



CODE OF CONDUCT

Incorporating the Rules
of
The Lake Michelle Home Owners Association

(MAY 2017)

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Definitions

Administration Office	Administration Office of the LMHOA is made up of persons employed to assist the Estate Manager in his or her duties.
Annual General Meeting	A meeting constituted by the Board annually, as set out in the MOI.
Board	The elected Board of Directors responsible for the orderly management of the affairs of LMHOA.
Breach	An infringement of a Code of Conduct Rule.
Common Property	Public open spaces situated on the Estate including the Lake, Ponds, Waterways, roads, road verges, the boat house area, Erf 1000, entrance areas, parking areas, boardwalks, pathways, walkways, public jetties, and infrastructure owned by or registered to LMHOA.
Contractor	A company or natural person engaged by a Member, Resident or the LMHOA to attend to work including but not limited to building, plumbing, painting, window or pool cleaning, delivering, and shall include rubbish or rubble removal as well as garden and house services.
Codes	The MOI, Codes of Conduct, manuals or other guidelines as amended from time to time and as determined in terms of the MOI.
Code of Conduct	Codes of Conduct, manuals or other guidelines as amended from time to time, Rules as determined in terms of the MOI.
Directors	Members or Member's representatives, residing in the Estate and in good standing, elected at a General Meeting or appointed by Directors in terms of the MOI.
Domestic Employee and Gardeners	A person/s employed by a Resident to attend to domestic or gardening work on the Property of the Resident and registered with the Administration Office.
Eco Corridors	Corridor found at the sides and top of the Ponds and Waterways.
Agent	An estate agent or letting agent representing an Estate Agency, registered with the Administration Office or any person or persons engaged in writing by a Member to act on the Member's behalf to sell, buy, manage, rent or lease any Property on the Estate.
Estate Manager	A permanent employee appointed by the LMHOA to manage the Estate or any other employee appointed in writing by the Estate Manager to assist, on a temporary basis, with this management.
Estate	The area known as Lake Michelle situated within the fenced perimeter.

Garden Refuse	Small cuttings from shrubs, grass cuttings and leaves.
General meeting	A meeting called by the Board or by Members to address a specific matter as in Clause 3 of the MOI.
Islands	Bodies of land surrounded by the Lake water.
Lake	The main water body of the Estate
Levy	The monthly charge to a Member's account in terms of the MOI.
LMHOA	Lake Michelle Homeowners Association NPC Registration Number 1991 / 001876 / 08 and represented by the Board, Estate Manager and Administration Office.
Maintenance Team	Employees employed by the LMHOA to oversee the maintenance of the Estate's common property.
Member	The registered Owner of a Property and Member of the LMHOA as defined in the MOI.
MOI	Memorandum of Incorporation of the LMHOA first adopted on 27 th May 2014 and as amended from time to time.
OEMP	The Operational Environmental Management Plan emanating from the Record of Decision of 2002 and implemented in April 2006 which the LMHOA is legally obliged to comply with.
Penalty and charges	A Penalty issued as a result of one or more of the requirements of the MOI, CODE OF CONDUCT, and/or other Codes being contravened. Such Penalty will be based on the Code of Penalties and Charges, will be added to the Member's Levy account and is payable with the following month's Levy payment. The Board reserves the right to impose a more severe Penalty if a breach is considered to be serious or on-going and such action is warranted.
Phases 1 – 3	Lakeshore Drive and all roads including Bluefin, Oriole, Sweetwater, Spoonbill and Ibis End.
Phases 4 – 7	Northshore Drive and all roads abutting it including Waterlily, Bulrush, Restio, Scirpus, Olea, Aristeia and Milkwood.
Ponds	The bodies of water into which feeder water is fed from the Waterways and from which water flows back into to the Lake.
Property	Private Property or erf situated within the Estate.
Refuse	Any domestic disposable matter that is either non-recyclable or recyclable.
Resident	A Member or other natural person living (with the permission of the Member) in a house situated on a Property.

Rule	A rule agreed on by the Board in terms of the MOI.
Tenant	A natural person who is registered as a Tenant with the Administration Office and who is living in a house situated on a Property with the written permission of the Member.
Visitor	A natural person who is visiting or working for a Resident with the permission of the Resident or working on the Estate with the permission of the Estate Manager or Administration Office.
Walkways	Boardwalks or paths traversing Ponds and Common areas.
Waste	Any human waste or toilet paper that is flushed into the LMHOA sewerage system from the flushing toilet facilities on the Estate and excludes nappies or sanitary waste.
Waterways	The small bodies of water into which water is pumped from the Lake and from which the Ponds are fed.
Sewerage System	A network of pumps and pipes transferring effluent from houses to sumps and ultimately out of the Estate to connect with the Municipal sewers.

LAKE MICHELLE HOMEOWNERS ASSOCIATION NPC

Noordhoek Cape Town

LAKE MICHELLE HOME OWNERS ASSOCIATION (LMHOA) IS NOT RESPONSIBLE FOR ANY LOSS OF LIFE, PERSONAL INJURY, OR LOSS OR DAMAGE TO PROPERTY WHICH MAY OCCUR AS A RESULT OF THE USE OF THE LAKE, OR ANY COMMON PROPERTY

THE LMHOA RESERVES THE RIGHT OF ADMISSION TO THE ESTATE

The LMHOA, which is guided by the Memorandum of Incorporation (MOI), has the objective of maintaining a secure, caring community in a well-managed Lake and wetland environment. It is run for the benefit of Residents and Members of all ages, to enable enjoyment of life in safe, healthy and peaceful surroundings. All this is to be done as cost effectively as possible.

The LMHOA promotes and ensures compliance with the architectural standards and design criteria for the Estate as described in these Codes of Conduct and as required by the OEMP Regulations. In addition the Estate is governed by various Town, Architectural, Landscaping and Design Codes. Maintenance of the Common Property and the Lake's environment to promote wild life and fishing, together with gardening, refuse and waste removal are the responsibility of the LMHOA.

