

Mossel Bay Golf Estate: Home Owners Association (HOA)

Architectural Review Board: Guidelines:

Attachment 8 revision dated 19 February 2016: CONTRACTORS'S CODE OF CONDUCT
(incorporating Updated Schedule of Penalties) (Changes in bold)

Effective date 1 April 2016 (approved at full Board meeting of 18 February 2016)

NOTE: Updates in bold.

The Code of Conduct must be adhered to by all contractors (includes building contractors, sub-contractors, suppliers, gardening services, courier services, delivery services, etcetera). It is compulsory for both the owner and main building contractor to sign this attachment, prior to the commencement of any construction activity on site. The owner whose property is being developed and the main building contractor will be held responsible jointly and be severally liable for any breach of this code. It is therefore advisable for the owner to take the necessary precautions to ensure that his contractors and suppliers understand this code of conduct in its entirety.

1. All deliveries of materials are to be made between 07:00 and 17:00 on working weekdays only.
2. Building activity will only be permitted between the hours of 07:00 and 17:00 Mondays to Fridays. Activity outside of these hours or public holidays will not be allowed.
3. Deliveries will be limited to a maximum of 5 tons or equivalent 4 pallets of bricks per truck. No trailers will be permitted.
4. Contractors are to house their staff/labour off site.
5. Builders are to control and dispose of all their litter and waste material on a daily basis and ensure that no litter is left lying about their site, adjoining properties or on common property. To this end, they are to supply 2 x 200 litre drums for use as site rubbish bins.
6. No dumping is permitted on the estate or nature reserve. Combustible material may not be burnt on site.
7. All building sites are to be equipped with an adequate chemical toilet/s for the exclusive use of their staff. The toilet is to be placed behind the shade cloth screen (clause 21) with the door away from the road, and must be kept hygienically clean at all times. The contractor is to ensure that his staff makes use of the toilet and not the surrounding erven, common areas or properties.
8. Contractors are liable for any damage caused by him or his workers. It is therefore required to take All-Risks and Public Liability Insurance cover. Owners are advised to hold a retention over contractors until any claim for damage on the estate has been settled.
9. Any staff found to be on a site other than the site they are contracted to may face a charge of trespassing.
10. The Contractor may not use surrounding properties for any whatsoever without the prior written approval of the owner. This includes vehicle access, the storage of building materials, the dumping of excavated soil, stumps and cleared tree and undergrowth material. Common areas/common property and Golf Club property may not be used under any circumstances.
11. The Owner will be responsible for ensuring that water and electricity is available to workers. water meter should be accessible for reading during and after construction. The contractor must protect the meter from damage.
12. The contractor is responsible for identifying and ensuring that his site pegs are not removed or obliterated.
13. The main contractor will be held responsible for the actions of his sub-contractors.
14. All security regulations at the estate must be complied with by all workers who must have valid ID cards with photos. Applications should be filed with the estate manager at least three working days prior to establishing on site. Persons with criminal records will be barred from the site. threatening or abusive language will be viewed as a serious breach.

15. Safety equipment must be used when and wherever required (e.g. safety hat, goggles, gumboots, gloves etcetera). The contractor shall conform to Health and Safety requirements as laid down by the Department of Labour. **A safety file shall be kept on site, indicating amongst others training and incidents.**
16. Environmental Directive 1.1 must be complied with.
17. Signboards of suppliers and sub-contractors are not allowed. Only one notice board per site is allowed and must be in accordance with the Architectural Guidelines.
18. Where materials are off-loaded by a supplier and encroach on to the pavement or roadway, these materials must be moved onto site by the contractor. No material is allowed to remain on the roadway or pavement. It is the owner's and contractor's responsibility to clear the roadway of all such materials. The same applies to sand or rubble washed or moved onto the road during building operations. Concrete and/or mortar may not be mixed in or on road reserves, common areas and the golf course.
19. All contractors shall only make use of the contractor's entrance at the Church Street gate for access / exit from the estate. Owners are not allowed to open gates resident gates for contractors. Usage of the golf club entrance is strictly prohibited.
20. All contractor vehicles used on site shall bear signage on either side of his vehicle, either temporary or permanent, whilst working on the estate. Signage should clearly indicate name of company as well as a contact phone number. No contractor vehicle will be allowed on site without signage or authorization by the estate manager.
21. Water/Electricity used on site during construction must on be from the connections points supplied on the contract site. Applications for temporary water and electricity connections must be made to the Mossel Bay Municipality.
22. For building work a complete set of plans approved by the Architectural Review Committee and the Municipality of Mossel Bay must be supplied to the Controlling Architect of the Architectural Review Committee or care of the managing agent before any building activity commences.
23. Before construction commences, and for the entire period of construction, the site must be fully enclosed with a green 80% density shade cloth screening wall at least 1.8m above natural ground level. This screen must be kept in good condition at all times during the construction period.
24. The maximum speed limit respectively for passenger/light vehicles and delivery trucks respectively are 25 and 20 km/h. Breach on this rule will be heavily fined.
25. Deliveries of sand / gravel are subject to covering with either canvass or shade cloth.
26. The estate is a nature reserve; therefore nobody is allowed to disturb any animal or reptile.
27. No contractor is allowed to establish or work on site, unless a brief safety and procedural discussion with the estate manager.
28. Any infringement of the above requirements may result in the HOA suspending activities until such contravention is rectified. The contractor / owner shall rectify any breach within 7 days after notification. If not, remedial cost will be recovered from the owner in addition to 25% or R200 handling fee, whichever is the greater.
29. Levy either spot fines or penalties for any other violation, where no fine was stipulated in the guidelines.

