



Jewel of the Magaliesberg

UTOPIA NATURE ESTATE

The Body Corporate, Utopia Sectional Title Scheme No SS8792003

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CONDUCT RULES

1. Introduction

Since its conversion to Sectional Title in 2003, the Utopia Sectional Title Scheme (“Utopia”) has been regulated by the provisions of the Sectional Titles Act 95 of 1986, the management and conduct rules prescribed in terms of that Act, various amendments to those rules adopted by resolutions of the Body Corporate from time to time at Annual or Special General Meetings and more recently the Sectional Titles Schemes Management Act 8 of 2011 which came into operation on 7 October 2016.

Since these resolutions have been taken at various times since 2003, there is unfortunately no single document to which owners, their family members and guests as well as all management and staff employed by Utopia may refer, which contains all the conduct rules applicable to Utopia.

The purpose of this document is accordingly to consolidate the various conduct rules prescribed in the regulations to the Sectional Titles Act or more recently the Sectional Titles Schemes Management Act which are of particular relevance to Utopia and the various amendments to those rules which have been adopted at Annual or Special General Meetings and which are already binding on owners of chalets or stands in Utopia. Where appropriate the wording of these rules has been simplified to make them more applicable to present-day Utopia.

Together, these rules and resolutions provide an acceptable code by which owners, their family members and guests as well as all management and staff employed by Utopia may live and work together reasonably and harmoniously and without interfering with other owners’ rights of use and enjoyment of their properties.

2. Application of these Conduct Rules

- 2.1. This document constitutes the Conduct Rules for Utopia and is binding on all owners of chalets and stands in Utopia, all owners of shares in the Utopia Share Block Company and all management and staff employed by Utopia.
- 2.2. Owners, management and staff shall ensure that their family members, guests, lessees, staff, builders and other contractors are aware of and comply with these Conduct Rules.



Member of the Buffelspoort Conservancy

TRUSTEES: J Siemens (*Chairman*), K Botha, Q de Klerk, C Ferns, A Nel, P Ridgwell, J van der Molen

2.3. These Conduct Rules must be read together with –

2.3.1. the Amended Building and Occupation Code adopted by the Body Corporate of Utopia at the Special General Meeting held in May 2014 together with any amendments to the Code which may be adopted by the Body Corporate of Utopia at properly convened Annual or Special General Meetings from time to time.

2.3.2. any other policy or guideline document which may be adopted by the Body Corporate of Utopia at properly convened Annual or Special General Meetings from time to time.

2.4. In the event of any conflict between a provision of these Conduct Rules and any code, policy or guideline adopted by the Body Corporate from time to time, the provisions of these Conduct Rules prevail.

3. Chalet construction and alteration

3.1. Building and occupation code

3.1.1. To put an end to the fragmented and thus frequently disputed rules on what owners can and cannot build in their Sections, the Body Corporate adopted a Building and Occupation Code at the Annual General meeting of October 2008. Amendments to that Code were adopted at a Special General Meeting held in May 2014.

3.1.2. Changes to the Building and Occupation Code may only be made by a resolution of three-quarters of the owners present at a properly convened General Meeting or Special General Meeting.

3.1.3. The Board of Trustees, Utopia's Management and owners may not implement any decision or construct any building or structure in Utopia that does not comply with the Building and Occupation Code as amended from time to time.

4. Chalets occupation and use

4.1. Nuisance

No owner, their family, guests or staff may use their chalets and Sections in any way that unreasonably disturbs or impairs the use, enjoyment or convenience of neighbours or any other person in Utopia.

4.2. Noise

No owner, their family, guests or staff may operate or play a radio (including a car radio), television set, musical instrument or sound amplifier or talk, shout or sing in a manner that disturbs or impairs the use, enjoyment or convenience of neighbours or any other person in Utopia.

4.3. Light

No exterior lighting is permitted on chalets or in Sections that causes a nuisance by disturbing or impairing the use, enjoyment or convenience of neighbours. Should exterior light disturb cause such a nuisance, neighbours are entitled to require that such lighting be repositioned or removed.

4.4. Chalet maintenance / appearance from outside

Owners must ensure that the exterior of their chalets are well maintained and are kept in a neat and tidy condition. Should the external appearance of a chalet, in the opinion of the Board of Trustees or the Utopia Site Manager, be aesthetically displeasing or undesirable, the Board of Trustees may request the owner to take steps to rectify the position failing which the Utopia Site Manager may take the necessary steps and the Board of Trustees shall recover all reasonable costs incurred in this regard from the responsible owner.