These objectives can only be achieved with the involvement of all Members and Residents, the prompt payment of Levies and monies due, and the compliance with the word and spirit of the MOI and the CODE OF CONDUCT.

1. LAKE, PONDS AND WATERWAYS

The use of the Lake is for Residents and their Visitors only. Residents should limit the number of persons using the Lake and respect the hours of use. Residents and their Visitors fishing, or conducting recreational activities on the Lake must respect the Residents living on the water's edge by keeping a fair distance so as not to impose on their privacy. The management of the Lake is governed by the OEMP which is available from the Administration Office on request.

The OEMP for Lake Michelle is a programme which formulates the means by which the LMHOA will operate from an environmental perspective, into perpetuity. The OEMP prescribes sound environmental practice upon LMHOA and its Residents with the aim of conserving and improving the environment in which the Lake exists. The LMHOA is legally mandated to implement the OEMP which governs the environmental requirements of the Estate.

Eco corridors, which are found at the sides and end of each Pond and Waterway, are not to be disturbed by Residents through any activities whatsoever.

Residents must take care when on the Lake. The LMHOA takes no responsibility for any use of or accidents on the Lake. Use of the Lake is at each individual's own risk as no lifeguard service is provided and as such it is essential that all children wear life jackets. Adults are encouraged to do so as well.

Residents are advised to take notice of water condition warnings as advised by the Administration Office from time to time.

1.1 Maintenance of the Lake, Ponds and Waterways

Any bank stabilising, anti-erosion or other measures that a Member proposes undertaking on their Property, and that may impact on the water shoreline or body cannot be undertaken without the Member first consulting the LMHOA in order to ensure their conduct is compliant with the OEMP and Environmental Codes and with the environmental authorization issued by the Department of Environmental Affairs and development planning on 4 December 2002. Should more information be required please contact the Administration Office.

Waste effluent, weed killers, chemicals and detergents or any other harmful substances, must not be discharged into the Lake, onto Property, or onto the roads as these pollutants could drain into the storm water system and subsequently pollute the Lake. (Also see 2.5)

To maintain stabilized shorelines and maximize natural runoff cleansing and filtration, in Phases 4 to 7 and where possible, in Phases 1 to 3, lawns may not be cultivated and regularly cut within 3 meters of the water's edge. Low growing plants such as, Papyrus, Juncus and indigenous natural water grasses are preferred for these areas. Furthermore a natural buffer zone of 3 to 5 meters, creating a natural corridor for the free movement of small wildlife, should be maintained. This is a legal requirement in terms of clauses 13.2 and 13.3 of the Record of Decision (ROD) for Phases 4 to 7 of Lake Michelle.

1.2 Birds

The wild birds are an integral part of the environment. Residents must protect them by preventing the introduction of domestic birds such as geese and ducks, or aliens such as Mallard.

1.3 Bird Sanctuaries

Because the Islands, Ponds and Waterways in and around the Lake are bird sanctuaries, they are considered prohibited areas. The Islands have been left in their natural state to encourage and foster the resident and migrant bird populations and must be given a two meter wide berth when Residents are out on the Lake. Many snakes also live on the Islands. Access to the Islands, Ponds and Waterways by the LMHOA Maintenance Team to attend to maintenance and environmental work will at times be necessary. Residents must ensure that they, their children, Visitors and pets, do not scare or feed the birds or disturb their nesting areas.

1.4 Fish and Aquatic Animals

To keep the ecological balance of the Lake new fish species must not be introduced. The fish that have been caught must **NOT** be released back into the Lake. Statistics of fish caught must be logged and handed in at the Administration Office or at the security gates.

Residents and their Visitors, when fishing on the Lake, (fishing is strictly prohibited in the Ponds) are to ensure that they remove any rubbish, bait, fishing tackle, hooks or excess fishing lines before leaving the area. Interference in any way with otters, crabs, frogs or other aquatic creatures will be viewed in a serious light and will be dealt with accordingly. Visitors who wish to fish in the Lake must be accompanied by the Resident at all times.

1.5 Ponds and Waterways

Wading or swimming by Residents, their children, Visitors and dogs, or fishing in the Ponds or Waterways is strictly prohibited. The Ponds are lined with a plastic membrane that will be damaged or otherwise affected by such activities. Supervised work in the Ponds and Waterways will be carried out from time to time by the LMHOA Maintenance Team.

Care should be taken when using the Walkways, as the Ponds are deep and could be difficult to clamber out of.

1.6 Water Craft

Canoes, rowing boats, pedal craft, boats with small electric motors and smaller single-hulled sailing boats are permitted on the Lake. However motorised craft, as well as multi-hulled craft, windsurfers or kite boards are not permitted. Racing or any boating activity which will disturb the birdlife, or have an impact on the shoreline of the Lake is also not permitted without the written permission of the Estate Manager. Residents are reminded that it is a requirement that all boats are registered with the Administration Office.

2. GARDENS

Members are required to eradicate all Port Jackson and other alien vegetation from their Properties and replace them with suitable approved indigenous plants. When planting trees on a Property, consideration must be given to the possible impact on a neighbour's Property. See the list of approved plants in the Landscaping Code which is available from the Administration Office.

2.1. Garden Services

Residents are required to only use garden services registered with the Administration Office.

2.2. Properties

Members are responsible for keeping their Properties free of alien vegetation. This is required in accordance with the OEMP.

2.3. Garden Maintenance

Residents must maintain their gardens in such a manner as to enhance the overall image of the Estate, and in so doing must comply with the Landscaping Codes.

Residents of Phases 4 - 7 may only plant indigenous plants, as per the plant list contained in the Landscaping Code.

Residents living in Phases 1 - 3 are required to adhere to the plant list as set out in the Landscaping Code when re-landscaping or adding additional plants and trees to their gardens.

All residents must refer to the Nemba Invasive Species Lists www.invasives.org.za before planting new plants or trees in their gardens.

