



ESTATE·HOMEOWNERS·ASSOCIATION·

FINES AND PENALTIES
STATUTORY ASSOCIATION DOCUMENTATION

WOODLANDS ESTATE : RULES AND GUIDELINES

FINES & PENALTIES

Introduction

1. These Rules and Regulations are designed to ensure a high quality, secure and harmonious environment and lifestyle for the Owners and residents of Woodlands Estate. In order to attain these objectives it is necessary for each Owner and resident to honour and abide by these Rules
2. The Rules and Regulations have been established in terms of the Memorandum and Articles of Association of Woodlands Estate Home Owners Association (WEHOA). They are binding upon all Owners, residents and occupants of the Estate, as is any decision taken by the Trustees in interpreting these Rules
3. It is the obligation of all Owners of any property in the Estate to ensure that these Rules are complied with by the Owner, resident or occupant of the Owner's property or present on the Estate, whether such be as family members, employees, tenants, visitors or friends
4. These Rules may be changed by the Trustees of the WEHOA from time to time and are binding on each Owner and resident of the Estate
5. The conditions stipulated in any of the individual documents that comprise the overall Rules and Regulations of the WEHOA such as these individual Fines & Penalties Rules, shall be regarded as having been incorporated in the Rules and Regulations and will be similarly binding on all Owners and residents of the Estate

FINES & PENALTIES AGREEMENT SPECIFICS

STAND NUMBER : _____ SALES NUMBER : _____

This Agreement is between:

The Woodlands Estate Home Owners Association

The Owner (employer) _____

And the Main Contractor _____

(Jointly hereinafter referred to as the Parties)

Nomenclature:

WEHOA	Woodlands Estate Home Owners Association
Estate	Woodlands Estate
Contractor	Main Contractor or a sub-contractor doing work on the stand (number given above)
Security	the Woodlands Estate Security

Preamble: The Fines & Penalties rules set out below cover the Owner, main contractor, and all sub-contractors, suppliers, and specialists engaged on the works, but it is stressed that Owner and main contractors are to ensure that all parties adhere to all the Rules of the Estate and all building regulations.

FINES AND PENALTIES

The following punitive measures shall be imposed by the Woodlands Estate Home Owners Association following awareness of a breach in the rules, or any form of transgression, which is in conflict with the rules and ethos of the Association.

The unacceptable matter shall be identified in writing to the Member and, where applicable, by way of a notice issued directly to the “agent” of the Member responsible for such contravention.

In certain instances, the formal notice shall act as a formal notice and warning, whilst in other circumstances, the application of a fine or penalty shall be automatic.

1.0 House Rules & Conduct

- 1.1 R250 per event for any general and ongoing disturbance due to unsocial behaviour or matters in conflict with the items identified in the House Rules and conduct under Good Neighbourliness and where a Member or neighbour has made an attempt with the offending party to rectify the matter.
(Note. The Association shall generally not intervene in any matter deemed to be one where individuals can generally address the matter personally and in similar fashion as if they were living in an open residential suburb).
- 1.2 R250 per week after identification and request to a Member to maintain his individual property, inclusive of the external sidewalk to the stand.
- 1.3 R250 per week after identification and request to a Member to undertake a matter of maintenance on his private property which has been identified as an “eye-sore” by the Estate Manager.
- 1.4 R250 per week after identification and request to a Member to undertake a matter of maintenance on any vacant stand within the Estate, inclusive of the adjacent sidewalk.
- 1.5 R650 per event to grass cut or tidy a vacant stand or stand under construction where the Association was required to undertake such works after the failure of the registered owner to respond to the formal notice of demand to attend to such works.
- 1.6 R250 per week after identification and request to a Member to remove from a vacant stand, any temporary dumping of rubble, temporary storage of building material, placement of builder’s sheds, containers, or other form of temporary storage, etc., and thereafter, R250 per week for ongoing non-compliance.
- 1.7 A one-off R2,000 Fine where a Member continues to park any vehicle, caravan, boat, or any type of trailer, or other moveable or temporary objects identified by the Estate Manager on any vacant stand/ adjacent property/ common property/ road/ sidewalk/ driveway, where a warning has been issued and, thereafter, R250 per week for ongoing non-compliance.
- 1.8 R250 per week after identification and request to a Member to remove any rubble, refuse, garden refuse, or similar dumped by a Member on the sidewalk outside of the Member’s property, on any other adjacent property, vacant stand, sidewalk or in the public spaces of the Estate.
- 1.9 R250 per week after identification and request to a Member to remove any lean-to sheds, temporary car ports, wendy houses, or similar which are banned by the Association.

