 9.1 In terms of Article 5 of the Articles of Association, levies are payable by all Property Owners and are due in full and in advance by the 1st day of each and every month.
- 9.2 Owners whose levy payments are in arrears at the 7th of the month will be liable to pay interest at 2% above the current prime overdraft rate of the Standard Bank of South Africa, and such interest shall be applied to the full amount overdue, from the 1st day of the month up until the date of payment.
- 9.3 Any interest on, or collection fees for overdue levies, shall be considered to be part of the levy and treated as such.
- 9.4 Levy amounts may not be withheld or off-set against any real or perceived non-provision of services, or for any other reason whatsoever.
- 9.5 Owners are encouraged to effect levy payments by way of debit orders.

10. VEHICLES

- 10.1 Use of motorized vehicles is restricted to roads and driveways.
- 10.2 No vehicle shall be parked, stored or left unattended within The Gates at Hilton other than at a place properly set aside for such purpose.
- 10.3 The parking of boats, caravans, trailers etc. shall be in such a manner as not to be directly visible to the public or neighbours.
- 10.4 The HOA may impose a speed limit upon roads within the development.
- 10.5 Pedestrians shall have the right of way at all times within The Gates at Hilton, and vehicles shall be brought to a stop whenever necessary to allow this.
- 10.6 The HOA may, by means of appropriate signage of the type used on public roads, give directions as to the use of roads within the development.
- 10.7 Only licensed drivers may operate vehicles within The Gates at Hilton.
- 10.8 The laws applicable to use of roads within the Republic of South Africa shall apply within the boundaries of The Gates at Hilton, and may be enforced by the HOA.
- 10.9 The driver of any vehicle entering The Gates at Hilton shall:
 - 10.9.1 Not drive while under the influence of alcohol or any drug which may impede his ability to control the vehicle;
 - 10.9.2 Not drive in a manner which constitutes a danger or nuisance to others;
 - 10.9.3 Not sound hooters/horns unnecessarily.

11. REFUSE REMOVAL

- 11.1 The removal of refuse shall be under the control of the HOA who may, in exercising its function in this regard, from time to time by notice in writing to all persons concerned:
 - 11.1.1 Lay down the type and size of refuse containers to be used
 - 11.1.2 Give directions in regard to the placing of such containers for collection
 - 11.1.3 Require the payment of a reasonable charge for the provision of containers.
- 11.2 Property owners are to ensure that directions given relating to refuse removal are observed.
- 11.3 Removal of refuse of such size, quantity or nature that it cannot be accommodated by the normal service shall be the responsibility of the Property Owner.

12. GENERATORS

Generators are permitted but must be covered and located within a courtyard.

13. FIREARMS AND FIREWORKS

- 13.1 The use of any kind of fireworks is prohibited.
- 13.2 No Property Owner shall discharge or permit the discharge of any firearm, air gun or other lethal or dangerous weapon (including catapults) within the Gates at Hilton, other than in self-defence.

14. PETS

- 14.1 Owners must comply with Local Authority by-laws relating to the keeping of pets.
- 14.2 Prior to bringing a pet on to the property, written permission must be obtained from the HOA. Such permission will not be unreasonably withheld.
- 14.3 No more than 2 (TWO) dogs and/or 2 (TWO) cats are permitted per household.
- 14.4 All cats and dogs must be either spayed or neutered. A veterinary certificate of compliance must be produced along with the request to keep the pet.
- 14.5 Caged birds will be allowed subject to not more than two birds per cage, and a maximum of two portable cages per residence. Aviaries are not permitted.
- 14.6 Pigeons, poultry, peacocks, wild animals, livestock, snakes, reptiles and the like are not permitted.
- 14.7 Each dog or cat must at all times wear a collar with a name tag indicating the owner's name and telephone number.
- 14.8 Dogs must be kept in an adequately controlled area within the Owner's property. When outside the property, dogs must at all times be on a leash and under the control of a responsible person. Stray pets without name tags will be handed over to the SPCA or Municipal pound and any costs will be for the owner's account.
- 14.9 The HOA is entitled to impose fines on owners whose pets are found unattended out of their owner's properties.
- 14.10 The owner of a pet must immediately remove any fouling by pets on property belonging to the HOA or other owners.
- 14.11 Pets may not be a nuisance or cause a disturbance or annoyance to others through barking, howling, squawking etc., and no pet may be left alone for an extended period.
- 14.12 Any animal or bird found on the property and in contravention of these rules will be removed.