2.4. Garden Refuse

A maximum of 2 (two) green plastic bags of Garden Refuse, such as leaves, grass and small cuttings may be put out for removal by the LMHOA maintenance team on a Monday. Should more than two bags be left for collection, the balance will not be removed. Residents will be responsible to dispose of the additional bags, as well as branches and larger uprooted shrubs, by taking them to the municipal dumping site.

Residents must not use neighbouring Properties, Common Property, the area adjacent to the Administration block nor the refuse collection area to dump Garden Refuse unless with the permission of the Estate Manager.

2.5. Fertilizers and Chemicals

Chemical fertilizers are not to be used as the run-off pollutes the Lake. Residents and their landscapers and gardeners may only use organic fertilisers as required in the OEMP. (Also see 1.1).

Other poisonous chemicals such as Rattex or similar poisons may also not be used. They are extremely noxious and will have a negative impact on our birds of prey population, as well as on otters and other small wild creatures that prey on mice and rats.

2.6. Washing of Cars

As required by the OEMP, vehicles are not to be washed on the Estate because of the run-off of chemicals and effluent which could flow directly into the Lake and Ponds. Residents are encouraged to use the services of a local car wash.

3. COMMON PROPERTY

- 3.1.** No changes, additions or alterations to any Common Property may be made without the prior written approval of the LMHOA in terms of the MOI.
- 3.2.** Planted verges are maintained and irrigated by the LMHOA Maintenance Team and may not be used as parking areas or as driveways as this could cause damage to the irrigation system, grass and plants.
- 3.3.** Common Property areas must be used in a manner which does not cause damage to or interfere with the use and enjoyment of the area by other Residents. Any use of Common Property must be in accordance with the CODE OF CONDUCT, of the LMHOA and other National and Local regulations, and is entirely at the user's own risk.
- 3.4.** Children should be encouraged to play on the open areas and not in the roads or gardens. They may not climb trees as this could cause damage to the branches.
- 3.5.** Boats must not be left on open areas or moored to Common Property jetties unless being used on the day. Use may be made of the canoe racks provided but care must be taken not to damage other canoes when stacking or removing a boat.

- 3.6. Plants, shrubs or trees on the Estate (including the nursery area) may not be removed, destroyed or picked. With the written permission of the Estate Manager and as part of a plan which benefits LMHOA, trees or shrubs may be planted.
- 3.7. No equipment such as playground equipment, infrastructure, signs, poles, pavers, stakes, stones or rocks that are the property of LMHOA shall be removed, altered or destroyed. No graffiti or defacing of Common Property will be tolerated on the Estate.
- 3.8. Litter or any item of a disposable nature must not be discarded on the Estate other than in receptacles provided for that purpose. If no receptacles are available Residents must remove the litter for disposal at home.
- 3.9. Residents of Property adjacent to Common Property areas must not use the open area for the parking of any vehicles, nor restrict other users from access to, or use thereof.
- 3.10. Use or riding of bicycles or motorised scooters on the walkways, boardwalks, or pathways, and public open areas within the Estate is not permitted. These are walkways, not cycle tracks. Young children, up to four years of age, with their tricycles may make use of these pathways when accompanied by a parent or child minder.
- 3.11. Bicycles, skateboards, push and motorized scooters and the like may not be left on Common Property areas overnight.
- 3.12. The cost of repairs for damage done to Common Property by a Resident or their Visitors will be charged to the Member's Levy account. Other action could also be considered.

4. ROAD FRONTAGE APPEARANCES AND SIGNS

4.1. Numbers and Names

It is a requirement that house numbers clearly visible from the road, are to be displayed. The display of house names which are unobtrusive, in good taste, and in keeping with the ethos of the Estate are permitted.

4.2. Signage

4.2.1. Small 'bore-hole' or "well point" signs are permitted.

4.2.2. Builder's or painting contractor's signs are permitted for the duration of their work, and must be removed on completion and before any building deposit will be refunded. The maximum size of such sign is 1500mm x 1500mm and must be positioned on the Member's Property.

4.2.3. Upon written notice to, and on agreement with the Administration Office, an approved security company sign that is visible from the road may be positioned on the house.

4.2.4. No signage other than signage as described in 4.2.1, 4.2.2, 4.2.3 will be permitted without written permission from the Estate Manager.

4.3. Dustbins, Washing Lines, Kennels, Water Tanks and Other Storage Areas

4.3.1 Dustbins, washing lines, kennels, other pets' accommodation, water tanks, garden sheds, Wendy houses and any other storage areas must not be visible from the road, the Lake or Ponds.

4.3.2 No washing is to be hung on balconies, over fences or on dryers in the garden. At all times washing must not be visible from neighbouring Properties or from the road, Lake or Ponds.

4.4. Vehicles

Boats, caravans, mobile homes, horseboxes & trailers are not to be parked on a Property in such a manner that they are visible from the road, Lake or Ponds without written permission from the Estate Manager.

No vehicle that appears damaged or un-roadworthy may be left on the Estate for a period exceeding 15 days without the written approval of the Estate Manager.

4.5. Satellite Dishes and Similar Communication Devices

It is a requirement that satellite dishes and similar communication devices are situated below the roof eaves and are painted the same colour as the house on the Property. All types of apparatus and fittings must be positioned in a way that makes it non-intrusive to other Residents.

5. MAINTENANCE, HOUSEHOLD REFUSE AND WASTE REMOVAL

5.1. Property Maintenance

Properties are to be maintained in good repair and in a clean and tidy condition. This includes the exterior paintwork and finishes on a house. If Properties are let, Member's must ensure that they are maintained by the Tenants, alternatively they must make arrangements for Contractors to maintain them on their behalf. The overall responsibility of maintenance, upkeep and appearance lies with the Member at all times.

5.2. Household Refuse Removal

All Refuse is to be placed next to your driveway before 08:00 on a Monday morning (See Clause 5.2.4) Refuse must not be put out the previous evening as the wind, crows, and other scavengers rip the bags and cause the spill of Refuse.

