

## **RULES OF MONAGHAN FARM HOMEOWNERS ASSOCIATION NPC**

### **1. INTERPRETATION & DEFINITIONS**

- 1.1. These Rules shall be read in conjunction with, and form a part of, the Memorandum of Incorporation of the Monaghan Farm Homeowners Association NPC.
- 1.2. The provisions of the MOI governing Interpretation and Definitions shall apply to these Rules.

### **2. GENERAL**

- 2.1. The Board shall have the authority to determine, amend, and impose such penalties or fines in respect of any infringement of the MOI, these Rules, the Regulations, Architectural rules, Building rules, and house rules as may from time-to-time be in force upon Monaghan Farm.
- 2.2. Members shall at all times be held responsible for the conduct of those residing upon their Erf, their employees, service providers, and visitors (together, "guests") while those persons are on Monaghan Farm.
- 2.3. Members and their guests shall be further bound by the applicable provisions of the Conditions of Establishment and the EMP.
- 2.4. All houses and structures shall be properly maintained and at all times kept in a good and sound state of repair.
- 2.5. Pedestrians and wildlife shall at all times have right-of-way over motor vehicles on the Property.
- 2.6. The maximum permissible speed of any vehicle on Monaghan Farm shall be forty kilometers per hour (40 kph) and the Board may, from time to time, determine -
  - 2.6.1. a lesser speed limit applicable to Monaghan Farm in part or in whole;
  - 2.6.2. other provisions governing the access to Monaghan Farm, and conduct thereon, of vehicles and their drivers;
- 2.7. The number of vehicles – motorised or non-motorised and which for the purposes of this clause shall include trailers, caravans, boats, and other wheeled devices of comparable dimension – permanently or regularly housed on any erf shall not exceed the number of garages or carports erected upon that erf.

- 2.8. Only 'silent' alarm systems connected in the prescribed manner to the security services employed upon Monaghan Farm shall be permitted.
- 2.9. No petrol, diesel, or other combustion powered generators shall be permitted for domestic use.
- 2.10. Domestic animals shall be permitted upon Monaghan Farm save that –
- 2.10.1. The Board is to be guided at all times by the rules and regulations of the Monaghan Farm Home Owners Association Memorandum of Incorporation and the local municipal by laws.
- 2.10.2. Residents should be encouraged to resolve nuisance incidents amongst themselves before involvement of management and the Board.
- 2.10.3. The number of cats and / or dogs permitted shall at all times be limited to two dogs and / or two cats.
- 2.10.4. Animals other than cats and dogs may be considered as follows;
- 2.10.4.1. Pigs and roosters / cockerels / peacocks / geese / ducks / pigeons/ outdoor birds /aviaries;
- 2.10.4.2. The Board shall **not** permit the keeping of any of these types of animals / poultry.
- 2.10.5 Rabbits and chickens: on successful application, and provided they are registered, sterilised and contained in an enclosure approved by MAC, residents shall be entitled to keep no more than two rabbits and four chickens. In the event that any nuisance (including smell, noise and agitation to other animals) is caused then management shall be entitled to revoke any permission granted and the resident shall be required to remove the animals at his/her/its own cost.
- 2.10.6 All cats and dogs are to be registered by their owners on the portal and information on the portal is to be kept up to date by the owners.
- 2.10.7 All permitted animals shall wear an identification device / collar at all times and all cats are to be sterilised. Proof of neutering is to be uploaded to the portal by the owner.
- 2.10.8 All animals are to be contained securely at all times. In the event that a home has been designed in such a way that containment not viable or possible, then such owner

shall not be allowed to keep animals. Security and owners shall be encouraged to report all incidences of roaming animals to management immediately. Owners are cautioned that the electric collar system of containment is not always reliable and the onus remains on the owner to ensure the animal/s is/are securely contained at all times.

2.10.9 The handler of a dog will be responsible for the supervision and control of the behavior of that dog. When outside the boundaries of their own property, but within the Estate, the handler shall keep the dog on a leash at all times save for within the boundary of any demarcated off-lead parks / areas. Management will be entitled to deal with any unaccompanied dog found roaming freely in a manner that they deem fit.