- 1.10 R250 per week after identification and request to a Member to plaster and paint the outer face of any external boundary wall facing onto a park or the common property of the Association.
- 1.11 R250 per week after identification and request to a Member for the installation of a prohibited element of the build, such as an electric fence, and a further R250 per week for the entire period during which the prohibited items remains within the build and fails to be removed.
- 1.12 R250 per individual incident of a Member being abusive to the Estate Security where recorded on the estate cameras, or confirmed by a witness.
- 1.13 A one-off R250 fine and thereafter R25 per individual point of access via the Estate Gate Houses where a Member refuses to purchase an access card, or fails to comply with the protocols in place in the absence or suspension of existing access cards.
- 1.14 A one-off R2,500 fine for the on-going disregard for any of the Association rules, *non-compliance with rules and requests/instructions to remedy/comply*, and failure to rectify any specific individual rule or request by the Woodlands Estate Home Owners Association and, thereafter, a further fine of R250 per week for the on-going non-rectification of the matter.
- 1.15 R250 per week per incident where after identification and request to a Member for the installation of a prohibited element of the build, such as an electric fence, to be removed or otherwise rectified, and a further R250 per week for the entire period during which the prohibited items remains within the build and fails to be removed.
- 1.16 R250 per individual incident of a Member or visitor driving recklessly (in excess of the speed limit) or speeding through the Estate, causing a general disturbance in a motor vehicle or motorbike, playing loud music in the vehicle, etc., driving a prohibited vehicle within the grounds of the Estate.
- 1.17 A one-off R2,000 Fine where a Member conducts any type of mechanical/vehicle repairs anywhere in the Estate, inclusive of private driveway, sidewalks, road carriageway, vacant stands and common property, and, thereafter, R250 per week for ongoing non-compliance.
- 1.18 R250 per week per incident where a prohibited or unlicensed vehicle is driven anywhere within the Estate whether by a qualified, unlicensed or under-age driver, and a further R250 per repeated incident.
- 1.19 R250 per individual incident of a Member's pet being reported for a rule violation or causing anti-social behaviour of exceptional nature, where such matter persists after formal notification of the same by the Estate Manager.
- 1.20 R250 per individual incident where visitors or guests of a Member conduct a rule violation or cause anti-social behaviour of exceptional nature and where the specific conditions referred to in Item 1.1 also prevail.
- 1.21 R250 Fine for any type of anti-social behaviour by any member, their family, friends or visitors, staff or otherwise.
- 1.22 R2,000 per individual incident where a Member sets off or detonates any form of fireworks.
- 1.23 R250 Fine where a Member causes any type of damage to any part of the common property, roadways, or areas surrounding or within privately owned property.

- 1.24 A one-off R2,500 Fine where a Member makes use of any Fire Hydrant within the Estate for any other use save for emergency purposes related to the safety of persons or property on the Estate and where in addition, should the Fire Hydrant become unusable thereafter, the member will be liable for the replacement cost of this equipment.
- 1.25 A one-off R2,000 fine where a Member continues to disregard a notice of demand by the Association to screen from sight, any service pipes, AC plant, geysers or solar geysers, general plant and equipment, etc and, thereafter, R250 per week for ongoing non-compliance.

2.0 Plan Approval, Etc

Note : Penalties shall be levied by the WEHOA to the Owner and not to the building contractor, or his agents. It is the responsibility of the Owner to recover such penalised amounts from the building contractor.