5.2.1. Non-recyclable Refuse (landfill) must be put in securely tied black plastic bags and preferably placed in a wheelie bin. No loose Refuse must be placed in a wheelie bin as the LMHOA Maintenance Team will not collect any Refuse not in black bags.

5.2.2. Recyclable glass Refuse. Glass items must be rinsed out and put in a separate box or securely tied in a clear recycle plastic bag and be placed next to the wheelie bin. A glass recycle bin is available at the workshop area behind the administration building.

5.2.3. Other recyclable Refuse must be rinsed out and put in securely tied clear recycle plastic bags and left next to, or on top of, the wheelie bin. Recycle plastic bags can be collected from either Security or the Admin Office.

5.2.4. The Estate Manager may from time to time issue notices to alter Refuse collection times and circumstances

5.3. Household Waste Disposal (Sewerage)

The sewerage or effluent system at Lake Michelle is owned by LMHOA and is maintained by the Maintenance Team. All costs incurred in the maintenance and upkeep of the Waste disposal systems is solely the responsibility of the LMHOA.

5.3.1. Only human Waste and toilet paper may be disposed of into the Sewerage System and Residents and Visitors are required to strictly adhere to this.

5.3.2. Use of this system to dispose of any other Waste, non-human Waste or Refuse, is strictly prohibited.

5.3.3. Residents are also prohibited from causing rain water to be drained into the Sewerage System.

5.3.4. Swimming pools must be backwashed into the Sewerage System (to avoid chemical flow into the Lake and Ponds).

Infringement of Rules 5.3.1, 5.3.2 and 5.3.3 could result in blockages or overloading of the pipes and pumps of the system causing damage and a subsequent sewerage spill into the Lake and Ponds. This will be deemed a disaster and apart from the expense incurred to rectify the damage, onerous provisions in the OEMP could come into effect. The cost of repairs for damage to the system which can be traced to a Resident or their Visitors, will be charged to the Member's levy account.

6. COMMERCIAL ACTIVITIES

6.1. Small Businesses

Residents wishing to run a business or commercial activity from their Property are required to make a written application to the LMHOA for approval before commencement of such activity.

Consideration will be given by the LMHOA in conjunction with the provisions of our MOI and the Code of Conduct, and permission will only be given to small home businesses which would not generate additional traffic, parking congestion, noise, general disturbances, and would not have an effect on neighbours' privacy and general security, nor would require the employment of staff not residing on the Estate.

Should approval to conduct a business be given, this permission can be withdrawn at any stage with due cause and appropriate notice, without cost to the LMHOA. This is likely in the event of any problems arising related to the running of the business.

The official Lake Michelle logo may not be used for commercial purposes, or in any manner that implies sanction by the LMHOA.

6.2. Guest Houses and Bed and Breakfasts

In order to ensure the security within the Estate is not compromised, and to avoid any possible infringement of other Resident's rights, the use of a Property as a guest house facility or a bed and breakfast is strictly prohibited.

6.3. Rentals and Self-Catering Accommodation (See also Clause 15)

In order to ensure the security within the Estate is not compromised, and to avoid any possible infringement of other Residents rights, the use of a Property on a rental or lease basis requires the approval of the LMHOA. The required forms, signed by the Member, indicating the intention to lease a Property must be submitted by the Member to the Administration Office for consideration 14 days prior to such a rental.

The LMHOA is required to maintain the security and living style associated with the Estate and as such all aspects of the MOI, Code of Conduct, will be strictly enforced with all Tenants. (See also Clause 15) The onus is on the Member or Agent to ensure that the Tenant has been briefed and acknowledged acceptance of the Code of Conduct.

NB!!! Members or Agents must ensure that access control devices are returned at the end of the rental period and must advise the Administration Office that the Tenant has vacated the property

6.4. Film Shoots

Film shoots on the Estate are not permitted. Should any Resident/Member arrange a film shoot to take place the film crew will be denied entry to the Estate. LMHOA will not be held liable for any resultant action or charges resulting from this denial of entry.

7. PETS AND OTHER ANIMALS

7.1. Pets

The number of cats and dogs per household is restricted to a maximum of 2 (two) of each category to minimise the nuisance factor, and to help avoid destruction of wildlife. Residents are required to comply with the current Municipal regulations and the Code of Conduct, . Pets must not be allowed to roam free, to swim in the Lake, Waterways and Ponds, or to chase birds or other wildlife. All cats and dogs must wear a collar with an identification tag stating the name and contact details of their owner. It is advisable that owners of dogs and/or cats have them micro chipped by their veterinary clinic for identification. Owners are to furnish the Administration Office with a photograph and the name of their pets for the LMHOA database to assist in the return of their pets should they be found roaming on the Estate. It is a requirement that the Administration Office is updated with any changes regarding pets.

7.2. Cats

Cats are natural predators and, in an indigenous environment such as Lake Michelle where there are many species of birds and mammals that nest on the ground, they pose a threat. As a result cats are to wear bells on their collars to alert birds of their presence. Cats must be kept in at night so as not to 'hunt' wildlife and to avoid being a nuisance to other Residents.

7.3. Dogs

7.3.1. Dogs must be kept within the boundary of the Member's Property where the fencing erected meets the requirements of the Landscaping Codes and is adequate to confine the dogs. Dogs must be family pets and should not be 'yard dogs' kept in a confined area.

7.3.2. Dogs must be kept on a lead at all times if they leave the confines of a Resident's property.

7.3.3. Children, house-sitters and dog-minder must be made aware of the Code of Conduct, governing dogs, especially the requirement of picking up any mess the dog may leave. Suitable bins and bags are provided at various points around the Estate to assist with this and must be used at all times.

