

CONDUCT RULES

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

For the Control, Management, Administration,
Use and Enjoyment of Sections and the Common Property of

BANGHOEK BODY CORPORATE

Conduct Rules

[Section 35(2) (b) of the Sectional Titles Act, No 95 of 1986]

RULES APPLICABLE TO RESIDENTIAL SECTIONS

ANIMALS, REPTILES AND BIRDS

1. An owner and/or occupier of a section (which shall include a terrace, balcony or garden) shall not keep any animal, reptile or bird in a section or on the common property or any exclusive use area(s) ("premises").
2. An owner and/or occupier shall not be allowed to feed any wild animals or birds on the premises.

REFUSE DISPOSAL

3. An owner or occupier of a section shall: -
 - (3.1) maintain in an hygienic and dry condition, a receptacle for refuse within his section, his exclusive use area or on such part of the common property as may be authorised by the trustees in writing;
 - (3.2) ensure that before refuse is placed in such receptacle it is securely wrapped and well sealed;
 - (3.3) for the purpose of having the refuse collected, place such receptacle within the area ("Refuse Disposal Area") and at the times designated by the trustees. The refuse must be in sealed plastic bags and deposited into the black bins provided in the Refuse Disposal Area. Refuse must not be left outside any section overnight; and
 - (3.4) not permit any of his possessions or the possessions of any of his household or any of his visitors or invitees or any refuse or rubbish for the disposal of which he is responsible, to remain in any entrance, passage, staircase or other part of the premises to which occupiers have common access;
4. Debris, refuse and rubbish means such articles as are accepted for removal by the City Council in plastic bins. Old beds, fridges and such similar items are to be removed by the person responsible and are not to be abandoned in the Refuse Disposal Area.

VEHICLES

5. No owner and/or occupier 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 consent of the trustees in writing.
6. The owner and/or occupier, as well as the owner and/or occupier's visitors, invitees or family shall not park any trucks, caravans, trailers, boats or any other such heavy vehicles, on any part of the common property, without the prior written consent of the trustees.
7. The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property without the trustees' consent. Alternatively, the trustees may cause for the vehicle to be clamped and a fine in the sole and absolute discretion of the trustees may be imposed.
8. Owners and/or occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid on to the common property or in any other way deface the common property. Owners and/or occupiers may not wash their vehicles on any part of the common property.
9. No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, on an exclusive use area or in a section.

PARKING CONTROL

10. The parking bays assigned to the various sections in "BANGHOEK" must be use for the express purpose of parking motor vehicles and no items whatsoever nature may be stored, albeit temporarily, within the area of or around a parking bay.
11. A motor vehicle driven by a bona fide visitor shall only be parked in the area designated for visitors' parking ("Visitors' Parking Bays") and shall not be left for a period of longer than 24 (twenty-four) hours or any such longer period as may be stipulated by the trustees in their sole discretion. The Visitors' Parking Bays shall be subject to such house rules as may be imposed by the trustees from time to time.
12. A motor vehicle parked in a visitors' parking area may not be left in such parking area when the visitor has left the property.
13. The motor vehicles of registered owners and/or occupiers of a section shall be authorised to enter and park in the premises according to the number of parking bays allocated to the residents of such section.
14. Every motor vehicle parked on the common property or in the assigned parking bays is parked at the owner and/or occupier's risk and responsibility. No liability shall attached to the Body Corporate, its agents or any of its employees for any loss, damage of whatever nature which the owner, or any other person claiming through him, may suffer as a consequence of the vehicle being parked on the common property.

TRAFFIC CONTROL

15. No person may operate a motor vehicle on the common property in a manner which may cause a nuisance or threat to the safety of persons or property.
16. Any person operating a motor vehicle on the common property must be licensed by law to operate such vehicle.
17. No person may reverse a motor vehicle for a distance greater than a reasonably necessary for the actual manoeuvring of such motor vehicle in or out of a parking bay or to move around any obstruction.
18. A warning device (i.e. a hooter) may not be sounded on the common property except in an emergency.
19. No person may stop or park a motor vehicle on the common property in a place other than a designated parking bay or in such a manner that it causes obstruction to the flow of traffic or to the access or egress from any parking bay.
20. A motor vehicle must be parked within the lines demarcating a single parking bay.
21. No heave motor vehicles, boats, caravans or trailers may be brought onto the premises without the prior written consent of the trustees.