2.10.10 Owners/tenants are encouraged to remove any animal faeces from common / improved property including the roads.

2.10.11 The following breeds of dogs shall not be permitted on Monaghan Farm;

2.10.11.1 Pit bulls

2.10.11.2 Shar-pei

2.10.11.3 The Board reserves the right to add to this list from time-to-time.

2.10.12 Owners/ Tenants leaving the Estate for extended periods are encouraged to send their dogs to a kennel to reduce noise and barking nuisance.

2.10.13 In the event of management being unable to remedy reported nuisance from barking then in such event management shall be entitled to require that the offending animal/s be kept inside and / or to remove the animals to a local kennel at the expense of the owner.

2.10.14 All wild animals, including but not limited to leguaan, porcupine scrub hare, mongoose, hedgehog, dyker, jackal and birds encountered on/in the Estate must be considered to be protected species and not unreasonably interfered with. The presence of snakes and beehives must be reported to management.

2.10.15 No owner/ tenant shall be permitted to breed any pets / animals.

2.11. Nowhere upon Monaghan Farm, without the express proir approval of the Board –

2.11.1. shall any firearm, air gun, pistol, catapult, bow, or any other weapon be used or discharged; nor

2.11.2. shall any firework be used.

**2.12. General prohibition of short-term leases:**

2.12.1. Notwithstanding the fact that a unit may be leased, no short-term lease/sub-lease of any unit within the estate is permitted to be concluded subject to the following.

2.12.2. Any lease concluded between Homeowners and Lessees, should be registered with the Monaghan Farm Home Owners Association office before access to Monaghan Farm will be granted to the lessee.

2.12.3. For the purpose of this rule, Monaghan Farm NPC has defined "short-term" as any lease/sub-lease of a unit for a period shorter than 3 (three) months, including the listing of a unit within the estate on Airbnb, CouchSurfing, and any other hospitality and social networking services for such purposes.

2.12.4. Monaghan Farm NPC will impose a punitive financial penalty on residents who have been found to contravene this rule

**3. ARCHITECTURE**

3.1. The Monaghan Aesthetics Committee ("MAC") shall be responsible for maintaining the overall aesthetics of the development and assessing the site development, building, and landscaping plans submitted for approval prior to construction against the architectural guidelines and landscaping guidelines from time-to-time in force as well as monitoring compliance with approved plans during and upon completion of construction.

3.2. No architect may be appointed in respect of any works unless and until they have been approved for work upon Monaghan Farm by MAC.

3.3. No principal building contractor may be appointed unless and until they have been approved for work upon Monaghan Farm by the Board, MAC, or the Manager.

3.4. Construction works shall not commence unless and until any conditions to and approval granted by MAC have been fulfilled and unless and until all relevant local authority approvals have been granted.

3.5. Twenty-four (24) months after date of transfer of any undeveloped stand and failure by the registered owner to commence development and building works as per the Rules and Regulations of Monaghan Farm NPC, will accrue a monthly late building penalty levy to be imposed by Monaghan Farm NPC, which penalty levy amount will be equal to the monthly levy prescribed by Monaghan Farm NPC at the time, until building works commence as per the Rules and Regulations of Monaghan Farm NPC.