7.3.4. Should a dog be found roaming unaccompanied around the Estate, it will be brought to and confined in the kennel in the administration area. Should, after notification to the Owner, the dog not be collected on the day, an animal welfare organization will be requested to assist with the further handling of the situation. Neither the LMHOA nor its employees will be responsible for the welfare of the dog whilst it is off the Owner's Property nor whilst it is in the care of the LMHOA staff.

The cost of any necessary actions in this regard, the repair of damage done, or treatment of injury sustained as a result of the dog having to be housed, will be recovered from the Owner and added to the Member's levy account.

7.3.5. Identified Residents whose dogs are constantly reported to be barking will be asked to rectify the problem. Residents are requested to actively attempt to sort these issues out between themselves before bringing them to the attention of the Administration Office. Should the problem not be resolved within a reasonable period, the LMHOA will attempt to address the problem upon submission of suitable evidence.

7.3.6. Dogs are not allowed to swim in the Lake, Waterways or Ponds. .

If action by the Administration Office is required regarding pet disputes it is necessary that a written report together with photographic evidence of the perpetrator where possible or other proof of the incident or complaint is submitted.

7.4. Other Pets

7.4.1. Catching, collecting or keeping of any wildlife e.g. chameleons, snakes, insects, amphibians or birds is strictly prohibited.

7.4.2. No species of domesticated birds such as pigeons, geese, ducks or animals, such as horses, cows, sheep, goats, pigs or rabbits may be kept on the Estate.

7.4.3. Domestic pet birds such as canaries, budgies or cockatiels are welcome as long as they are kept indoors.

7.4.4. No animals that would constitute a threat to the wildlife on, or tranquility of the Estate, such as mongooses, ferrets, hawks, etc. may be kept as pets.

8. NOISE - Regulation

8.1. Disturbance

A disturbing noise is that which disturbs or impairs the convenience or peace of a person. In accordance with the National Noise Control Regulations and the Environment Conservation Act 73 of 1989, LMHOA is desirous of maintaining the tranquility of the Estate.

To ensure harmonious living on the Estate and to avoid the need to impose restrictions, Residents are requested to be aware of, and considerate to neighbours, by keeping noise at a "reasonable" level, especially with due consideration to time. On Sundays and Public holidays it is required that the use of noisy equipment is kept to a minimum.

8.2. House and Children's Parties

When hosting a house party noise levels need to be monitored as a courtesy to neighbours. Immediate neighbours should be advised when a house or children's party is planned. In the event of a party being hosted in the evening, consideration to noise levels of music must be adhered to and music needs to be turned off by midnight. Residents are requested to consider neighbour's quiet enjoyment of the Estate by limiting the number of guests and social events held at a Property.

8.3. General use of the Boathouse

The use of the boathouse is determined by Rules agreed on by the Board in conjunction with the Estate Manager.

9. USE OF ROADS

9.1. LOOK OUT FOR CHILDREN AND WILDLIFE AT ALL TIMES!!

For safety reasons Residents should ensure that younger children do not cycle, skate, roller blade or play in Lakeshore or Northshore Drive. Children should also not play in the roads leading off Lakeshore and Northshore drives without some form of adult supervision

Parents and carers are advised to teach their children about road safety. Living on our Estate does not mean that the general laws of road usage can be ignored. The basic rules of look right, look left and look right again before entering a road must be explained as all home driveways lead into roads used by Residents. All the junction roads leading into both Lakeshore and Northshore Drives could be dangerous intersections if adequate care is not taken. Small children must be accompanied by an adult when using the roads.

Residents are encouraged to not only look ahead when driving, but also to look on the road in front of their vehicle to be aware of any small wildlife that may be crossing the road such as chameleons, lizards, crabs and baboon spiders.

9.2. General Traffic

Despite living in a residential estate Residents are governed by the National/Provincial/Municipal Road Traffic Ordinances and Bye-laws. As such Residents are bound to conform to these as well as Lake Michelle Code of Conduct.

No person may drive any vehicle on the Estate in a manner which would constitute an offence if driven on a public road. LMHOA requests drivers not to drive:

Recklessly, by deliberately disregarding the safety of other people or their Property,

Negligently, by failing to take into consideration the possible result of your actions,

Inconsiderately, by driving without reasonable care for any persons or animals on the road.

Residents are required to ensure they, their families, Visitors, Domestic Employees and Contractors (hereafter called Drivers) are aware of the Code of Conduct, regarding the use of our roads and Common Property. Upon entry to the Estate, Drivers will have signed an acknowledgement of this fact and it follows that the LMHOA has a duty to enforce the Code of Conduct, and in so doing help to ensure the safety of all.

As a safety precaution please note that it is not safe for children to sit on parents' laps whilst a vehicle is in motion or the parent is driving, nor is it wise to allow children to hang out of windows or sun-roofs. Cellphone use whilst driving (even at slow speeds) is dangerous.

9.3. Speed Awareness

The speed limit on Lakeshore and Northshore Drive is **30 KPH** and on all other roads is **20 KPH**. Drivers are required to obey these speed limits and to respect our road signs. Speed limits shown in Lake Michelle are the maximum speed and not the minimum. Drive more slowly when approaching people, especially children, and animals, birds or any wildlife on the road ahead and bear in mind that we have no sidewalks. Speed should also be reduced when weather conditions are adverse.

Speed monitoring devices could be used on the Estate in an attempt to control the problem of speeding, and offenders will be held accountable.

If it is suspected that any Driver has not been adhering to the speed limit or any other traffic code, the Driver will be given notice of the offence and will be given an opportunity to defend such a charge.

Should an offence be committed by a Visitor or Contractor the Resident who the person is visiting or contracted to may be responsible for any penalty that may be imposed and the visitor or contractor may be barred from the Estate.

Depending on the severity and circumstances of the offence, recognition of the provisions of our Code of Conduct and after consultation, further disciplinary action may be considered.

9.4. General Considerations

On narrow sections of the roads it is necessary to slow down when approaching oncoming cars. Do not drive on the grass verges or flower beds to avoid traffic calming devices as this practice may cause an accident or damage the irrigation system. Any damage to grass verges, vegetation, irrigation systems or LMHOA infrastructure will be rectified at the cost of the Member to whom the vehicle, causing the damage, is traced or connected.