NOISE

22. Owners and/or occupiers are required to exercise due respect and consideration to other persons residing in the Scheme at all times.
23. A resident shall at all times ensure that neither he, his visitors, guests nor his employees shall create a nuisance by making undue noise, which shall include the paying of musical instruments, television sets, hi-fi and similar equipment at a noise level or pitch so as to be audible to any other owner and/or occupier in the Scheme.
24. The trustees shall require an owner and/or occupier to take immediate remedial action against any resident who persistently creates a disturbance by making excessive noise or otherwise contravenes any of the Management or Conduct Rules.

GAMES

25. No resident shall cause or permit the hitting, striking, throwing or bouncing of balls or other objects against any of the walls of the common property or on the premises unless authorised by the trustees.

26. No games, bicycle-riding, skateboarding, roller skating or recreational activities of any nature shall be permitted in any part of the common property, unless authorised by the trustees.

DAMAGE ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY

27. An owner and/or occupier of a section shall not:-
- 27.1 mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common property without first obtaining the written consent of the trustees.
- 27.2 permit any woodwork, metalwork or any other work to be conducted in the parking bays, basement or any other part of the premises.
28. Notwithstanding rule 28, an owner of person authorised by him, may install:-
- 28.1 any locking devise, safety gate, burglar bars or other safety device for the protection of his section; or
- 28.2 any screen or other device to prevent the entry of animals or insects,
- Provided that the trustees have first approved in writing the nature and design of the device and the manner of its installation.
29. An owner and/or occupier shall not:-
- 29.1 neglect to make good any damage caused to the premises by him, his family, tenant, invitee or guest or any other person over whom he has control; and /or
- 29.2 neglect to repair within 3 (three) days any window pane broker from whatsoever cause (other than a wilful act of a servant of the Body Corporate) in any part of the Scheme which he is entitled to occupy.

ALTERATIONS / RENOVATIONS TO SECTIONS

30. No structural alterations and/or major renovations may be made to any section without the prior written approval of the trustees. The trustees may in their sole discretion consult either a qualified builder or architect and may furthermore impose any reasonable terms and conditions in granting such written approval as is required in terms of this rule 31.
31. Prior to the commencement of any structural alteration and/or major renovations, the trustees may in granting their written approval contemplated in rule 31, require an owner attending to such alterations and/or renovations to pay a deposit in the amount of R5 000.00 (five thousand rand), or such reasonable amount as determined by the trustees from time to time ("**Deposit**").
32. The Deposit is to be lodged with the managing agent prior to the commencing of any structural alterations or major renovations which have been approved by the trustees in accordance with rule 31. The costs of remedying any damage to the common property (e.g. floor coverings, woodwork, paintwork, plumbing etc.) and also any other charges accruing for the account of the owner attending to such alterations and/or renovations shall be deducted from such Deposit paid. The Body Corporate reserves the right to claim further amount/s for any additional costs or damage/s.
33. On the completion of the structural alterations and/or major renovations as contemplated in rule 31, the balance of the Deposit, after deducting all and any amounts required by the Body Corporate to remedy any damage to the common property as may be applicable, will be refunded to the owner attending to such alterations and/or renovations.

APPEARANCE FROM OUTSIDE

34. The owner and/or occupier of a section shall not:-
- 34.1 shall not place, store or do anything on any part of the common property, including balconies/ patios, stoeps and gardens, which in the discretion of the Trustees is aesthetically displeasing or undesirable when viewed from the outside of the section;

- 34.2 notwithstanding rule 35.1, an owner and/or occupier shall ensure that the section is provided with adequate curtaining or blinds within 14 (fourteen) days of taking occupation of the section;
- 34.3 install tinted glass windows in any residential section or exclusive use area, unless prior written permission is granted thereto by the trustees;
- 34.4 hang any items of whatsoever nature over walls, in windows or any other part of the common property that is visible to other persons residing in the Scheme or the public;
- 34.5 construct, attach to or affix to any part of the exterior of the premises, including the balconies, any alterations, fixtures or additions, including, but not limited to, items such as radio aerials, television aerials, satellite dishes, solar heating systems, air conditioners, chimneys, canopies, braais or similar items without the prior written consent of the trustees, who may attach any such reasonable conditions to their consent. The prohibition in the rule relating to air conditioners, include air-conditions installed inside a section or exclusive use area which is in any way visible from the outside.