The following may be contacted regarding the above and their decision will be final:

The Site Manager, Mr Sias Koen	(044) 691-2539
The Managing Agent (Status Mark)	(044) 691-3054

SCHEDULE OF PENALTIES

Following an appeal from the majority of homeowners at the annual general meeting of 23 December 2015, stricter control over amongst contractors was called for. At an HOA Board meeting of 18 February 2016 the board of directors sanctioned a supplement to the ARB guidelines, specifically a more detailed penalty schedule, as herewith provided.

The ARB has always been sanctioned by the HOA to write architectural guidelines, control and approve designs, to exercise control over building contractors and generally to ensure harmonious development of the estate.

The attached schedule replaces and expands on the previous stipulations. Effective implementation date is 1 April 2016.

In addition as from 1 April 2016 all new main building contractors or owner/builders/project managers will be required to deposit a non-interest bearing refundable deposit of R10000 per individual project. Penalties, if not paid, will be reconciled once a refund is request at the end of a project.

Contractors code of conduct clause	Violation of conduct	First offense	Second offense	Third offense
1	Deliveries outside stipulated hours	R1000	R2000	R3000
2	Construction activities outside stipulated hours	R1000	R2000	R3000
3	Delivery loads more than maximum allowed	R1000	R3000	R5000
3	Trailers during delivery	R1000	R2000	R3000
4	House staff/labour on site	R1000	R3000	Dismissal
5	Non-control, dispose litter and waste on daily basis	Warning	R1000	R2000
5	Litter on site and sidewalk	Warning	R1000	R2000
5	Non-supply 2 x 200 litre rubbish bins	R1000	R2000	R3000
6	Dumping on estate or nature reserve	R500	R1000	R2000
7	Non-adequate on-site toilet facilities	R500	R1000	R2000
7	Non-use of toilets, but surrounding area	R500	R1000	R2000
7	Toilets facing road and not be screened off	Warning	R500	R1000
7	Not hygienically clean	Warning	R500	R1000
7	No container on site	R2000	R3000	R5000
8	Liable for any damage whatsoever	As required	As required	As required
9	Loitering and trespassing	R500	R1000	R2000
10	Misuse of adjoining sites	R500	R1000	R2000
10	Trespassing on golf course	R500	R1000	R2000
11	No water and electrical connection	R1000	R2000	R3000
12	Removal of site pegs	R1000	R2000	R3000
14	No ID card with photo	R1000	Dismissal	Dismissal
14	Security clearance less than 72 hours	R1000	R2000	R3000

14	Workers employed with criminal record	R2000	R3000	R5000
14	Threatening behaviour towards Security	R1000	Dismissal	Dismissal
15	No safety equipment	Warning	R1000	R2000
15	No safety file on site	Warning	R1000	R2000
16	Environmental violations, includes fires	R1000	R3000	R5000
17	Non-compliance signboard	Warning	R1000	R2000
18	Material encroaching on road	R1000	R2000	R3000
18	Mixing of materials off-site	R1000	R3000	R5000
19	Non-use of prescribed entrance gates	R2000	Dismissal	Dismissal
19	Use of golf club gate	R2000	Dismissal	Dismissal
20	No signage on vehicles	R500	R1000	R2000
22	Non-availability of drawings on site	R500	R1000	R2000
23	Inadequate 80% density shade cloth	R1000	R2000	R3000
24	Speeding on site	R500	R2000	Dismissal
25	Delivered sand/gravel not covered	R500	R1000	R2000
26	Killing of animal or reptile	R1000	R3000	Dismissal
27	Failing to attend orientation session	R500	R1000	R2000
General	Any other violation not mentioned above	R500	R1000	R2000

IMPORTANT:

The owner must ensure that this document is signed by both parties before commencement of building operations, and a copy sent to the Controlling Architect, Mossel Bay Golf Estate Homeowners Association, Mossel Bay at P O Box 567, Mossel Bay, 6500.

Construction will not be allowed to commence until this signed copy has been received by either the Estate Manager or the Controller Architect.

In case of any query by the contractor with rulings or penalties by either the estate manager or controlling architect, the matter will be referred to a sub-committee consisting of any three directors of the HOA, for final resolution.