15. SECURITY

All persons within The Gates at Hilton shall adhere to security procedures in force from time to time. Property Owners are required to familiarize themselves with, and abide by, the Security Protocol.

16. CONSERVATION AREA

- 16.1 The Gates at Hilton incorporates a conservation area, identified on the layout plan. This area is designated for the use and enjoyment of all Property Owners and the Hilton college community, subject to the following. No one shall:

- 16.1.1 disturb, harm or destroy any wild animal, insect, reptile bird or plant;
- 16.1.2 light any fire other than at a place designated for that purpose and subject to proper fire control measures;
- 16.1.3 set snares, traps or any similar device;
- 16.1.4 dump refuse or litter;
- 16.1.5 disturb, destroy or collect any plant material, whether alive or dead;
- 16.1.6 camp.

17. PASTURES

Those areas within The Gates at Hilton are reserved for use by The Society to graze animals.

18. COMMONAGE

Certain areas are designated as commonage and may be used by residents for recreation, subject to any rules imposed by HOA from time to time.

The owners of Erf 1731, Erf 1753, Erf 1754 and Erf 1760 shall have the right of exclusive use over that portion of Erf 1817 which immediately abuts those properties and extends to the eastern boundary of the development to the exclusion of the owners of all other subdivisions apart from the bona fide employees of the Homeowners Association who are engaged in maintenance of the boundary fence. This rule may not be amended without the consent of the owners of the aforesaid erven.

19. SWIMMING POOL RULES

- 19.1 The swimming pool is solely for the use of members of The Gates at Hilton Homeowners' Association ("Member") or their guests. All guests must be accompanied by a member when using the swimming pool.
- 19.2 Members or their guests using the swimming pool do so entirely at their own risk and in using the swimming pool acknowledge the possibility of injury or death resulting from the use of the swimming pool and indemnify and will hold the Homeowners' Association completely harmless against any loss which may be sustained by a member or a member's guest or guests as a consequence of injury or death incurred from what so ever cause whilst using the swimming pool.
- 19.3 In using the swimming pool the members and their guests agree and are bound to comply with the following rules:
 - 19.3.1 Alcoholic drinks may not be brought into the swimming pool area. Any soft drinks brought into the swimming pool area may only be in plastic containers and under no circumstances are glass containers to be brought into the swimming pool area.
 - 19.3.2 No rough, boisterous or untoward behaviour which shall include foul or abusive language is permitted either in the swimming pool or in the swimming pool area.
 - 19.3.3 Children under the age of 12 in the swimming pool area must be accompanied by an adult supervisor at all times.

- 19.3.4 Members are reminded that this is a community swimming pool and no activity which may cause undue disturbance to other members using the swimming pool or which could potentially endanger any other person will be tolerated.
- 19.3.5 All members using the swimming pool must wear a suitable swimming costume.

20. HILTON COLLEGE FACILITIES AND NATURE RESERVE

- 20.1 Residents of The Gates at Hilton may enjoy limited and controlled use of the facilities of Hilton College, and of the Estate. The terms of this privilege will be negotiated from time to time between the HOA and the Hiltonian Society and circulated amongst Property Owners.
- 20.2 In order to enjoy the use of these facilities, Property Owners will be required to apply for membership of the Fleur-de-Lys Club, and access will be managed through the Club.
- 20.3 No unauthorized use of facilities will be permitted.