- 3.6. Once development and building works commence as per the Rules and Regulations of MFHOA on an undeveloped stand, the member has twenty-one (21) months to complete any building works as per Rules and Regulations of Monaghan Farm NPC, failing which a monthly late building penalty levy will be imposed by Monaghan Farm NPC, which penalty levy amount will be equal to the monthly levy prescribed by Monaghan Farm NPC at the time, until building works are completed as per the Rules and Regulations of Monaghan Farm NPC.
- 3.7. Twelve (12) months after the date of transfer of any semi-developed stand, Monaghan Farm NPC will impose a monthly late building penalty levy, which penalty levy amount will be equal to the monthly levy prescribed by Monaghan Farm NPC at the time, until building activities are completed as per the Rules and Regulations of Monaghan Farm NPC.
- 3.8. The Member shall at all times be responsible for ensuring compliance by their architects and contractors with all the Association's architectural, landscaping, and building requirements.
- 3.9. Minimum standards which shall inform the discretion of MAC in respect of the application of the architectural and landscaping guidelines shall include –
  - 3.9.1. application of the requirements of the Conditions of Establishment and the EMP;
  - 3.9.2. consideration of the views and privacy in respect of neighbouring erven;
  - 3.9.3. prohibition upon the erection of any physical barrier on the boundary of an erven save, at the discretion of MAC, where that boundary corresponds also with the boundary of the approved development pocket;
- 3.10. MAC shall –
  - 3.10.1. operate under the control of the Developer until 31 December 2018 whereafter it shall operate under the control of the Association and its Board;
  - 3.10.2. from time-to-time set or amend
    - 3.10.2.1. the architectural and landscaping guidelines;
    - 3.10.2.2. the processes to be followed for consideration of plans submitted to it for approval; and
    - 3.10.2.3. the fees to be paid in respect of plans submitted to it for approval.

- 3.11. Subsequent to the completion sign-off by MAC of any works conducted on a development, no alterations or addition shall be permitted and nothing may be further erected whether temporary or permanent, without application having been made to, and approval granted by, MAC and which restriction shall also apply in respect of external play equipment, jungle gyms, statues, garden sheds, and their like.

#### **4. OPEN SPACES**

- 4.1. No person shall, nor cause nor permit, upon Monaghan Farm –
- 4.1.1. the harm, disturbance or destruction of any wild animal, insect reptile, or bird;
  - 4.1.2. the disturbance, destruction, or collection of any plant material living or dead without the consent, or upon the direction, of the Board;
  - 4.1.3. the pollution of any watercourse or dam;
  - 4.1.4. the lighting of any open fire save in such place as designated that purpose by the Board;
  - 4.1.5. the disposal of litter, cigarette butts and similar waste save in such receptacles and in such places set aside for the purpose by the Association;
  - 4.1.6. conduct which may interfere with the enjoyment of other Members of the open spaces.
- 4.2. The Board may, from time-to-time, establish and amend provisions governing –
- 4.2.1. access to, and use of, the river, riverfront, and other watercourses and wetlands;
  - 4.2.2. camping; and
  - 4.2.3. restrictions upon the use of, or access to, specific open spaces.

#### **5. EDUCATION**

Pursuant to the local authority approvals pertaining to the development, the Association has assumed certain obligations in respect of education which it shall discharge as follows.

- 5.1. Purpose built premises suitable for the operation of a pre-school have been constructed by the Developer on Erf 181 for transfer to the Association who may then by rent or by sale of those premises to an independent operator cause that education be made available to not more than 100 (one hundred) pupils.

- 5.2. A school has been established on Erf 289 for operation by Curro Holdings which will be progressively expanded to accommodate not more than 1300 (thirteen hundred) pupils and in respect of which the Association has –
- 5.2.1. caused the provision by Curro Holdings of educational bursaries on the basis that –
- 5.2.1.1. one bursary representing 100% of the normal school fee payable will be provided for each of up to three classes within each annual Grade R intake such that if three bursaries are provided in respect of thirteen consecutive annual intakes there shall be 39 (thirty nine) bursaries simultaneously provided across those thirteen grades, and
- 5.2.1.2. each bursary shall, in respect of each recipient, endure through to Grade 12 matriculation subject to the attainment of minimum standards for conduct and academic achievement; and
- 5.2.1.3. each bursary shall be awarded to under-privileged children as determined by aptitude and means testing with preference given to qualifying pupils of the Cradle Pre-School.
- 5.2.2. undertaken to support the beneficiaries of those bursaries in respect of the requisite uniforms and educational materials; and
- 5.2.3. undertaken to make available Erf 290 for an annual rental of R100 (one hundred rands) to accommodate sports fields and other sporting facilities established at the cost of the school operator.
- 5.3. The Association has further taken responsibility for the operating costs of a pre-school facility operated in the Cradle Nature Reserve, or in a comparable facility, for not more than 40 (forty) pupils.