- 2.1 R5,000 once-off fine for commencing building activities prior to official plan approval, either by the Woodlands Estate Home Owners Association or the Local Authority. Alternatively where building activities have commenced prior to a HOA Site hand over has not been conducted. Thereafter, R1,000 per week for continuance of the illegal building activities
- 2.2 R1,000 per week where a water-borne or chemical WC is not installed on a building site, or where temporary consent dispensation has been granted by the Woodlands Estate Home Owners Association.
- 2.3 R1,000 per week where an approved water connection has not been installed and where the WEHOA shall also report the illegal activity to Johannesburg Water who operates a separate and expensive system of fines.
- 2.4 R500 per week where the building contractor has not signed off the Building Code Of Conduct.
- 2.5 R500 per week where the builder's board is not displayed or, alternatively, the use of an unapproved builder's board.

3.0 Building Activities

Note : Penalties shall generally be levied by the WEHOA to the Owner and not to the building contractor, or his agents.

Specific penalties may also be levied directly to the building contract or further access to the Estate denied until the matter is resolved.

It is the responsibility of the Owner to recover such penalised amounts from the building contractor.

- 3.1 Time limits for construction. Construction must commence within twelve months of the date of the original registration of the property and be completed within a further twelve months, i.e., twenty-four months are permitted from the date of the original registration of the property until the house is completed.

In the event that construction is not commenced or completed within the said time periods, the Association shall impose on all Owners who have failed to do so, a monthly penalty of twice the monthly levy as determined by the Board of Trustees. The said penalty shall be imposed in arrears on the first day of each month for which the Owner remains in breach of the time limits for construction.

Currently such fine is recorded at R2 070, being twice the prevailing levy as the fine and not including the actual standard monthly levy due.

- 3.2 In the event of the sale of a property, all fines already imposed, together with any outstanding debt to the Association, shall be due and payable prior to any Levy Clearance Certificate being issued to permit the registration process of the property.
- 3.3 Where a vacant property has been sold and exceeds the prescriptive time frame for the commencement of building activities, the Seller is obliged to inform the Purchaser by way of the Seller/Purchaser Declaration Form (See Estate Agent Protocols). The new Purchaser is afforded a period of grace of three months post registration in which submit plans for approval and commence the formal building works on the vacant stand.
- 3.4 Where works commence and building progress is recorded as having ceased to all intent and purpose, the Owner shall be issued with a warning notice to recommence and failure to comply within a further seven days shall invoke the application of a R1,000 fine for the entire recorded period of inactivity. Should the overall period extend beyond the twelve months permitted for construction activities, the alternate higher fine of twice the prevailing levy shall immediately become applicable.
- 3.5 Persistent infringement of the rules will result in the building site being closed until a "good behaviour" deposit of R 10,000.00 is paid.
- 3.6 R5,000 for deviation from the approved building plans.
- 3.7 R5,000 for non-rectification of any illegal deviation.
- 3.8 A one-off R2,500 Fine where a Member, his Building Contractor, or any other party otherwise associated with the build of a new dwelling, or alterations to an existing dwelling, for the failure to comply with any specified architectural rule, or notification of architectural transgression, and a further R250 per week for the entire period during which the prohibited items remains within the build and fails to be removed.
- 3.9 R5,000 plus immediate dismissal from the Estate, plus full reimbursement/repair by the contractor should the employee or sub-contractor be caught stealing material, damaging any property, or using site requirements other than his own.
- 3.10 R2,000 per incident or per week for illegal dumping.
- 3.11 R2,000 for damages to services.
- 3.12 R2,000 per incident where builder's sheds, materials, plant, or equipment, are dumped, placed, or stored on the sidewalks of the Estate roads, adjacent vacant stands, or in any area of public open space.
- 3.13 R1,000 per individual offence where the building contractor, sub-contractors or suppliers refuse to comply with the access control protocols of the Association.
- 3.14 R500 for failure to clean site by end of each working day, inclusive of re-erecting the shade netting.
- 3.15 R500 for failing to clean the access area after trucks have offloaded.
- 3.16 R500 for not keeping the road and pavement clean and tidy.

