

CONDUCT RULES

(section 35(2)(b) of the Sectional Titles Act, No 95 of 1986)

for the use and enjoyment of the sections and common property of

Birkdale Village

Grand National Boulevard

Royal Ascot

Milnerton

Cape Town

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1 ANIMALS, REPTILES AND BIRDS (PETS)

- 1.1 An owner or occupier of a section shall not, without the consent in writing of the trustees, which approval may not unreasonably be withheld, keep any animal, reptile or bird (pet) in a section or on the common property.
- 1.2 An owner or occupier of a section may apply in writing for two pets per section.
- 1.3 When granting their approval as referred to in sub-rule 1.1, the trustees may impose reasonable conditions pertaining to the keeping of the animal, reptile or bird (pet). The trustees may from time to time prescribe any reasonable conditions relating to the keeping of animals, reptiles or birds (pets).
- 1.4 Owners and occupiers of sections shall ensure that their pets do not foul the common property or cause a noise, nuisance or disturbance to other owners or occupiers of sections.
- 1.5 The trustees may withdraw their approval in the event of any breach of any condition prescribed by the trustees in terms of sub-rule 1.3 or referred to in sub-rule 1.4.
- 1.6 An animal, reptile or bird (pet) may not be kept on any part of a section or common property for any other reason than being a pet.

2 REFUSE DISPOSAL

- 2.1 An owner or occupier of a section shall:
 - 2.1.1 ensure that all refuse is placed in a plastic bag that must be securely fastened and placed inside the refuse bins;
 - 2.1.2 keep the black bin of the unit at the back of the unit and only leave it outside the unit on Monday mornings where they will be collected by the cleaning contractors to be emptied by the Municipality. Once the bins have been emptied and sanitized they will be returned to the units;
 - 2.1.3 ensure that all items fit into a refuse bin and shall for this purpose fold or cut big items to ensure that they fit into the refuse bin with the lid fully closed;
 - 2.1.4 be responsible for the disposal of building rubble, foreign items or big items which do not fit into a refuse bin;
 - 2.1.5 not deposit hot ash, sand or stones into any refuse bag or refuse bin.
- 2.2 No dumping of refuse bags outside the refuse room or on common property will be tolerated.

3 VEHICLES

- 3.1 The visitors' parking bays are primarily for the use of guests, visitors and contractors of owners and occupiers of sections, whom may temporarily park their vehicles on the visitors' parking bays, subject to compliance with the conditions imposed from time to time by the trustees.
- 3.2 Subject to sub-rules 3.1 above, no owner or occupier of a section shall park or stand any vehicle upon the common property, or permit or allow any vehicle to be parked or stood upon the common property, without the written consent of the trustees. In particular no trucks, caravans, trailers, boats or other heavy vehicles may be parked on the common property, without the written consent of the trustees.
- 3.3 Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their guests, visitors, or contractors, do not drip fuel, oil or brake fluid on to the common property or in any other way deface the common property. But if a spillage occurs, the owner of the defective vehicle shall clean the particular area as soon as possible, failing which the trustees may have the area cleaned at the cost of the owner of the section.
- 3.4 Damaged vehicles, vehicles that are not in general use or that are not roadworthy may not be parked on an exclusive use area or on any portion of the common property, without the prior written consent of the trustees, and subject to the time period as may be approved by the trustees and subject to such conditions as may be imposed by the trustees.
- 3.5 No owner or occupier of a section shall be permitted to dismantle or do major repairs to any vehicle or service any vehicle or part of a vehicle in his section, on his exclusive use area or on any portion of the common property. Only minor emergency repairs to vehicles may be done such as changing a tyre or jump starting a vehicle .
- 3.6 The trustees may cause a vehicle, which is parked, standing or abandoned on the common property without the trustees' consent or in contravention of these rules, to be removed or towed away, or its' wheels to be clamped. The trustees may further determine a reasonable penalty, which is to be paid for the release of a vehicle, to recover the costs of the process.
- 3.7 Owners and occupiers of sections shall adhere to the speed limit of 20 kilometres per hour and observe the road signs and keep proper look out for other vehicles and pedestrians when driving their vehicles on the common property.