## **REGULATIONS OF MONAGHAN FARM HOMEOWNERS ASSOCIATION NPC**

### **1. INTERPRETATION & DEFINITIONS**

- 1.1. These Regulations shall be read in conjunction with the Memorandum of Incorporation of the Monaghan Farm Homeowners Association NPC and its attendant Rules.
- 1.2. The provisions of the MOI governing Interpretation and Definitions shall apply to these Rules.

### **2. ARCHITECTURE, BUILDING, & PLANS**

- 2.1. Development, building, and landscaping plans must be informed by, and be consistent with,
  - 2.1.1. the Conditions of Establishment and the EMP;
  - 2.1.2. the Rules attaching to the MOI; and
  - 2.1.3. the published prevailing rules and/or guidelines in respect of architecture, building, and landscaping.
- 2.2. Plans must be submitted to MAC for its approval, together with a R5,000 submission fee whereupon, and after due consideration, MAC shall either –
  - 2.2.1. grant its unconditional approval to the plans by endorsing each of the approved plans and returning them to the architect, or
  - 2.2.2. make written comment to, or upon, each of the plans and return them to the architect for amendment and resubmission.
- 2.3. MAC shall require that –
  - 2.3.1. all exposed plumbing and washing lines shall be fully screened from street elevation and any other elevation from which it may be visible;
  - 2.3.2. all communication instruments such as telephones, fax, and internet must be connected to the fibre-optic network made available at the boundary of each erf and no independent, overhead, or otherwise exposed connection shall be permitted.
- 2.4. During the plan approval process, MAC shall communicate solely with the architect acting as agent for the owner.

- 2.5. Only when approvals are granted by MAC without condition may application for local authority approval be made.
- 2.6. Pending receipt of plan approval from the local authority, MAC may permit limited site clearance works to commence.
- 2.7. No encroachment over the boundaries of the erf shall be permitted during construction.

### **3. TRAFFIC & VEHICLES**

- 3.1. Except in respect of a golf cart, no person shall drive any vehicle upon Monaghan Farm if
  - 3.1.1. not holding a valid personal license which would permit the driving of such vehicle upon the public roads of the Republic of South Africa; or
  - 3.1.2. not carrying a valid license or permit specific to that vehicle as would be required for its use upon the public roads of the Republic of South Africa; or
  - 3.1.3. (Regulation deleted and replaced by a new Regulation 3.5 by way of special resolution 17 September 2022)
- 3.2. No vehicle shall, without the prior approval of the Manager –
  - 3.2.1. leave the improved road network of Monaghan Farm;
  - 3.2.2. enter or exit Monaghan Farm at any point other than the main entrance or contractors gate;
  - 3.2.3. fail, on entry or exit, to stop at the relevant security checkpoint;
  - 3.2.4. enter or exit without being cleared at the relevant security checkpoint; or
  - 3.2.5. be parked or left unattended in a common area for more than 7 (seven) days following which it will be removed at the owners risk and expense.
- 3.3. Vehicles - motorised or non-motorised and which for the purposes of these regulations shall include trailers, caravans, boats, and other wheeled devices of comparable dimension –
  - 3.3.1. shall not be parked or stored outside the development pocket without the prior approval of the Manager and shall at all times, and
  - 3.3.2. shall, within the development pocket, be parked or stored out of sight from the neighbouring streets and homes.

- 3.4. All damage to Monaghan Farm caused by any vehicle under the control or command of a Member, those residing upon their Erf, their employees, service providers, and visitors (together, "guests") shall be the responsibly and for the account of, the Member.
- 3.5. Two-stroke motorbikes may only be operated on Monaghan Farm under the following conditions:
  - 3.5.1. as a means of transport to get on and off the Monaghan Farm traversing between the main gate and the resident's home; and
  - 3.5.2. only on the tar roads only using the shortest route between the resident's home and the main gate and vice versa; and
  - 3.5.3. no performing of any wheelies, stunts, and / or any unusual use of the motorbikes are allowed; and
  - 3.5.4. no revving of motorbikes is allowed; and
  - 3.5.5. no guests are allowed to ride onto the Monaghan Farm with their two-stroke motorbikes. Guests are required to wait for the resident concerned to meet them at the main gate; and
  - 3.5.6. the usage times for traversing on two-stroke motorbikes on Monaghan Farm may be restricted on weekends and public holidays in the sole and absolute discretion of the Board of Monaghan Farm NPC; and
  - 3.5.7. the operation of two-stroke motorbikes is subject to Rule 2.6 and Regulation 3."