9.4.1. The traffic islands in certain sections of the roads are traffic calming devices and Drivers must at all times drive on the left hand side of the road

9.4.2. For the sake of vision safety, there are a number of clearly marked “no parking” areas and these must be kept clear unless maintenance work dictates otherwise, in which case clear warnings will be displayed.



9.4.3. The use of off-road vehicles such as dune buggies, scramblers, mini bikes, quad bikes and any motorized vehicle that is not licensed for use on the Provincial roads, is prohibited on the roads within the Estate.

9.4.4. Contractor’s vehicles that are not roadworthy or leaking oil and are not currently licenced will not be allowed access to the premises.

9.4.5. Residents are requested to ensure that their vehicles and their visitors’ vehicles are in a roadworthy condition and not leaking oil.

9.4.6. Vehicle hooters must only be used for emergencies.

9.4.7. All Drivers of vehicles on the Estate must be in possession of a valid driver’s licence or be driving with a licenced driver if in possession of a learner’s licence. It is accepted that LMHOA management may request evidence of this licence at any time.

9.5. Large Delivery Vehicles

9.5.1. Large delivery trucks and furniture removal vans which do not comply with the specifications set out in the Building Code will not be allowed into the Estate. These trucks will need to be parked at the entrance parking area and items are to be transported to the relevant address using a smaller vehicle.

9.5.2. Delivery vehicles that damage trees or any other infrastructure will be reported to the Administration Office and the Resident to whom the delivery was made will have the cost of repair of such damage added to the relevant Member’s Levy account.

10. SECURITY

10.1. House Alarms

The duty of our security guards is that of patrolling the perimeter. Residents are reminded that the primary responsibility for the security of individual Properties rests with Members.

It is recommended that Members make informed decisions regarding the installation of an alarm system backed up by a silent monitoring and response service. Should you install such an alarm system LMHOA must be informed of the name of the service provider. At the same time the Member must confirm with the Administration Office re any specific requirements by all parties to the arrangement.

10.2. Security Infrastructure at Entrances.

All security infrastructure (booms, gates, etc.) should be treated with care and be allowed sufficient time to complete their opening or closing cycles. Please stop well before the boom to avoid possible damage to it and the vehicle. The LMHOA will not be held responsible for damage to any vehicle if sufficient care is not taken.

10.3. Access Device

Each Member or Resident is required to have the appropriate access control to enter and exit the Estate. Should a Resident not be in possession of an operational access control device security staff are not authorised to open the booms. Residents will then have to comply with the general signing-in procedure to gain entry. Please refer to the access control procedure available from the Administration Office.

10.4. External Lighting (Phases 1-3)

In Phases 1-3, the Design Manual Code requires that each house must have a light installed as close to the road as possible (e.g. garage) with an automatic photo-sensitive switch. Care should be taken that this light remains in good repair.

10.5. External Lighting (Phases 4-7)

In Phases 4-7, external lighting is governed by the lighting section contained in the Landscaping Code.

10.6. Visitors or Contractors

All Visitor's and Contractor's names and vehicle registration numbers will be recorded at the guardhouse prior to entry. Security should be advised if Residents are expecting Visitors or Contractors. If security has not been notified they will contact the Resident to ascertain if they have permission to admit the Visitor or Contractor. If there is no reply the Visitor or Contractor will be refused admission.

If a meeting or party is planned it is essential that a guest list be given to the Administration Office 24hrs prior to the event. The Administration Office will make the necessary arrangements with security at the guardhouse. Please make adequate arrangements for parking which is not on verges or no parking areas and which recognizes the rights of other Residents.

Visitors or Contractors will be given a visitors card authorizing their entry and they are expected to go directly to the Resident's Property and not to wander around the Estate unescorted. On leaving the Estate the Visitor must exit via the same gate as they made entry to the Estate and must return the visitor's card to the same gate. Visitors and Contractors are the responsibility of the Members at all times whilst on the Estate.

It is advisable to make arrangements with the Administration Office should there be a need for regular Contractors (e.g. pool cleaners) to gain access.

10.7. Domestic Employees and Gardeners

Residents must notify LMHOA of their employment arrangements by arranging with the Administrative Office to have Domestic Employees and Gardeners access cards issued and must notify the Administration Office should any changes occur.

Security will only allow access to Domestic Employees and Gardeners at times and on days for which they are registered. Registered Domestic Employees will be issued with a LMHOA identity card which will be kept in the guardhouse and issued to the Domestic Employee when they enter the Estate after signing in. The identity card must be carried by the Domestic Employee and Gardener whilst on the Estate and handed back to security on leaving the Estate.

10.8. Absence for a Period of Time

If Residents intend being absent from the Estate for a period of time it is advisable to notify the Administration Office in writing providing a list of Visitors, such as family, friends or Contractors, who may be residing on or servicing the Property. Visitors who are Contractors are to sign in with security, and Residents who give their access device to their "house-sitters" must ensure that these are returned to them when their "house-sitters" leave the Estate. Please ensure that the Administration Office knows who to contact locally in case of an emergency. Information supplied to the Administration Office will be communicated to security unless the Resident advises to the contrary.

10.9. Removal of Goods from the Estate

Any Domestic Employee or Contractor who wishes to remove any goods or articles from the Estate is required to obtain written authority from the Resident or Estate Manager.

10.10. Firearms

Whilst the LMHOA has no authority or storage facility to restrict the carrying of firearms, Residents are urged to be cautious at all times if in possession of firearms and must ensure that they adhere to the Firearms Control Act 60 of 2000. The discharge of any fire arms, air rifles, guns, bow and arrows are strictly prohibited on the Estate.

Fireworks, Chinese lanterns, flares or any potentially hazardous projectiles or incendiary devices are also strictly prohibited on the Estate.

