

WALMER PARK VILLAGE

SS NO. 183/89

**Conduct Rules prescribed in terms of Section 10(2)(b) of the Sectional
Titles Schemes Management Act, 2011 (Act No. 8 of 2011).**

Walmer Park Body Corporate

12/19/2016

Notes: 1. Amended and adopted at AGM April 2017

2. Rule 3(2) amended and adopted at AGM April 2018

Contents

Keeping of animals, reptiles and birds	1
Refuse and waste disposal	1
Vehicles.....	2
Damage to common property	2
Appearance of section and exclusive use area	3
Maintenance of non-registered exclusive use areas.....	3
Storage of flammable materials.....	4
Behaviour of occupiers and visitors in sections and on common property.....	4
Eradication of pests.....	5
Letting of units.....	5
Security safety and risk.....	6
Gardens.....	6

1. Keeping of animals, reptiles and birds:

- (1) The owner or occupier of a section must not, without the Trustees' written consent, which must not be unreasonably withheld, keep an animal, reptile or bird in a section or on the common property. An owner or occupier of a section shall not be permitted to keep more than two small breed dogs. Application for approval must be approved prior to occupation. No cats are allowed.
- (2) An owner or occupier suffering from a disability and who reasonably requires a guide, hearing or assistance dog must be considered to have the Trustees' consent to keep that animal in a section and to accompany it on the common property.
- (3) The Trustees may provide for any reasonable condition in regard to the keeping of an animal, reptile or bird in a section or on the common property.
- (4) The Trustees may withdraw any consent if the owner or occupier of a section breaches any condition imposed in terms of sub-rule (3).
- (5) Livestock may not be slaughtered inside or outside a section, in any exclusive use area or on the common property.

2. Refuse and waste disposal:

- (1) The owner or occupier of a section must not leave refuse or other materials on the common property in a way or place likely to interfere with the enjoyment of the common property by another owner or occupier.

- (2) Unless the Body Corporate provides some other way to dispose of refuse, the owner or occupier of a section must keep a receptacle for refuse of a type specified by the trustees in a clean and dry condition and adequately covered in the section, or on a part of the common property designated by the trustees for the purpose.
- (3) The owner or occupier of a section must —
 - (a) move the refuse receptacle referred to in sub-rule (2) to places designated by the Trustees for collection purposes at the times designated by the Trustees and promptly retrieve it from these places; and
 - (b) ensure that the owner or occupier does not, in disposing of refuse, adversely affect the health, hygiene or comfort of the owners or occupiers of other sections.
- (4) An owner or occupier of a section shall not deposit, throw, or permit or allow any rubbish, including dirt, cigarette ends, food scraps, dog droppings or any other litter whatsoever, to be deposited or thrown on the common property.

3. Vehicles:

- (1) The owner or occupier of a section must not, except in a case of emergency, without the written consent of the Trustees, park a vehicle, allow a vehicle to stand or permit a visitor to park or stand a vehicle on any part of the common property other than a parking bay allocated to that section or a parking bay allocated for visitors' parking.
- (2) The Trustees may provide for any reasonable condition in regard to the parking of vehicles on common property and visitors parking.
- (3) Owners and 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.
- (4) No owner or occupier shall be permitted to dismantle or perform major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.
- (5) No trucks or any other heavy vehicles may be parked on the common property.
- (6) Vehicles with a gross weight exceeding 3000 KG are NOT permitted on the premises.
- (7) The speed limit for all vehicles on the common property is 20kmh.

4. Damage to common property:

- (1) The owner or occupier of a section must not, without the Trustees' written consent, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure that forms part of the common property.
- (2) An owner or occupier of a section must be considered to have the Trustees' consent to install a locking or safety device to protect the section against intruders, or a screen to prevent entry of animals or insects, provided that the device or screen is soundly built and is consistent with a design, colour, style and materials approved in writing by the Trustees.

- (3) The owner or occupier of a section must keep a device installed under sub-rule (2) in good order and repair.