#### **4. ENVIRONMENTAL**

- 4.1. A designated environmental consultant shall inspect Monaghan Farm on an annual basis to ensure that proper environmental management and the terms of the EMP are upheld.
- 4.2. Save as otherwise permitted or provided for by the Association or the Manager as the case may be; no person shall
  - 4.2.1. launch upon the river, watercourse, or dam any craft of any description;
  - 4.2.2. fish in the river or any dam without a catch-and-release permit issued by the Manager.

#### **5. DOMESTIC REFUSE**

- 5.1. The removal of domestic refuse shall be under the control of the Manager who may –
  - 5.1.1. determine the number, type, and size of refuse containers to be utilised upon each erf;
  - 5.1.2. make direction in regard to the placement of refuse containers for the purposes of refuse collection;
  - 5.1.3. require payment on a reasonable basis for the provision of refuse containers;
  - 5.1.4. determine the manner in which refuse shall be separated prior to collection from the erf for the purposes of recycling.
- 5.2. No refuse shall -
  - 5.2.1. be held on an erf or presented for collection except within the prescribed refuse containers; or
  - 5.2.2. placed outside the erf except in the manner and place which the Manager may from time-to-time determine.

## **6. DOMESTIC ANIMALS**

- 6.1. The Board may, in writing, and at its absolute discretion -
  - 6.1.1. permit the keeping of more than two dogs or two cats on any erf;
  - 6.1.2. permit the keeping of any animal other than a dog or cat;
  - 6.1.3. determine parts of the common areas where dogs may be permitted off-leash while under the supervision of their owner;
  - 6.1.4. authorise the Manager to
    - 6.1.4.1. impound any animal found wandering Monaghan Farm unsupervised; and
    - 6.1.4.2. impose a fine of R1,000 or greater in respect of each instance a dog is found wandering Monaghan Farm unsupervised or off-leash outside an area that may have been designated for that purpose
  - 6.1.5. determine that animals which are found to be a nuisance to other residents shall be required to be

6.1.5.1. kept inside at night; or

6.1.5.2. removed from Monaghan Farm.

## **7. EQUESTRIAN**

7.1. The Developer shall build for the use by, and at some future time transfer ownership to, the Association the equestrian facilities consisting –

7.1.1. stables for 30 (thirty) horses;

7.1.2. outside paddocks for 15 (fifteen non-stabled horses)

7.1.3. a lunging ring;

7.1.4. two arenas;

7.2. The Board may determine

7.2.1. to operate the equestrian facilities in the name and for the account of the Association;

7.2.2. rent the equestrian facilities to a third-party operator;

7.2.3. construct up to 15 (fifteen) additional stables at the cost of the Association to satisfy demand

7.2.4. all subject to the limitation that not more than a total of sixty (60) horses may be housed on Monaghan Farm at any time.

## **8. FINANCIAL**

8.1. Any penalty imposed by the Manager, the Board, or the Association shall be applied to, and form part of, the Member's levy.

8.2. The Association shall be entitled to charge interest on all overdue amounts at a rate equal to the prime rate of interest charged from time-to-time by Nedbank plus 5% (five percent).

8.3. All levies are due and payable not later than the seventh day of each month.

8.4. No erf may be transferred without a clearance certificate in respect of all monies owing issued by the Association and valid until at least the end of the month of transfer.