LETTING AND OCCUPANCY OF SECTIONS

- 35. An owner of a section may only reside or let the section for residential purposes.
- 36. An owner may let or part with occupation of his section provided that:
 - 36.1 no such letting and/or parting with occupation shall in any way release the owner from any of his obligations to the Body Corporate, in terms of these Conduct Rules or in terms of the Management Rules made in terms of the Sectional Titles Act.
 - 36.2 as a condition precedent to any such letting and/or parting with occupation, the owner shall secure from the lessee or the person to whom occupation is given as the case may be, an undertaking in favour of the Body Corporate that such lessee or person shall duly observe all these regulations and conditions as are contained in the Management and Conduct Rules and in the Sectional Titles Act. Such an undertaking shall be in terms as the trustees shall from time to time require and it shall be lodged in writing with the trustees prior to such lessee or person being given occupation of the section;
 - 36.3 upon moving into the section, the tenant's furniture and/or other bulk goods are to be moved through the main entrance of the premises. Tenant's are further advised that the movement of any furniture and/or bulk goods through the main entrance, as contemplated in this rule 36.3 shall be attended to as soon as possible and shall be done in a manner so as not to reasonably restrict and/or obstruct general access to the premises through the main entrance. Furniture and/or bulk goods should be carried or on another carrying device and should not be dragged along the corridors on the common property. Should any furniture and/or bulk goods be moved by of the lift in the Scheme, the owner and/or occupier shall arrange for such lift shall be covered by a lift blanket for the duration of the period. The Trustees may from time to time, in their sole and absolute discretion, place any further conditions with regard to the movement of furniture and /or bulk goods;
- 37. The maximum number of permanent residents in a section at any one time may not exceed two persons per bedroom, calculated by reference to the number of bedrooms only and excluding the lounges and other areas.
- 38. In terms of the Sectional Titles Act, owners and/or occupiers may not exchange accommodation on a part time basis for accommodation elsewhere, or cede occupancy for cash or kind on a part time basis, or create, or have any time-sharing scheme in respect of their section.

SIGNS AND NOTICES

- 39. No owner or occupier of a section, used for residential purposes, shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a section, so as to be visible from outside the section.

LITTERING

- 40. No owner and/or occupier of a section, or any employee of such owner and/or occupier shall deposit, throw, or permit or allow to be deposited or thrown any substance of any nature any rubbish,

including dirt, cigarette butts, food scraps or any other litter whatsoever from the windows, doors or balcony of the section onto the common property and any part of the exclusive use area(s)

LAUNDRY

41. An owner and/or occupier is permitted to erect his own washing lines in order to hang laundry on the balconies or stoep areas but such washing line or laundry should not be visible from outside the premises. No laundry is to be permitted to be hung over the balcony railing of a section.

STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

42. An owner and/or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act on the premises which will or may increase the rate of the premium payable by the Body Corporate on any insurance policy.
43. An owner and/or occupier shall not store any materials of a dangerous or explosive nature, the keeping of which contravenes any statute, local regulation, by-law or constitutes a nuisance to occupants, other portions of the premises, voids any insurance effected by the Body Corporate or would result in the increase in the rate of such insurance.

ERADICATION OF PESTS AND HEALTH REGULATIONS

44. An owner and/or occupier shall keep his section free of white ants, borer and other wood destroying insects and to this end shall permit the trustees, the managing agent, and their duly authorized 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 which may be damaged by any such pests, shall be borne by the owner and/or occupier of the section concerned.

GENERAL

45. Levy and electricity account payments due by the owners in the Scheme shall be paid monthly in advance on the 1st (first) day of each and every succeeding month.
46. The owner and/or occupier shall not:-
- 46.1 deny the trustees, their servants, nominees or the managing agent access to any section and/or other part of the premises which the owner is entitled to occupy or the purposes of inspection;
 - 46.2 permit anything to be done in such section and/or exclusive use area(s) or upon any other portion of the premises which constitutes a nuisance or the unreasonable invasion of the privacy of the other residents at "BANGHOEK" or permit or make any disturbance by himself or any person for which he is responsible, to make any disturbance or noise which in the opinion of the trustees, in their sole and absolute discretion, would constitute an invasion of the right to privacy of the other owners and/or occupiers of the sections.
 - 46.3 be allowed to issue instructions to the cleaning staff or supervisor employed by the trustees, unless so appointed by the trustees to do so. Staff duties will be assigned by a duly appointed person within stipulated working hours. The owners and/or occupiers must arrange with the managing agent for tasks to be carried out by the cleaning staff outside of stipulated working hours;
 - 46.4 give orders or buying orders to third party contractors or suppliers pertaining to any part of the common property without the knowledge or permission of the trustees or the managing agent;
 - 46.5 hold or permit to be held any auction sale in any portion of the premises or display any advertisement on or outside the premises or any portion thereof; and
 - 46.6 erect any tent or other structure or alter or remove any shrub, tree or plant in the garden or elsewhere in the grounds:

- 46.7 permit his section and/or exclusive use area to be used for any other purpose than for which it is intended for which is indicated expressly or by implication on the necessary Sectional Plan; and
- 46.8 permit anything to be done, in his section or on the common property, which will or may increase the rate of the premium payable by the Body Corporate on any insurance policy as referred to in the Management Rules.
47. The owner and/or occupier shall:-
- 47.1. only be permitted to “braai” using the “braai facilities” allocated to each section, which are situated on the exclusive use areas, and which “braai facilities” are expressly designated by the trustees for such purpose. It is expressly forbidden to ignite wood or coal fires for any other purposes other than for “braaing” on any other part of the property.
- 47.2 ensure that access to the premises via the security system is restricted to the owner and/or occupier or person known to them at all times.
- 47.3 ensure that the front security doors and all other access doors or gates are securely closed at all times; and
- 47.4 ensure that the fire hoses located on the premises are only used in case of fire or emergency.

BINDING NATURE OF THESE RULES

48. All owners and/or occupiers of sections and other persons granted rights of occupancy by any owner of the relevant section are obliged to comply with these Conduct Rules, notwithstanding any provision to the contrary in any lease or any grant of rights of occupancy.

BREACH

49. In addition to and without prejudice to the rights created in accordance with the provisions of rule 128 of the Management Rules in the event-
- 49.1 of the owner and/or occupier committing any breach of any of the provisions of the Management or Conduct rules made under the Act and failing to remedy such breach within 14 (fourteen) days of date of delivery by hand or posting by prepaid registered post of written notice calling upon such owner and/or occupier to remedy the same; or
- 49.2 of the owner and/or occupier committing or suffering the commission of any repetition of any breach of any of the terms and conditions of the Management and Conduct Rules of the Sectional Titles Act, which breach is of such a nature or occurrence that cannot practicably be remedied subsequent to the giving of a period of notice as aforesaid, at any time after due notice in writing has been given to the owner and/or to desist from and/or not repeat or suffer the repetition of the breach complained of;
50. The Body Corporate or the trustees or the managing agent, if so authorised, shall be entitled notwithstanding any indulgence that may have been shown to the defaulting owner and/or occupier, to take such action as may be available to it or them, either to enforce the relevant provision of the rules and/or the Act breached or alternatively to restrain the defaulting owner and/or occupier from continuing or repeating the unlawful conduct complained of as may be available to the Body Corporate or the trustees or the managing agent as the case may be, all without prejudice to any other rights that may lie against the defaulting owner and/or occupier for the recovery of any damages or loss which the Body Corporate may suffer as a result of such breach and/or failure to remedy same. In the event of any steps or legal action being taken by the Body Corporate or the trustees or the managing agent for the purpose of enforcing compliance with these rules or of the Act of procuring a due and proper remedy of such breach, all costs and expenses howsoever incurred by the Body Corporate or the trustees or the managing agent arising thereout or in connection therewith shall be paid by and recovered from the defaulting owner and/or occupier.

COMPLAINTS

51. All complaints regarding “BANGHOEK” are to be addressed in writing to the chairman of the Body Corporate. All complaints of an urgent nature may be brought to the attention of the chairman or, in his absence, the managing agent, or any of the trustees at any time.

DOMESTIC EMPLOYEES

52. An owner and/or occupier shall:
- 52.1 be responsible for the activities and conduct of this domestic employee(s) and shall ensure that his domestic employees understand and that they do not breach any rules, legislation or bye-laws which may affect the Scheme.
 - 52.2 ensure that his domestic employee(s) do not loiter on the common property.
53. Any owner and/or occupier of a section whose domestic employee consistently fails to abide by these Conduct Rules may be required to remove such domestic employee(s) from the property if so instructed by the trustees.
54. No owner and/or occupier of a section may request personal duties to be performed by any member of staff employed by the Body Corporate.

CONFLICT WITH MANAGEMENT RULES

55. In the event that there is a conflict between the Conduct Rules and the Management Rules, the Management Rules shall prevail.