



SCHEDULE OF TRANSGRESSIONS AND PENALTIES  
VERSION 2.3

OUBAAI HOMEOWNERS ASSOCIATION

This Schedule may change from time to time as the Trustee may decide.

1. **FAILURE TO COMPLY WITH THE RULES**

Failure by a Member or resident to comply with any provisions of any Estate Rules may result in the Association:

- Calling on the transgressor for an explanation and/or apology.
- Requesting the transgressor to comply with the rules.
- Issuing a fine according to the Schedule of transgressions or as Trustees may decide.
- Withdrawing any previously given consent that applies to the particular matter.
- Demanding the transgressor to pay for damages resulting from non-compliance with any rule.
- Applying to the Court for the enforcement of the Rule.
- Taking disciplinary steps against the Member or Resident.

The actions to be taken and the penalties imposed for breaches or infringements of the Estate Rules shall be entirely at the Trustee's discretion. Trustees may deviate from the prescribed amounts set out in the Schedule below and adjust acceptable amounts should they feel necessary to do so.

2. **DISPUTE RESOLUTION**

In the event of disputes, the parties, the transgressor and the Association shall attend as far as possible to settle the matter, exercising good tolerance, reasonableness and consideration. When parties cannot resolve the dispute between them, they may approach the Trustees, and the procedure shall be as follows:

The disputing parties shall submit in writing details of the dispute to the Trustees. In their sole discretion, the Trustees may decide whether the Trustees shall arbitrate on the matter or not. If the Trustees believe that they are entitled to intervene on the issue, the Trustee's decision shall be final and binding regarding the dispute's resolution.

If the Trustees are of the view that they are not prepared to arbitrate on the matter, the Trustees may either:

- a) Inform the parties involved that they are not willing to intervene in the case. The parties shall then resolve the dispute through legal action or Community Service Ombud Service (CSOS) arbitration.
- b) If the parties agree, the Trustees may refer the case to an independent arbitrator at the Trustee's discretion. In this event, the arbitrator's fees shall be paid in advance in equal shares by the disputing parties. The arbitrator's decision shall be final and binding, and the arbitrator shall be entitled to make an award regarding legal costs.

### 3. TRANSGRESSION PERIOD

In the event of a continuing offence, any person subject to the Governing Documents who contravenes or fails to comply with any of the provisions, or any condition or direction given in terms thereof, shall be deemed guilty of a separate offence.

After every 24 hours or part thereof, the Member or resident shall be liable for each as a separate offence if the particular violation continues.

Debt due and payable” means any amounts due and payable to the Association which remains unpaid after 30 days of the due date. Payment and such charges shall include, but not be limited to, all levies, fines and utility bills; Payment methods can only be by electronic transfer or debit order. No cash or cheques allowed.

Rules deal with disciplinary matters, sanctions and fines as set out below.

If any person that is not a member of the Association is fined, such fines must be paid within 48 hours.

<b>TRANSGRESSION</b>	<b>First Transgression</b>	<b>Second Transgression</b>	<b>Transgressions After that</b>
Security guards shall not, under any circumstances, be abused, physically or verbally.	Warning	R1 000.00	R2 000.00
Members and Residents must ensure that their staff, appointed contractors and their workers adhere to the governing documents or any other arrangement put in place by the Association from time to time.	Warning	R1 000.00	R2 000.00
Residents that allow anybody into the Township without following correct procedures.	Warning	R1 000.00	R2 000.00
Tailgating, i.e. unauthorised access or exit into or from the Township by slipping under the boom which was raised to allow access to the previous person.	Warning	R1 000.00	R2 000.00
Loitering in the Township.	Warning	R1 000.00	R2 000.00
External Alarm Sounds	Warning	R2 000.00	R5 000.00
<b>ARCHITECTURAL GUIDELINES</b>			
All building plans shall follow the Architectural Guidelines and must be approved by the Design Review Committee and George City Council before the construction commencement. This requirement is also applicable to any additions and alterations to existing structures and dwellings.	R1 000 and bring to an end Project until plans approved	R5 000.00	R5 000.00

TRANSGRESSION - ARCHITECTURAL GUIDELINES CONT	First Transgression	Second Transgression	Transgressions After that
No gardening or any other maintenance activities, external or internal, by non-residents shall be allowed after 18h00 even in the resident's company. Residents may only do urgent and crucial repairs after hours.	Warning	R1 000.00	R2 000.00
<p>Should any Member wish to install an electricity generator on their erf, it will be subject to the following provisions:</p> <ol style="list-style-type: none"> <li>1. It must be quiet, no louder than 60db at 7meters.</li> <li>2. The noise may not impact the surrounding neighbours.</li> <li>3. No noise/generation is permitted after 23h00 and before 06h00.</li> </ol>	Warning	R5 000.00	R5 000.00
<b>ENSURING A PLEASING STREETScape AND PROPERTY BUILDING MAINTENANCE</b>			
Owners shall at all times maintain the exterior of their houses, their gardens, boundary walls or fencing. Also, residents must keep neat the sidewalk section between the kerb and the erf boundaries of their property to the Association's satisfaction.	Warning	R700.00	R1 000.00
Owners must maintain their houses' interior and exteriors and gardens to the high standard expected, to the Association's satisfaction.	Warning	R2 000.00	R10 000.00 doublings with every transgression