3.8 Owners and occupiers of sections shall not drive their vehicles on the common property in a reckless or negligent manner or in any manner that creates a nuisance, danger or risk to humans or property. No unlicensed person may drive a vehicle on the common property.

3.9 Owners and occupiers of sections shall not create a noise or nuisance through use of their vehicles on the common property and in particular no excessive revving of vehicles is allowed, no loud music may emanate from a vehicle, and the hooters of vehicles shall not be sounded on the common property or outside the security gates, other than in emergencies.

4 DAMAGES, ALTERATIONS, DEVICES, ADDITIONS AND FITTINGS TO THE COMMON PROPERTY OR TO THE EXTERIOR OF A BUILDING

4.1 An owner of a section or person authorised by him shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common property or the exterior of a building, including the exterior of doors and windows, without first obtaining the written consent of the trustees.

4.2 Notwithstanding sub-rule 4.1, an owner or person authorised by him, may install:

4.2.1 any locking device, safety gate, burglar bars, or other safety device for the protection of his section; or

4.2.2 any screen or other device to prevent the entry of animals or insects:

Provided that the trustees have first approved the nature and design of the device and the manner of its installation.

4.3 An owner of a section shall not without the prior written consent of the trustees, who may attach reasonable conditions to their consent, construct to/on, or attach to/on any part of the common property or the exterior of a building, any alteration, device, addition or fitting, inclusive of but not limited to a radio aerial, television aerial, satellite dish, air conditioner, solar heating system, canopy, awning or shade cover.

5 STRUCTURAL ALTERATIONS

5.1 An owner of a section shall comply with the applicable provisions of the Act, the management rules and the following rules, before attempting a structural alteration to his section and/or the common property and/or his exclusive use area:

5.1.1 The owner shall submit a written application to the trustees with specifications and a sketch plan of the proposed structural alteration to obtain the provisional consent of the trustees. The application must include such further details as required by the trustees.

- 5.1.2 If considered necessary by the trustees, they may consult an architect, engineer, legal advisor or other professional consultant regarding the proposed structural alteration.
 - 5.1.3 If considered necessary by the trustees, they may instruct the owner to canvass the comments of his immediate neighbours, and to submit it to the trustees for consideration.
 - 5.1.4 If the structural alteration involves work to a weight-bearing wall, or the increase of the loading on the existing foundations or concrete slab, the owner must submit a report by a structural engineer to the trustees, confirming that the proposed structural alteration shall not compromise the structural integrity of the building.
 - 5.1.5 Upon approval of the building plans by the trustees, the owner shall submit the building plans to RAMPO and thereafter to the Local Authority for approval.
- 5.2 The proposed structural alteration shall comply in all respects with the requirements of the Local Authority and the regulations to the National Building Regulations and Building Standards Act, No. 103 of 1977, as amended from time to time and shall be harmonious to the architectural style and design of the existing buildings and the appearance thereof shall be aesthetically acceptable in the discretion of the trustees.

6 CONSTRUCTION

- 6.1 The owner of a section and his contractor/s shall comply with the following provisions relating to any construction undertaken by him in terms of these rules:
- 6.1.1 Before commencing with construction the owner shall liaise with the trustees concerning all aspects of the building activities, including the timeframe for completion, security measures, parking of vehicles on the premises, temporary storage of building material on the common property and any other matters.
 - 6.1.2 The owner shall comply with the conditions imposed by the trustees and/or the Local Authority and with the provisions of the design guidelines (if applicable).
 - 6.1.3 The electricity and/or water supply of the HOA may not be used without the specific consent in writing of the trustees, who may assess the costs of such usage for the account of the owner.
 - 6.1.4 Any construction or work done in pursuance of these rules must be done during the hours of 08h00 to 17h00 Monday - Saturday, but not at all on Sundays or on proclaimed public holidays.