4.5. Gardening

Owners may only garden or otherwise alter the landscape of their Sections. In this regard, only indigenous plant species (and preferably endemic plant species) may be planted. Owners are required to remove all invader plant species from their Sections. Unattended watering is prohibited. No gardening or other alteration of the landscape of the Common Property is permitted without the prior written consent of the Utopia Site Manager.

4.6. Fencing

No fencing or any man-made barrier may be erected between chalets or inside or outside Sections. Owners may however plant indigenous species as screening between chalets after requesting and obtaining permission from the Utopia Site Manager.

4.7. Refuse disposal

Owners are required to keep a monkey/baboon-proof bin outside their chalets for household waste. Household waste must be disposed of in these bins while owners are in residence and must be deposited in the designated waste bins at the Utopia main gate when owners or their guests leave Utopia. Waste bins may not be left at chalets when owners leave Utopia.

4.8. Laundry

No owner their family, guests or staff may hang any washing or laundry on any part of their chalet, in their Sections or in the common property in such a way that it is visible from any of the main access roads in Utopia or in such a way that it is aesthetically displeasing or undesirable to any neighbours or any other person in Utopia.

4.9. Signs and notices

- 4.9.1. All chalets are required to display their current chalet numbers on the outside of their chalets, visible from the access road to their chalets.
- 4.9.2. No other sign, notice or advertisement may be placed on any chalet where it is visible from any of the main access roads in Utopia or in such a way that it is aesthetically displeasing or undesirable to any neighbours or any other person in Utopia.

4.10. Tents and caravans

- 4.10.1. No owner, their family, guests or staff may erect a tent adjacent to their chalet for more than three days per calendar month.
- 4.10.2. No owner, their family, guests or staff may park a caravan or allow a caravan to be parked adjacent to their chalet under any circumstances. Caravans may only be parked or used in the designated caravan/camping area.

4.11. Generators

- 4.11.1. Generators may only be used for maintenance or building work between 08h00 and 17h00 Monday to Friday.
- 4.11.2. Generators may also be used for routine domestic use (e.g. vacuum cleaning, washing machines, charging of batteries etc.) between 09h00 and 13h00 on Saturday mornings provided the prior consent of the Utopia Site Manager and neighbours who may be affected is obtained.
- 4.11.3. Generator use for any purpose is prohibited on Saturday afternoons, Sundays and public holidays and in peak holiday periods.

4.12. Parking and storage of vehicles

- 4.12.1. For the purpose of this Rule, "vehicles" includes motor vehicles, motorcycles, quadbikes, trailers of any description, airplanes (including microlights) and boats.
- 4.12.2. Owners, their families, guests and staff must park their vehicles adjacent to their chalets in the area dedicated for such parking.
- 4.12.3. Should the area dedicated for such parking be inadequate, owners must obtain the prior consent of the Utopia Site Manager and any neighbours who may be affected before parking a vehicle in another area.
- 4.12.4. Owners may not store vehicles at Utopia (whether inside or outside their Sections) unless that owner is in residence at Utopia. Such vehicles must be removed when such owner is not in residence.

4.13. Fires

4.13.1. Owners, their families, guests and staff may only make fires in designated fireplaces or braai constructions (whether inside or outside their Sections).

4.13.2. Fires may not be left unattended and owners, their families, guests and staff must ensure that all fires are completely extinguished before they leave the area.

4.14. Fireworks

Due to the high risk of veld fires and the disturbance of game, the lighting or letting-off of fireworks within Utopia is prohibited at all times.

4.15. Pets

Owners, their families, guests and staff may not keep or bring pets of any kind into Utopia.

4.16. Conducting business

Except with the prior written consent of the Board of Trustees, no owner, owner's guest or other occupier may conduct any type of business within Utopia which requires outsiders to enter Utopia. Services provided to and for the benefit of other owners are permitted provided they do not disturb or impair the use, enjoyment or convenience of neighbours or any other person in Utopia.

4.17. Letting of chalets

4.17.1. Owners may only advertise their chalets for rent through a rental agency or operator approved by the Board of Trustees

4.17.2. The Board of Trustees may charge a fee to the owner concerned for any services it offers in regard to such rental services.

4.18. Electrification of units

Apart from chalets which already have Eskom electricity, no further chalets may be electrified without a resolution of three-quarters of the owners present at a properly convened General Meeting or Special General Meeting.

4.19. Landline telephones

Apart from chalets which already have landline telephones, no further chalets may have landline telephones installed without a resolution of three-quarters of the owners present at a properly convened General Meeting or Special General Meeting.