TRANSGRESSION - ENSURING A PLEASING STREETScape AND PROPERTY BUILDING MAINTENANCE CONT	First Transgression	Second Transgression	Transgressions After that
Caravans, trailers, boats, equipment, tools, engine and vehicle parts and the like, as well as accommodation for pets, shall be located out of view and screened from the Golf Course and the street.	Warning	R500.00	R1 000.00
<b><u>GENERAL</u></b>			
<p>No Resident may conduct business from a residential erf without the prior written consent of the Association. All Members and tenants wishing to operate businesses from home shall complete the standard Association form for such approval.</p> <p>Such business operations shall adhere to the criteria and conditions as specified by the Association and to local Municipal by-laws and regulations. This includes any B&amp;B operations.</p>	Warning	R1 000.00	R3 000.00
Residents may not occupy a house unless all work is complete and the Association and Council have issued Compliance and Occupation Certificates.	R1 000.00	R5 000.00	R5 000.00
No portable pools are permitted.	Warning	R1 000.00	R5 000.00
No fire shall be lit on Common Property, except in such places as designated by the Associations for such purposes, at a constructed fireplace or braai.	R1 000.00	R5 000.00	R5 000.00

TRANSGRESSION – GENERAL CONT	First Transgression	Second Transgression	Transgressions After that
No camping or picnicking shall be permitted except at any place set aside for the purpose and designated as such by the Association.	Warning	R1 000.00	R5 000.00
No person shall do any gardening or landscaping on the Common Property without the express prior written agreement of the Association regarding the nature and extent of such gardening or landscaping activity.	Warning	R1 000.00	R5 000.00
Unless authorised by the Association to do so, no person shall pick or plant any plants on the Common Property.	Warning	R1 000.00	R5 000.00
No person shall display or discharge a firearm, air rifle, crossbow, or similar weapon anywhere on the Estate without the Association's consent.	R1 000.00	R5 000.00	R5 000.00
Setting snares, trapping of birds or animals are prohibited without the Association's consent.	R1 000.00	R5 000.00	R5 000.00
No rubble or refuse may be stored, dumped or discarded on Common or private property.	R1 000.00	R5 000.00	R5 000.00
No animal, bird or reptile may be slaughtered or killed within the Estate, not even for religious reasons.	R1 000.00	R5 000.00	R5 000.00

<b>TRANSGRESSION – GENERAL CONT</b>	<b>First Transgression</b>	<b>Second Transgression</b>	<b>Transgressions After that</b>
The lighting or letting off of fireworks within the Estate is strictly prohibited at all times.	R2 000.00	R5 000.00	R5 000.00
No person shall pollute or allow the pollution of the dams or streams within the Estate by any substance that may in any manner be harmful to plants, animals or birdlife or which may in any way be unsightly.	R1 000.00	R5 000.00	R5 000.00
No fishing is permitted without the prior written consent of the Association and subject to the terms, place and conditions imposed by the Association.	Warning	R1 000.00	R5 000.00
<b>NEIGHBOURLINESS</b>			
Noise from electronic instruments, partying, and the like shall cease at 23h00. Noise must be kept at an acceptable level at all times, not to create a nuisance to neighbours.	Warning	R1 000.00	R5 000.00
Refuse, bins (except on official collection days), garden waste and refuse bags shall not be placed on the pavement and must be out of sight of the road and golf course.	Warning	R500.00	R700.00

<b>TRANSGRESSION - NEIGHBOURLINESS</b>	<b>First Transgression</b>	<b>Second Transgression</b>	<b>Transgressions After that</b>
Mechanical maintenance and the use of power saws, lawnmowers and the like shall only be undertaken between the following hours: Monday to Friday            07h30 – 18h00 Saturday                        08h00 – 13h00 Sunday                            None	Warning	R1 000.00	R2 000.00
Airbnb facilities must be registered with the Association	Warning	R1 000.00	R2 000.00
Airbnb guests making a nuisance of themselves by playing loud music, driving drunk, partying etc. The member will be responsible for their guest's actions and any transgressions set out in this schedule will be panelise accordingly.	R1 000.00	R10 000.00	R15 000.00
<b>USE OF THE STREETS</b>			
Quadbikes are prohibited from driving on the Estate.	Warning	R1 000.00	R2 000.00
Only valid licensed drivers may operate and drive motor-powered vehicles on the Estate roads, including golf carts.	Warning	R1 000.00	R2 000.00
All privately owned golf carts shall be registered with the Association and have permanent identification plates. Only battery-powered carts, <u>cream or off-white, is allowed.</u>	Warning	R1 000.00	R2 000.00