- 3.17 R2,000 for any illegal service connections or the stealing of water or electricity from another site, plus the immediate dismissal from site where all access to site will be suspended until the fine has been remitted, together with the Association administration fees. The Local Municipality and Authorities will be alerted of such illegal connections, and the responsible party will be dealt with accordingly. The HOA will provide photographic evidence of the connection if requested.
- 3.18 R500 for the first reported incident where work continues after approved hours of construction and R1,000 for every subsequent incident.
- 3.19 R500 per individual incident where a contractor's vehicle does not display the access control card for vehicles.
- 3.20 R150 per incident per worker where a builder's ID is not retrieved at the close of business daily.
- 3.21 R100 per staff member for leaving site after building times.
- 3.22 R50 per employee caught roaming the Estate with automatic ejection from the Estate and total banning should there be more than five reported incidents during the construction period recorded against the same individual employee.
- 3.23 Access to the Estate will be denied to the building contractor, his sub-contractors, specialists and suppliers should any illegal building operations be encountered.
- 3.24 All fines to be paid before re-admission to Woodlands Estate is granted.
- 3.25 Premature and unapproved occupation of a complete or semi-complete dwelling.
Should occupation occur of any dwelling without the prior consent of the Association, the member will automatically forfeit the sidewalk deposit and should this sum be required to repair or replace damaged property within the Estate incurred as a result of building activities on the member's property, then a separate fine of R10,000 shall be imposed.
The member shall not be entitled to the use of any of the facilities of the Estate and the general privileges extended to all other members deemed in good standing with the Association.
- 3.26 R1,000.00 fine for disregard of the access control procedure where the member has either tail gated; incorrectly transported builders into the estate; or where they were not announced to security. Alternatively, where a member provides access to their visitor using their access card in an attempt to circumvent the access control procedures. Finally, in the event where a member refuses to sign the access register as their card has been suspended or if the card has been lost.
- 3.27 A fine of R100.00 and immediate dismissal of any construction worker that does not wear a coloured bib or overalls.
- 3.28 A R500.00 fine for not reporting a lost access card to the managing agents.
- 3.29 A fine of R2,000.00 for damaging any property on the Estate and failing to report it to the Estate or security manager.
- 3.30 Immediate dismissal and a Fine of R200.00 per construction worker caught on the Estate without an ID.
- 3.31 A R250.00 fine per reported incident of incessant barking by a resident's dog(s), when the resident has received one notification from the Association to rectify same.

The on-going failure to suitably remedy such behaviour shall result in a R1,000.00 fine per month until such time as the behaviour is suitably remedied and complaints cease.

4.0 Administration Charges

It is noted that there shall be separate administration charges levied to a Member in respect of the additional duties related to the identification, application and processing of any fine or penalty, as imposed by the Woodlands Estate Home Owners Association.

- 4.1 For the identification of a matter of transgression and notice to a Member – R25.
- 4.2 For the formal warning notice issued to a Member – R50.
- 4.3 For the processing and administration of an actual fine or penalty – R150.
- 4.4 For follow up phone calls, e-mails, or similar communication with a Member in respect of any transgression, fine or penalty – R10 per event.
- 4.5 For the de-activation and subsequent re-activation of access cards and gatehouse intercom - R50 per action

5.0 CONTACT DETAILS (In Capitals)

5.1 Owner

Name : _____

5.1.2 Physical Address : _____

5.1.3 Postal Address : _____

5.1.4 Telephone : _____ Cell : _____

E-Mail : _____ Fax : _____

5.2 Contractor

5.2.1 Name : _____

5.2.2 Physical Address : _____

5.2.3 Postal Address : _____

5.2.4 Telephone : _____ Cell : _____

E-Mail : _____ Fax : _____

ACKNOWLEDGEMENT

The Fines & Penalties Rules & Guidelines document and all its contents have been read and are fully understood.

We, the Building Contractor and Owner, undertake to comply with all the contents of this document in addition to any further controls, which may be instituted by the WEHOA from time to time in the form of a written notification and to ensure compliance by any sub-contractors employed by the contractor, and any suppliers to either contractors, sub-contractors or owners.

Necessary action shall be taken on all transgressors of the above rules and regulations.

Owner

Contractor

Name

Name & signatory

Witness

Witness

Date

Date

Stand No: _____
(As per surveyor general plan)

Name of Contracting Company

Tel: _____

Tel (B) _____

Fax: _____

Tel (H) _____

Cell No _____

Cell No _____