5. Levy payments

Levies must be paid in full by the 7th day of each month following receipt of the monthly invoice.

6. Access to Utopia

6.1. Gate access

- 6.1.1. All persons, except permanent residents, are required to complete an entrance form upon entering Utopia. The entrance form shall be provided by the on-duty Gate Controller. The form shall be returned to the Gate Controller upon leaving Utopia. The content of the entrance form shall be determined by the Board of Trustees from time to time.
- 6.1.2. The Gate Controller shall be entitled to search any person or any vehicle entering or leaving Utopia if he or she reasonably believes that property may unlawfully be leaving Utopia or unpermitted property may be entering Utopia.
- 6.1.3. The Gate Controller shall be entitled to refuse access to any person who is reasonably believed to be likely to commit an offence within Utopia or act in breach of the Conduct Rules provided that the Utopia Site Manager is informed and consents to such refusal of access. Any person so deprived of access shall be entitled to make representations to the Chairman of the Board of Trustees in regard to such refusal of access. The Chairman's decision on such access shall be final.

6.2. Public access

Pursuant to a resolution of the owners, Utopia is not open to the public. Access is however permitted to owner's families, guests, staff and contractors and, with prior consent of the Board of Trustees, special interest groups.

6.3. Prohibited vehicles

No motorcycles or quadbikes may be ridden in Utopia. Such vehicles may enter Utopia on a trailer provided they are not removed from the Trailer and are removed from Utopia when their owner or person in control leaves Utopia.

7. Use of common property

7.1. Common property access

Owners, their families and guests have an unfettered right of access to the Common Property. No owner may use or claim any part of the Common Property as an exclusive access area or a Section or prevent any owner, owner's family or guests from accessing any part of the Common Property.

7.2. Littering

No person may discard any litter on the Common Property (or anywhere on Utopia's property) except in a container or a place specifically provided for that purpose.

7.3. Unauthorised structures in common property

No owner, their family, guests or staff may erect any temporary or permanent structure in the Common Property.

7.4. Use of recreational facilities

7.4.1. Certain recreational facilities are situated in the Common Property. These include the tennis courts, the children's playground area, the putt-putt course, the swimming pools, volleyball court and the boma situated adjacent to the main complex.

7.4.2. Owners, their families and guests are entitled to make use these facilities provided that such use is exercised in a reasonable manner and does not disturb or impair the use or enjoyment of the facilities by other owners, their families and guests.

7.4.3. Children under the age of 5 years must be supervised by an adult at all times in making use of the recreational facilities.

7.5. Restaurant and shop

7.5.1. At the discretion of the Board of Trustees, operators may be permitted to operate the restaurant and shop situated at the main complex under certain conditions.

7.5.2. These conditions include but are not limited to:

- (a) The service must be geared toward the provision of a family orientated restaurant that caters for the private community within Utopia and does not become solely a Bar facility offering the sale of alcohol only but must always offer meals and light snacks of a reasonable and healthy standard.
- (b) The decorous behaviour of all patrons and their children are ensured and maintained by the operator.
- (c) The operator pays a fee, determined by the Board of Trustees, for the right to operate the restaurant and shop.

8. Use of roads

8.1. Dangerous driving

No person may drive any vehicle in excess of the speed limit or drive any vehicle in a reckless or dangerous manner.

8.2. Hooting

In order not to disturb or impair the use, enjoyment or convenience of neighbours or any other person in Utopia, the hooting of vehicles must be limited as much as possible

8.3. Driving under the influence of alcohol

No person may drive any vehicle in Utopia while under the influence of alcohol above the legal limit. If the Board of Trustees, the site manager or the manager on duty is reasonably of the opinion that a person is driving a vehicle under the influence of alcohol, he or she may require that person to vacate Utopia immediately.

9. **Environmental management**

9.1. Wildlife

Under no circumstances may any wildlife within Utopia be trapped, caged, removed or killed. No person may feed monkeys or baboons or leave food for monkeys or baboons or any other wildlife.

9.2. Game in Utopia

No game may be introduced into Utopia without a resolution of three-quarters of the owners present at a properly convened General Meeting or Special General Meeting.

9.3. Protected Area status

Should three-quarters of the owners present at a properly convened General Meeting or Special General Meeting resolve to establish Utopia as a protected environment as contemplated in the National Environmental Management: Protected Areas Act, 2003 or conservancy, the Board of Trustees must take steps to establish such protected area or conservancy.

9.4. Trees and vegetation

No person may cut down or remove any indigenous tree or bush in Utopia (whether inside or outside an owner's Section) without the prior approval of the Site Manager. No plants may be removed from Utopia without the Site manager's prior approval.