- 6.1.5 The common property must be kept clean, tidy and free of building rubble, which must be removed as work proceeds.
- 6.1.6 The owner shall complete all construction within a reasonable time from commencement thereof, and within the timeframe specified by the trustees, if any.
- 6.1.7 Any work done in pursuance of these rules must be done with the minimum of discomfort, disturbance, obstruction and nuisance to other owners or occupiers of sections.
- 6.1.8 The owner accepts responsibility, and shall be liable to the HOA (or other owners, as the case may be), for any damage caused by him or his contractors, to the common property (or to sections) and indemnifies the home owners association against such damage or any claims arising therefrom.
- 6.1.9 In the event of the common property having been damaged due to construction, the trustees shall request the owner to repair the damages forthwith. If the owner fails to repair the damages within fourteen (14) days after written notice is given by the trustees, the trustees shall be entitled to appoint an independent contractor to repair the damages and the costs of repairs shall be recovered from the owner.

7 APPEARANCE FROM OUTSIDE

- 7.1 An owner or occupier of a section shall not place, store or do anything in a section, on an exclusive use area or on any part of the common property, which in the opinion of the trustees is aesthetically displeasing or undesirable when viewed from the outside of the section. In particular balconies and windowsills may not be used as a storage space.
- 7.2 The front lawns and the lawns inside the boundaries of the various sections are for the owner's responsibility and are to be kept maintained at all times. Should the lawn not be kept up to standard the HOA will instruct the garden service to see to the gardens, and the costs will be debited to the owners account.
- 7.3 Owners and occupiers of sections shall ensure that their sections are provided with adequate curtaining or blinds at all times and within 14 (fourteen) days of taking occupation. All curtains must have linings and all linings to curtains, and blinds when viewed from the outside of the section must be white or cream in colour or otherwise acceptable to the trustees in their discretion. Only curtains or blinds may be used as window coverings and no tinted film coatings, sheets, towels or the like will be permitted.

8 SIGNS AND NOTICES

- 8.1 No owner or occupier of a section shall place any sign, notice, flag, billboard, or advertisement of any kind whatsoever in a section, or on an exclusive use area or on any part of the common property without the written consent of the trustees.
- 8.2 No advertisement, name or lettering of any character shall be painted on or affixed to any part of a building or on any structure on the premises.
- 8.3 Estate Agents Boards will only be permitted to be displayed on Sundays and must be removed before Monday morning 8am. Should this not be adhered to, a penalty of will be charged to those agents.

9 LITTERING

An owner or occupier of a section shall not deposit, throw, or permit or allow to be deposited or thrown on any part of the common property any rubbish, including dirt, cigarette butts, food scraps, wrappers, news or magazine print or any other litter whatsoever. In particular no litter may be washed down any storm water drain.

10 LAUNDRY

No washing may be hung in front of any unit. Washing may be hung at the back of units, positioned as discretely as possible.

11 STORAGE OF INFLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS

An owner or occupier of a section shall not store any material, or do or permit or allow to be done, any other dangerous act in a building or on the common property which will or may increase the rate of the premium payable on any insurance policy or which would render void any insurance affected over a section or exclusive use area.

12 SALE OF UNITS, LETTING AND OCCUPANCY OF SECTIONS AND RELATED MATTERS

- 12.1 All lessees of sections and other persons granted rights of occupancy by any owner of the relevant section are obliged to comply with these rules, notwithstanding any provision to the contrary contained in, or the absence of provisions, in any lease or any grant of rights of occupancy.
- 12.2 Upon the sale or alienation of a unit, the owner or his representative shall notify the trustees and shall furnish them with the information and documentation as may be required by them.