10.11. Drones

The use of drones on the Estate is not permitted without written permission from the Estate Manager.

11. EMERGENCY NUMBERS

The Administration Office will update these from time to time and make them available to Residents.

12. ENTRANCE AND EXIT PROCEDURES


All Residents should familiarize themselves with the standard operating entrance procedures. This document can be obtained from the Administration Office.

13. PARKING

Boats, caravans, mobile homes, trailers & horseboxes

- 13.1.** No boats, caravans, mobile homes, trailers or horseboxes belonging to Residents or Visitors will be allowed to be stored on the Estate without prior written approval from the Estate Manager. Apart from the required municipal licence, boats, caravans, mobile homes, trailers and horseboxes kept on the Estate must be registered with the LMHOA and must have the appropriate LMHOA authorization.
- 13.2.** If permitted entry, boats, caravans, mobile homes, trailers and horseboxes may only be parked at the designated parking area which is situated behind the Administration Office. For this a monthly cost recovery will be charged and added to the Members' monthly Levy. Should there be no parking bay available alternate parking arrangement must be made outside the Estate until such time as a bay becomes available. The Resident will be placed on a waiting list that will operate on a 'first come first served' basis.
- 13.3.** Once allocated a parking bay it is the responsibility of the Resident to obtain and familiarise themselves with the Rules governing the parking area. These are available from the Administration Office and Residents are required to comply with them. Failure to do so could result in the Resident being asked to remove the boat, caravan, mobile home, trailer or horsebox.
- 13.4.** Boats, caravans, mobile homes, trailers or horseboxes may not be kept on the road, Visitors parking areas, grass verge or Common Property areas. If kept on a Resident's Property, trailers should not be visible from the road, Lake, Common Property or adjacent Properties.
- 13.5.** The occupation of caravans or mobile homes while being stored at the designated parking area is strictly not permitted.

Cars

- 13.6. It is requested that all drivers park considerately enabling two vehicles to park between trees in the Visitor parking areas.
- 13.7. Residents are requested to utilize their garages for the parking of their own vehicles and thus assist in relieving the limited parking facilities existing on the Estate.
- 13.8. Residents, Visitors and Contractors, should not park in shared driveways and are requested to take into consideration any possible inconvenience to their neighbour.
- 13.9. No parking is allowed in the No Parking areas 

14. AGENTS

- 14.1. All Agents mandated to sell property on the Estate must register with the LMHOA by completing the required registration form and submitting it to the Administration Office for approval. Agents must familiarize themselves with the LMHOA Agents rules.
- 14.2. Only Agents currently registered with the Estate Agency Affairs Board and in possession of a valid Fidelity Fund Certificate, will be considered for registration, which must be renewed annually.
- 14.3. Only Agents who are registered with the LMHOA will be allowed to show and sell houses on the Estate. The list of registered LMHOA Agents can be seen at the Agents' notice board outside the Northshore Drive entrance, or is available from the Administration Office.
- 14.4. All Agents must agree to adhere to the Code of Conduct especially regarding security, a copy of which is obtainable from the Administration Office on registration with the LMHOA.
- 14.5. No Agent may run or base their business from a Property situated on the Estate.
- 14.6. Members who wish to use an Agent who is not registered with the LMHOA will be required to inform the Administration Office so that registration of the Agent can be processed.
- 14.7. A Member wishing to sell or rent their Properties privately, must advise the Administration Office and obtain the relevant documentation and clauses to be inserted into the offer to purchase and sale documents. Should the Member wish to place their Properties on show they will need to advise the Administration Office by 14h00 on the Friday preceding the Sunday (show day) and provide an A4 portrait advertisement to be placed in the Agents notice board. Members accept that extra security arrangements may be required. The rules pertaining to Agents will also apply to Members selling or renting privately.
- 14.8. The conduct of an Agent is the Member's responsibility and the Member must ensure that the Agent adheres to both the Code of Conduct, and the Estate Agency Affairs Board requirements. Furthermore the Agent needs to inform prospective buyers that ownership of Property within the Estate entails automatically becoming a member of the LMHOA **and the Agent is required to obtain a signed acknowledgement and acceptance by the Prospective Buyer of the MOI, Code of Conduct, together with any offer to purchase.**

- 14.9. Agents' signs may be erected on the Common Property verge in front of a show house from 12:00 on the Saturday to 18:00 on the Sunday (show day). Similarly a sign may be erected at the entrance of the Estate at the demarcated area.
- 14.10. One directional sign is permitted on the corner of the road that the show house is in. No show houses may be shown on a public holiday, unless the public holiday falls on a Sunday.
- 14.11. If any deposit is held by the LMHOA as a result of any incomplete building process such fact must be recorded in the offer to purchase with clear and unambiguous refund instructions, failing which the deposit will be made to the registered owner on the date that the deposit is refundable. All Penalties incurred by the Member and any deviations to the plan not yet completed will need to be settled and finalized before consent to transfer is granted.

15. RENTAL TENANTS

- 15.1. It is required that any Member wishing to lease their Property must inform the LMHOA by completing a "Permission to Rent" form and submitting it to the Administration Office with recent references relating to the proposed tenant. (See also Clause 6.3)
- 15.2. Any Member wishing to use an Agent (letting or rental agent) to lease their Property must ensure that the Agent is registered with the LMHOA. If the Agent is not registered the same procedure as in Clause 14 must be followed and the provisions of Clause 14.3 and Clause 14.4 also apply.
- 15.3. Agents and Members wishing to lease their Property privately must obtain from the Administration Office the addendum to be attached to the lease agreement to be signed between the Member and lessee. A signed copy of the lease agreement together with the addendum must be returned to the Administration Office.
- 15.4. The Member must ensure that the Administration Office is informed of the Tenant's details prior to the commencement of any lease.
- 15.5. The Members must ensure that reference to the MOI, Code of Conduct, form part of the lease agreement and the Tenant, when signing the lease, acknowledges that he has been informed of and will abide by those requirements. No allowance will be made should a Tenant advise that they were not given nor been made aware of those requirements.
- 15.6. It is the responsibility of the Members to ensure that the Tenant is fully briefed and abides by the MOI, Code of Conduct, and the Members shall be held fully responsible for the conduct of their Tenant. Any costs incurred by the LMHOA as a result of the actions of the Tenant as well as related Penalty Charges will be added to the Member's Levy account.
- 15.7. The Members must ensure that extra provision is made regarding access devices. With the renting or letting of Property, security is regarded as being easily compromised and it is essential that access devices do not fall into unauthorized hands. The Member must ensure that all access devices have been returned by a Tenant prior to the Tenant leaving the Estate, or moving to another Property within the Estate.