10. **Security**

10.1. Security services

10.1.1. The Board of Trustees must provide a security service to owners, their family members and guests as well as all management and staff employed by Utopia.

10.1.2. Such security service must be provided in accordance with Utopia's security policy developed by the Board of Trustees from time to time.

10.1.3. Such security service may be provided by an in-house security service appointed and managed by the Board of Trustees or may be provided by an external security services provider appointed by the Board of Trustees.

10.1.4. In the event that an external security services provider is appointed, such security services provider and all his staff must be registered with the Private Security Industry Regulatory Authority and must provide a security service in accordance with Utopia's security policy developed by the Board of Trustees from time to time.

10.2. Alarms in Units

All chalets in Utopia must be equipped with an alarm which complies with the minimum specifications prescribed by the Board of Trustees from time to time. Owners must ensure that their alarms are in functioning order at all times

10.3. Firearms

Discharging of a firearm (including a paint ball gun or air gun) anywhere on Utopia property is strictly prohibited except in self-defence.

11. Management and administration

11.1. Board of Trustees

11.1.1. The management of Utopia vests in the Board of Trustees. The powers and functions of trustees, their appointment and removal and all other roles of trustees are prescribed in the Sectional Titles Act and the management rules which form part of the Act

11.1.2. Although Trustees are elected at each annual general meeting, any person wishing to stand for the Board of Trustees of Utopia must be prepared to continue as a trustee for a minimum period of two years.

11.2. Administration

Utopia's administrative affairs and site management shall be managed by an administrative officer and site manager respectively. The administrative officer and site manager shall be accountable to the Board of Trustees.

11.3. Meeting notification

Except where specifically requested by an owner, notification and documentation for any General Meeting may be sent by e-mail, within the time-periods stipulated by the Sectional Titles Act.

11.4. Conflict of interests

Any decision of the Board of Trustees that has the potential to benefit a trustee must be ratified by an independent third party acceptable to the owners. Such a decision includes but is not limited to the approval of a trustee's building plans, the appointment of a contractor to undertake work on behalf of Utopia where the contractor has any link to a trustee or the undertaking of any project or work in which a trustee has a financial or other interest.

11.5. Trustee payments

Trustees are not entitled to claim any form of remuneration for serving on Utopia's Board of Trustees, including claims for any travel expenses. Trustees may however claim reimbursement for any other expenses incurred by them on behalf of Utopia.

11.6. Language

Utopia's business will be conducted in English, with the exception that Utopia's Management staff must be fully bilingual and able to deal with owners in either English or Afrikaans. Utopia has no obligation to have any documentation or correspondence translated into Afrikaans.

12. Sanctions for non-compliance

12.1. Non payment of levies

12.1.1. Owners who have not settled their levies by the 30th day following receipt of the monthly invoice will be handed over to Utopia's collection attorneys without further notice. The collections attorneys are instructed to use all means legally available to recover outstanding debts and any expenses incurred and interest accrued will be charged to the debtors account.

12.2. Non compliance with any Conduct Rule

12.2.1. Owners are responsible for ensuring that their family members, guests, lessees, staff, builders and other contractors are aware of and comply with these Conduct Rules.

12.2.2. Should an owner or their family members, guests, lessees, staff, builders and other contractors contravene any provision of these Conduct Rules, the owner shall be liable to a fine not exceeding twice the monthly levy which fine shall be determined by the Board of Trustees and added to their account for the month following the contravention. No fine may be imposed without notification first having been provided to the owner and the owner having been afforded an opportunity to make representations to the Board of Trustees.

12.2.3. Notwithstanding the above, should the administrator or site manager or any member of the Board of Trustees be of the opinion that an owner's conduct (or the conduct of such owner's family members, guests, lessees, staff, builders or other contractors) is of such an extreme nature as to pose a significant risk to the use or enjoyment or safety of any other person in Utopia, the administrator or site manager or any member of the Board of Trustees may take all reasonable steps immediately to remove such owner (or such owner's family members, guests, lessees, staff, builders or other contractors) from Utopia's property.

12.3. Damage to Common Property

Should any owner or such owner's family members, guests, lessees, staff, builders or other contractors cause any damage to the Common Property, the site manager may take all reasonable steps to remedy the damage and any expenses incurred will be charged to the owner's account.

13. Amendments to these Conduct Rules

These Conduct Rules may only be amended by a resolution of three-quarters of the owners present at a properly convened General Meeting or Special General Meeting.

Approved at the Annual General Meeting held on 16 September 2017.

Trustee

Trustee

Trustee