## **9. GENERAL**

- 9.1. All persons on Monaghan Farm shall adhere to all regulations or house rules issued in respect of security and Members and their guests shall at all times give their co-operation to, and comply with the requirements of, the security personnel.
- 9.2. (Regulation 9.2 deleted, by way of special resolution 17 September 2022)
- 9.3. Sports facilities shall be for the use of Members and their guests except that the Board may –
  - 9.3.1. permit their use from time-to-time by other persons or organisations;
  - 9.3.2. implement a system of booking and reservation where justified by demand.
- 9.4. In respect of an ongoing infringement of the Rules or Regulations of Monaghan Farm NPC , the penalty specified in the Schedule of Penalties may be imposed until such time as the infringement is rectified. A monthly penalty is payable per calendar month and if an infringement stops part way through a calendar month, then the monthly penalty is payable on a pro-rata basis.
  - 9.4.1. Should there be a persistent disregard for the penalties imposed and the infringement is not rectified within a minimum of 3 months, the Board of Monaghan Farm NPC reserves the right to approach the Community Schemes Ombud Service for legal intervention and/or pursue other legal avenues to remedy the infringement.
  - 9.4.2. Depending on the seriousness of the infringement and the potential danger it entails to other Members and / or Homeowners, the Board of Monaghan Farm NPC may deviate from the minimum 3-month period within its sole and absolute discretion.
  - 9.4.3. The imposition of a penalty does not exclude a Homeowner's liability to Monaghan Farm NPC or to any other person in respect of damage to property, injury, or death to persons.”

#### 9A . Noise reduction

- 9A.1 “Noise nuisance” means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person within the estate.

- 9A.2 Excessive noise shall be described as exceeding what is proper, necessary or normal.
- 9A.3 All residents should respect the rights of other residents by not allowing or causing excessive noise.
- 9A.4 No noise shall be permitted during quiet hours, which may be imposed by the Board of Monaghan Farm NPC in their sole and absolute discretion in order to minimise any nuisance.
- 9A.5 Without limiting the generality of the foregoing –
- 9A.5.1. Music systems, video players, DVD players, televisions and musical instruments, and the like must be played and operated at a noise level so as not to cause a disturbance to other residents.
- 9A.6 Recreational vehicles as contemplated in Regulation 3 may not be driven or operated on a residential erf or Monaghan Farm in a manner that causes a nuisance to any other resident.
- 9A.7 No activity or hobby, which causes aggravation, nuisance or noise pollution to other owners, may be exercised on Monaghan Farm.
- 9A.8 The revving of any engines and motorbikes is not permitted.
- 9A.9 The Board may impose restrictions upon the use of certain equipment generally or at weekends and upon public holidays in order to minimise the potential nuisance to neighbours in respect of-
- 9A.9.1. the use of power tools, powered lawnmowers, brush cutters, weed eaters and similar machinery is only permitted on the following days during the following hours:
- 9A.9.1.1 Monday to Friday from 08H00 to 16H00, unless these days fall on a public holiday; and Saturday from 08H00 to 14H00.
- 9A.9.2. the use of power tools, powered lawnmowers, brush cutters, weed eaters and similar machinery is prohibited on Sundays and Public Holidays.
- 9A.10 Should any dispute arise concerning the measuring of excessive noise levels, the Gauteng Noise Control Regulations as set out in Government Gazette 5479 of 1999 as amended from time to time may be used by the Board of Monaghan Farm NPC.

The Board, or its representative's decision as to whether there is a breach of these Regulations shall be final.”

#### 9B. Use of generators for construction purposes

9B.1 The use of generators may only be used for construction purposes and only on new building sites.

9B.2 The registered owner, or his appointed contractor, must apply for an electricity connection and account with Eskom within at least 90 days of breaking ground.

9B.3 During the construction period, and only if there is an electricity interruption such as loadshedding, may a generator be used on construction sites.

9B.4 A generator may only be operated subject to the above, during weekdays between 06H30 and 18H00.

9B.5 Should the electricity connection with Eskom be interrupted for some other reason than loadshedding, the registered owner or his appointed contractor must apply to the Monaghan Farm NPC Management for the use of a generator in the interim on good cause shown.

9B.6 The Management of Monaghan Farm NPC reserves the right to retract the permission for generator use should a generator cause a disturbance.”