- 15.8.** Members who let their Properties privately or by way of internet will not have the added benefit of assistance from registered agents and the LMHOA may require further references or assurances regarding would-be Tenants.
- 15.9.** Any Member, who's Tenant does not comply with all the requirements of the LMHOA, and, if after reasonable attempts to remedy any breaches have failed, and any unsatisfactory situation continues, may be called to a review meeting in terms of Clause 5.7 of the MOI. Over and above costs being recovered and Penalties being charged, the Member could forfeit his right to continue to rent out or lease his Property.

16. BUILDING AND ALTERATIONS

Building deposits will be required should a Member wish to build or make renovations, more detail can be obtained from the Administration Office.

- 16.1.** A Member wanting to build or make alterations, renovations or additions to their existing Property must submit drawings to the LMHOA scrutinising architect for approval before submitting them to the LMHOA Building Committee (prior to local authority submission).

As part of the approval process a Member must submit clear proposals regarding the storage and handling of their building materials and equipment and parking of their Contractor's vehicles.

Members must at all times during the building process ensure that Residents residing in close proximity are as far as possible not inconvenienced, nor compromised.

- 16.2.** In Phases 1 - 3, plans must comply with the requirements of the Design Manual and Building Regulations and be approved by LMHOA scrutinising architect before submitting to the LMHOA Building Committee and thereafter to the local authority.
- 16.3.** In Phases 4 - 7 plans by a registered architect must comply with the requirements of the Building and Town, Architectural and Landscaping Codes for Phases 4 - 7 and be approved by LMHOA scrutinising architect before submitting to the LMHOA Building Committee and thereafter to the local authority.

17. PAYMENTS

- 17.1.** Members must pay their levies on or before the first day of each calendar month. Members who do not pay punctually will incur a "late payment cost recovery" which will be added to their levy account. The quantum of the late payment cost recovery may be reviewed by the Directors from time to time.
- 17.2.** Any funds from Members received into LMHOA's bank accounts will be applied firstly to Penalties, legal fees, collection fees, interest, and services charges and thereafter any funds remaining will be applied to outstanding Levies. Thus any amounts outstanding on a Member's levy account will be in respect of Levies due.

17.3. Any Penalties, interest, legal or collection fees, or other expenses incurred by the LMHOA, resulting from late payment of a Member's Levy will be for the account of the Member concerned. Any such item will also be considered as a debt due to the LMHOA and shall be recoverable by ordinary civil process using the LMHOA debt collection procedure.

17.4. Any disagreement or claim against the LMHOA is not accepted as a reason for withholding payment of monies owing to LMHOA. Such disagreements or claims will not be dealt with by the LMHOA if Levy payment is withheld and any applicable Penalties will continue to be charged.

18. APPLICATION OF MOI, CODE OF CONDUCT & PENALTY CHARGES

Whilst on the Estate, the provisions of the MOI, Code of Conduct, will be binding on all Members, Visitors, Tenants, Domestic Employees and Contractors or other persons authorised or allowed onto the Estate by them. Penalty Charges may be imposed for behaviour that indicates a disregard for the above and as such a disregard for other Residents.

19. BREACH PROCESS

It is the duty of the LMHOA to apply and enforce the MOI, Code of Conduct, as set out and agreed on. The Board and Administration Office are therefore obligated to ensure that any actions that are considered to be in breach of these are dealt with. Decisions made in this regard must be fair and of such a manner that repeated unacceptable behaviour is not likely, and in so doing the well-being of all Residents can be maintained.

Should a Resident consider another Resident to be in breach of the Code of Conduct, the Residents between themselves should attempt to resolve the issue. Failing a successful resolution, the complainant should notify the Estate Manager in writing and with proof where possible, and the matter will then be dealt with in accordance with Section 5.7 of the MOI. Members are reminded of the further processes available in accordance with Section 5.15 of the MOI. Should the Resident not be satisfied with the outcome they may request a meeting with the Board.

In the event of a breach of the MOI, Code of Conduct, the cost of any required legal advice or legal action, on an attorney and own client scale, will be charged to the Levy account of the defaulting Member.

20. PENALTIES & CHARGES

Penalties for contravention of the MOI, Code of Conduct, Design Manual, Architectural Codes and Building Regulations will be in accordance with LMHOA's Code of Penalties and Charges

21. INTERPRETATION

In the event of any dispute as to the interpretation of the Code of Conduct, the enforcement thereof or any breach thereof, the decision of the Board shall be final and binding on all parties concerned in the dispute subject to the terms of the dispute resolution clauses in the MOI.

22. AMENDMENTS

- 22.1.** In accordance with Clause 21.4 Part D of Schedule 4 of the MOI the Directors may add and/or amend Rules contained in the Code of Conduct from time to time, provided that these Rules are not inconsistent with the MOI.
- 22.2.** The Directors may add and/or amend Rules, provided that such additions and/or amendments are subject to a 30 day cooling off period during which Members, except for Defaulting Members, may call for a General Meeting in terms of Clause 3.2 of the MOI to object to the proposed additions and/or amendments.
- 22.3.** The additional and/or amended Rule shall be considered valid and binding upon all Members from the date of publication by the Directors despite the 30 day cooling off period.