5. Appearance of section and exclusive use area:

- (1) The owner or occupier of a section must not, without the Trustees' written consent, make a change to the external appearance of the section or any exclusive use area allocated to it unless the change is minor and does not detract from the appearance of the section or the common property.
- (2) The owner or occupier of a section must not, without the Trustees' written consent —
- (a) erect washing lines on the common property;
 - (b) hang washing, laundry or other items in a section or any exclusive use area allocated to it if the articles are visible from another section or the common property, or from outside the scheme; or
 - (c) display a sign, notice, billboard or advertisement if the article is visible from another section or the common property, or from outside the scheme;
 - (d) install or erect mass water containers like water tanks to store rain water or recycled water;
 - (e) install or erect solar systems for water heating or electricity generation.
 - (f) install petrol or diesel driven generators to generate power or electricity.

6. Maintenance of non-registered exclusive use areas

- (1) Owners are responsible for maintenance of the following maintenance items and structures within their non-registered exclusive use areas:-
- Additions / extensions on common property:**
- (a) Swimming pools including pumps, pipes and swimming pool accessories.
 - (b) Shade cloth or other covering material on pergolas or parking bays.
 - (c) Electric motors for gates and garage doors.
 - (d) Locking devices at gates at units.
 - (e) Pavers / tiles / decking inside the private use areas of units (including cost of removing and replacing tiling when done for plumbing repairs).
 - (f) Air conditioner units.
 - (g) Lean-to/shed/shack constructions with or without retractable canvass overs.
 - (h) Covered patios.
 - (i) Wendy houses / tool sheds.
 - (j) Bird cages.
 - (k) Gardens in private use areas.
 - (l) Wooden or metal balustrades on boundary walls.
 - (m) Jacuzzis and related equipment.
 - (n) Door / window shade canopies.
 - (o) Repairs and replacement of outside doors and windows.
 - (p) Repairs and replacement of garage doors.

- (q) Built-in braai's and chimneys.
 - (r) Outside glass panels and frames.
 - (s) Under-tile membrane for roofs.
- (2) The Body Corporate is responsible for maintenance of the following maintenance items and structures within the non-registered exclusive use areas:-
- (a) Painting / varnishing of outside doors and windows including replacement of putty.
 - (b) Painting / varnishing of garage doors.
 - (c) Repair of plumbing / water pipes up to the connection to a section.
 - (d) Repair of electrical reticulation up to connection to a section.

The non-registered exclusive use area is the garden area surrounding each unit within the garden walls of that unit as well as the parking bay(s) allocated to a section.

7. Storage of flammable materials:

- (1) Subject to sub-rule (2), the owner or occupier of a section must not, without the Trustees' written consent, store a flammable substance in a section or on the common property unless the substance is used or intended for use for domestic purposes.
- (2) This rule does not apply to the storage of fuel or gas in —
 - (a) the fuel tank of a vehicle, boat, generator or engine; or
 - (b) a fuel tank or gas cylinder kept for domestic purposes.

8. Behaviour of occupiers and visitors in sections and on common property:

- (1) The owner or occupier of a section must not create noise likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.
 - (a) Especially after 22h00, noise levels should be reasonably reduced, whilst quietness should be maintained in sections and on the common property between the hours 24h00 and 07h00.
 - (b) All television, radio, and other appliances emitting sound, including musical instruments, must be kept at audio levels which are reasonable in the discretion of the trustees.
 - (c) The horns of motor vehicles may not be sounded at any time on the common property, except as a warning of imminent danger or in the case of an emergency.
 - (d) No explosives, crackers, fireworks or items of similar nature may at any time be exploded, lit or operated in any section or any part of the common property.
 - (e) No firearms may be discharged in a section or 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.
 - (f) The use of power tools, hammering and other noise generating equipment shall only be permitted between:

08h00 and 17h00 on weekdays, and
10h00 and 17h00 on Saturdays and not at all on Sundays and
Public holidays,

- (g) No owner, lessee or occupant may permit anything or work and repairs to be done in his/her section, exclusive area or on the common property, which constitutes a nuisance or an unreasonable invasion of the privacy of the other occupants of the buildings, or permit or cause any disturbance or allow his or her children or visitors of their children to cause any disturbance which in the opinion of the trustees would constitute a nuisance or an invasion of the right of privacy of other occupants.
- (2) The owner or occupier of a section must not obstruct the lawful use of the common property by any other person.
- (3) The owner or occupier of a section must take reasonable steps to ensure that the owner or occupier's visitors do not behave in a way likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.
- (4) The owner or occupier of a section is obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any other grant of rights of occupancy.