- 12.3 Upon the conclusion of a lease agreement or other occupancy arrangement in respect of a section, the owner of the section shall furnish the trustees with the following information and documentation:
- 12.3.1 The full names, address and telephone number(s) of the lessees and other occupiers of the section;
- 12.3.2 The duration of the lease.
- 12.4 An owner of a section is responsible to ensure compliance with these rules by the lessees and other occupiers of his section. The trustees shall have a right of recourse against the owner of the section, if the lessee or other occupiers of the section fails to comply with these rules or cause damages to the common property. The owner of the section shall be liable for any penalties imposed on the lessee or occupier of his section in terms of these rules.
- 12.5 No form of "time sharing" or any similar arrangement whereby a person other than the owner or his immediate family may utilize a section for a specified period or periods of time may be concluded in respect of a section.
- 12.6 Owners and occupiers of sections are obliged to comply with the Municipal zoning scheme with regard to the use and occupancy of their sections. Sections shall only be used for residential purposes. No business or trade may be conducted in any section or on the common property.
- 12.7 No owner or occupier of a section shall allow more than 2 (two) persons per bedroom to reside in his section at any time. For the purpose of this rule a person who regularly sleeps in a section shall be deemed to reside in that section.
- 12.8 The garages of the sections may not be used as or converted into living areas and no person may sleep in or occupy such area.

13 ERADICATION OF PESTS AND HEALTH REGULATIONS

- 13.1 An owner of a section shall keep his section free of rats, mice, cockroaches, white ants, borer and other wood destroying insects and to this end shall permit the trustees, the managing agent, and their duly authorised agents or employees, to enter upon his section from time to time for the purpose of inspecting the section and taking such action as may be reasonably necessary to eradicate any such pests. The costs of the inspection, eradicating any such pests as may be found within the section, replacement of any woodwork or other material forming part of such section that may be damaged by any such pests shall be borne by the owner of the section concerned.
- 13.2 No animal/s may be slaughtered in a section, or on an exclusive use area, or on any part of the common property.

14 NOISE AND NUISANCE

- 14.1 No owner or occupier of a section shall cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound, or shall use any offensive, obscene, injurious or unbecoming language in a section, or on an exclusive use area, or on any part of the common property.
- 14.2 No noise will be permitted after the hours of 22:00 on weeknights and Sunday nights or after 23:59 on Friday and Saturday Nights.
- 14.3 An owner or occupier of a section shall not use his section, exclusive use area or the common property or permit it to be used in such a manner or for such purpose as shall cause a nuisance to any other owner or occupier of a section or an unreasonable invasion of his privacy.
- 14.4 No firearm may be discharged in a section, or on an exclusive use area, or on any part of the common property, except under such circumstances which would reasonably justify the use of a firearm for self-defence and related purposes.
- 14.5 Owners and occupiers of sections are responsible for the conduct of their children and the children of their visitors or guests and are liable for the costs to repair any damages caused by them to the common property.
- 14.6 Owners and occupiers of sections shall at all times supervise their children and the children of their visitors or guests to ensure that they do not cause damages to the common property and to prevent them from causing a noise, nuisance or disturbance to other owners or occupiers of sections or an invasion of their privacy.

15 USE OF THE COMMON PROPERTY

- 15.1 Owners and occupiers of sections shall adhere to the following restrictions and shall ensure that their children adhere to the following restrictions:
- 15.1.1 No pellet guns may be discharged on the common property.
- 15.1.2 No stones or solid objects may be thrown or propelled on the common property or from any section or exclusive use area.
- 15.1.3 No skateboards, roller skates or roller blades may be used on the common property. 'Quad bikes', carts, scooters, motorbikes or bicycles may not be driven or used on the common property other than for the purpose of normal ingress to, and egress from, the premises.
- 15.2 No auction, fete, jumble sale or exhibition may be held in a section or on the common property, without the written consent of the trustees.

- 15.3 Owners and occupiers of sections shall not store or leave any item or article on the common property without the written consent of the trustees.
- 15.4 An owner or occupier of a section shall not plant any trees, shrubs or plants on the communal gardens, without the consent of the trustees.
- 15.5 Owners and occupiers of sections shall not cause damages to the communal gardens. No flowers, plants or trees may be removed from the communal gardens without the consent of the trustees.
- 15.6 Owners and occupiers of sections shall not use or tamper with a fire extinguisher, fire hydrant, fire hose, electrical panel or the security gate except in the case of an emergency.
- 15.7 Consuming of alcohol and use of illegal substances on the common property is strictly prohibited.
- 15.8 Urinating on any part of the common property is strictly prohibited.