21. LEASE/SALE OF LAND

- 21.1 The HOA must be informed prior to the renting/leasing of a residence, and written consent to a specific long term lessee must be obtained. Such consent shall not be withheld without good cause. Short term (e.g. weekend) rentals are permitted.
- 21.2 The Owner is responsible for thorough briefing of the lessee, and for furnishing the tenant with the Rules of The Gate at Hilton.
- 21.3 Written consent to the transfer of a property must be obtained from the HOA. Prior to the grant of such consent, the selling/transferring owner must have settled all obligations to The Gates at Hilton.
- 21.4 Any intending purchaser is obliged, as part of the sale and purchase agreement, to become a member of The Gates at Hilton and to undertake to be bound by the Rules of the HOA.
- 21.5 Conveyancing should be undertaken by The Gates at Hilton attorneys, TMJ.
- 21.6 In all sales the Purchaser is required to pay the Levy Stabilisation fee, as set by the HOA from time to time.

22. CEMETERY

- 22.1 The cemetery area within the commonage must be treated with respect.
- 22.2 The HOA will, subject to conditions and in accordance with the appropriate laws, allow families of those buried access to the graves for the purpose of caring for the graves and performing traditional ceremonies.
- 22.3 Access to the graves will be in accordance with the provisions of the Extension of Security of Tenure Act which provides in Section 6(4) as follows:
“any person shall have the right to visit and maintain his or her family graves on land which belongs to another person, subject to any reasonable condition imposed by the owner or person in charge of such land in order to safeguard life or property or to prevent the undue disruption of work on the land.”

23. GENERAL

- 23.1 All permanent and casual domestic workers, general assistants, cleaners, gardeners etc. must be registered with the HOA. Property Owners and their employees must ensure that they abide by the security procedures detailed in the Security Protocol.
- 23.2 No animal, bird or reptile may be slaughtered, no meat, skin, fish or carcass may be hung up to dry or cure and no animal buried within The Gates at Hilton.
- 23.3 No private, religious or commercial advertising notices or brochures may be distributed around The Gates at Hilton. (This rule shall not apply to legitimate notices from the HOA to residents.)
- 23.4 The HOA shall be entitled to prohibit access to any area within The Gates at Hilton should it deem it desirable to do so for the purposes of preserving the environment. Any such areas shall be suitably demarcated.
- 23.5 The lighting of fires in any open space in The Gates at Hilton for any purpose is prohibited unless for the express purpose of braaiing at an authorized function or as an ordinary residential activity, and provided that the braai fire is made in a proper receptacle/burner specifically built for that purpose.
- 23.6 The use of any open space in a manner or through conduct which may unreasonably interfere with the use and enjoyment thereof by other persons, or in such a way as to cause a nuisance, which may detrimentally affect the amenity of such space, is prohibited.
- 23.7 Littering or discarding of any item whatsoever on The Gates at Hilton is prohibited except in receptacles specially provided.
- 23.8 Drones may not be flown for recreational purposes within The Gates at Hilton. Should they be required for specific reasons, permission must be sought from the Home Owners' Association office.
- 23.9 By resolution of the Home Owners' Association, the Hilton offices of Harcourts and Pam Golding are the approved agents for resales within The Gates at Hilton.

24. BREACH

- 24.1 Should any Property Owner breach any of the Articles and/or the Rules and/or any provisions of the Design Code and/or any directive lawfully given by the HOA, then the HOA shall give the owner written notice to remedy such breach within a period of 14 days, or within a further period as the HOA in its sole discretion deems reasonable, given the nature of the breach.
- 24.2 The HOA shall send such written notice to the Property Owner at the Property Owner's address of record as furnished by the property Owner to the HOA. If sent by prepaid registered post to that address then it shall be deemed to have been received on the fourth day after posting and if delivered by hand to that address, then on the date of delivery.
- 24.3 Should the owner fail to remedy the breach within the time stated in the said notice then the HOA, at its sole discretion, shall be entitled to impose a fine upon the Property Owner in accordance with the schedule of fines applicable at the time.