<b>SPEEDING</b>	<b>First Transgression</b>	<b>Second Transgression</b>	<b>Transgressions After that</b>
The speed limit is 40 km per hour in the Estate.			
41 km – 50 km	Warning	R700.00	R1 000.00
51 km – 55 km	R1 500.00	R2 000.00	R2 500.00
56 km and above	R3 500.00	R8 000.00	R10 000.00
<b>GOLF COURSE CODE OF CONDUCT</b>			
No resident shall use the Golf Course as a short cut if not in a golf cart or walking. Only HOA and Golf Club staff may cut across the course for work-related purposes.	Warning	R1 000.00	R2 000.00
No person may remove any course hardware, e.g. flags, signage, etc., and all lost golf balls are the property of the Golf Club if on the Golf Course. Collecting golf balls in the greenbelt areas are prohibited as it is an environmentally sensitive area.	Warning	R1 000.00	R2 000.00
Residents may not tap into the water or electricity network if not on the owners own property. Illegal connections are against the law, and transgressors will be prosecuted.	R 20 000	Legal Action	Legal Action

Motorcycles, scramblers are not allowed on the Golf Course cart paths or any part of the Golf Course or anywhere on the walking trails. The owners or operators may act against any person that contravenes their rules and regulations.	Warning	R1 000.00	R2 000.00
<b>PETS</b>			
Barking dogs and pets are becoming a nuisance in the township.	Warning	R700.00	R2 000.00
Pets are roaming the streets.	Warning	R700.00	R1 000.00
Members may not keep more than two dogs on their property. Where dogs are kept, there must be a suitable enclosure to prevent the dogs from straying off the Member's Property. If fenced, all enclosure sections must conform to the Architectural and Development Guidelines regulations.	Warning	R1 000.00	R5 000.00
Residents shall not keep poultry, pigeons, aviaries, wild animals, livestock or the like within the Estate.	Warning	R1 000.00	R2 000.00
Dog's swimming in dams/public water features.	Warning	R500.00	R1 000.00
Pets are not permitted to roam the streets, and dogs shall be on a leash at all times when it is on Common Property or the Golf Course.	Warning	R700.00	R2 000.00
Should animal excrement be deposited on Common Property or Golf Course, the pet owner shall be responsible for the instant excrement removal.	Warning	R700.00	R1 000.00

Residents may not keep animals of whatever nature in the Village Units.	Warning	R700.00	R1 000.00
<b>CONTRACTORS</b>			
Contractors are working outside permitted times.	Warning	R1 000.00	R2 000.00
All Members and their contractors, including a "Stay in Contractor" that undertake any building maintenance activity, must read and complete the contractor's registration form before proceeding with any work. Failure to inform the Association or any contractor infringements may result in non-compliance, and the Association may act against the Member of the Property or contractor.	Warning	R1 000.00	R2 000.00
All Members and their contractors, including a "Stay in Contractor" that undertake any building maintenance activity, must read and complete the contractor's registration form before proceeding with any work. Failure to inform the Association or any contractor infringements may result in non-compliance, and the Association may act against the Member of the Property or contractor.	Warning	R1 000.00	R2 000.00
Contractors not keeping their sites clean, tidy & screened.	Warning	R1 000.00	R2 000.00

TRANSGRESSION - CONTRACTORS	First Transgression	Second Transgression	Transgressions After that
<p>Unless otherwise agreed by the Association contractor activity, working internal or external on any dwelling, is restricted to the following times:</p> <ul style="list-style-type: none"> <li>• 06h00 – 18h00 Normal weekdays</li> <li>• 08h00 – 13h00 Saturdays.</li> <li>• No construction activity on Sundays.</li> </ul>	Warning	R1 000.00	R2 000.00
<p>Materials off-loaded by a supplier that encroach onto the sidewalk or roadway must be moved onto the owner's erf. Material and rubble must not be allowed to remain on the road or sidewalk. The Member's/Resident's responsibility is to clear these areas of all such materials and rubble. The same applies to sand or debris washed or moved onto the road.</p>	Warning	R1 000.00	R2 000.00
<b>GENERAL PENALTY</b>			
<p>Any transgression not mentioned in the Schedule above, committed by a member or resident, the Trustees may impose a fine to be determined by them after deliberating the matter.</p>	To be determined	To be determined	To be determined