9. Eradication of pests:

- (1) The owner of a section must keep the section free of wood-destroying insects, including white ants and borer beetles.
- (2) The owner or occupier of a section must allow the Trustees, the Managing Agent, or their duly authorised representatives to enter the section on reasonable notice to inspect it and take any action reasonably necessary to eradicate any such pests and replace damaged woodwork and other materials.
- (3) The Body Corporate must recover the costs of the inspection and replacement referred to in sub-rule (2) from the owner of the section.

10. Letting of units:

- (1) All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obliged to comply with these Conduct Rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.
- (2) Before a lessee or occupant takes occupancy of a section, the applicable owner shall furnish the lessee or other occupant with a copy of the Conduct Rules and inform such lessee or other occupant of his or her duty to comply with the Conduct Rules and any Directives imposed in terms thereof. The owner shall obtain the lessees' (or other occupants') written acknowledgement of receipt of the Conduct Rules.
- (3) An owner of a section shall within 7 (seven) days after concluding a lease agreement or other occupancy arrangement, furnish the Trustees with the particulars (the full names and contact telephone numbers) of his or her lessee or other occupants and shall further furnish the Trustees with the

lessees (or other occupants) written acknowledgement of receipt of the Conduct Rules.

- (4) That in order to retain the residential nature of the complex and buildings no short term holiday letting shall be permitted. The Trustees shall in their sole discretion have the right to restrict any short term letting. In any event no such lease, or parting with occupation shall be for a period of less than six (6) months.

11. Security safety and risk:

- (1) Owners, lessees and occupants of sections must at all-times ensure that the security and safety of other occupants and their property are preserved, and in particular must:
 - Handle their access controls responsibly and
 - Ensure that upon entering or leaving the premises or buildings, the relevant pedestrian or entrance or exit gate is properly closed
 - Ensure that such pedestrian gate, entrance gate or exit gate are never opened for unknown or uninvited persons
 - Comply with any security measures and Directives imposed from time to time by the trustees
- (2) All persons on the common property or using any of its facilities or services are there and do so entirely at their own risk, and no person shall have any claim against the body corporate of whatsoever nature arising either from such use, or 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 or her property directly or indirectly, in or about the common property, its amenities or in the individual sections nor for any act done or for any neglect on the part of the Body Corporate or any of the body corporate employees, agents or contractors.
- (3) The Body Corporate shall not be liable or responsible for the receipt or non-receipt and delivery or non-delivery of goods, postal matter or any other property.
- (4) Owners may apply for a security key for the pedestrian gate on the south-west corner of the complex. In the case where an owner loses a key the owner will be responsible for the replacement of the lock and all keys issued.

12. Gardens:

- (1) No Resident shall do anything which may cause or allow any plants, creepers, shrubs, trees, grass, flowers or other improvements in or about the complex to become damaged, destroyed or removed. Trees and shrubs should be kept trimmed at a level that does not permit hideouts for intruders especially along boundary walls.
- (2) Owners shall not permit shrubs, trees, creepers or other vegetation to grow onto or near any building, or the security fence which may cause damage to any part of the roof, pergola, walls, superstructure and foundations of the building or the security fence. Owners shall keep all vegetation in their exclusive use areas trimmed, weed free and in a neat condition.

- (3) The Body Corporate shall have the power to order any owner to remove any offending shrub, tree, creeper or any other vegetation from their garden area and that owner shall be liable to pay all the costs of removal and transport, if the owner is in breach of sub-rule (3).
- (4) In the event of the owner not complying with the order, the Body Corporate shall be empowered to remove the offending vegetation and recover all removal costs incurred from the owner concerned. The Body Corporate shall not be held liable for any damage to that owner's garden or any item placed on the private use area, which may occur as a result of the removal of the offending vegetation.
- (5) An owner or occupier of a unit shall maintain the garden of the unit and keep it neat and tidy at all times.
- (6) The Trustees may from time to time issue directives in respect of the maintenance of gardens and such directives will be binding on all owners and occupiers of units.