16 **SECURITY**

- 16.1 Owners and occupiers of sections shall at all times ensure that the security and safety of all owners and occupiers of sections and their property are preserved, and in particular shall:
 - 16.1.1 not give their access controls to their contractors or workers in order to gain access to the building/s or premises;
 - 16.1.2 retrieve their access controls from the lessees or occupiers of their section when they move out;
 - 16.1.3 without delay report instances of lost or stolen access controls to the trustees or the supervisor.
- 16.2 No vendors, salesmen or hawkers are permitted on the premises.
- 16.3 No obstacles or objects, which may interfere with the normal operation of the electronic security gate, may be inserted or placed in such a manner to avoid the automatic closure of the gate.
- 16.4 No owner or occupier of a section may tamper with or attempt repairs to the electronic security gate or any of its components. Any faults must be reported to the trustees or the managing agent.

17 **RISK**

- 17.1 Any person present on the premises or the common property or using any of the services or facilities of the body corporate does so entirely at his own risk. No person shall have any claim against the body corporate of whatsoever nature arising from such use, nor for anything which may befall any person during the course of such use, whether caused by human or animal agency,

natural phenomena or otherwise. The body corporate shall not be liable for any injury, loss or damage of any description that any person may sustain, physically or to his property directly or indirectly, in or about the common property or on the premises, nor for any act done or for any neglect on the part of the body corporate or any of the body corporate's employees, agents or contractors.

17.2 Owners and occupiers of sections and other pedestrians shall keep clear from the security gate upon entry or exit from the premises. The moving gate can cause injury. Children may not be allowed to play in the vicinity of the security gate. No person may interfere with the operation of the security gate.

18 WORKERS AND CONTRACTORS

18.1 Owners and occupiers of sections are responsible for the activities and conduct of their workers and contractors on the premises and shall ensure that they adhere to these rules and shall in particular ensure that they:

18.1.1 do not cause a noise or nuisance to other owners or occupiers of sections;

18.1.2 do not loiter on the common property;

18.1.3 comply with the security measures imposed from time to time by the trustees.

18.2 Workers and contractors may not generally wander around on the premises, have meals or rest breaks on the common property. Their activities are to be restricted within the section or exclusive use area of the employing owner or occupier.

18.3 Owners and occupiers of sections shall in the interest of security obtain and check the references of the worker/s and contractor/s before appointing them.

18.4 Any damage to the common property caused by the worker or contractor will be for the account of the owner of the particular section

18.5 Owners and occupiers of sections shall not request the employees of the body corporate to perform any tasks for them during their work hours and shall not otherwise interfere with any employee in the performance of his work.

19 DOMESTIC WORKERS

Owners / occupiers must ensure that their workers do not cause any noise or disturbance to any other residents in any way or cause any security risk to the any section or the common property.

20 LEVIES

- 20.1 Levies are due and payable on the first day of each and every month.
- 20.2 Should levies not be received by the Managing Agent by the 7th day of each month, a reminder letter will be sent to the defaulting owner. An administrative fee will be charged to the defaulting owner for sending this letter. A fixed amount will be added to the levy account as a penalty in addition to the letter and the penalty shall increase for every month until the account is settled in full. Should payment not be received within 60 days, the owners will be handed over to the attorneys and the penalty will still be charged monthly until the account is settled in full.

21 WARNING SYSTEM

- 21.1 The trustees have decided as of the 1st April 2007 the warning system will be adjusted to a first and final warning. This means that if the trustees should receive a valid complaint in writing with regards to the Conduct of a resident, a warning letter will be issued and an administration fee will be charged for the sending of the letter. Should the trustees receive the same complaint, after the first letter, a second letter will be sent and a penalty will be charged in addition to the administration fee for the letter. Should the problem continue, the trustees would seek legal advice to resolve the issue.
- 21.2 The interest charged on accounts in arrears and the amount for penalties and administration fees will be adjusted from time to time by the Trustees during an AGM.