

# **BERMUDA BEACH SECTIONAL TITLE SCHEME**

## **REGISTERED CONDUCT RULES (SS 178/97)**

SECTION 35 (2) (B) AS AMENDED UNDER SECTION 35 (5) OF THE SECTIONAL TITLES ACTS. 1986

### **1. ANIMALS, REPTILES AND BIRDS**

- 1.1. The 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 in a section or on the common property.
- 1.2. When granting such approval, the Trustees may prescribe any reasonable conditions.
- 1.3. The Trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule 1.2.

### **2. REFUSE DISPOSAL**

- 2.1. An owner or occupier of a section shall –
  - a. 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 authorized by the trustees in writing;
  - b. ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained;
  - c. for the purpose of having the refuse collected, place such receptacle within the area and at the times designated by the trustees;
  - d. when the refuse has been collected, promptly return such receptacle to his section or other area referred to in paragraph a.

### **3. VEHICLES**

- 3.1. No owner or occupier shall park or stand any vehicle upon 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.
- 3.2. The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, and vehicle parked, standing or abandoned on the common property without the owner's consent.
- 3.3. 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.
- 3.4. No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.

#### **4. DAMAGE, ALTERATION OR ADDITIONS TO THE COMMON PROPERTY**

- 4.1. An owner or occupier of a section shall not 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.
- 4.2. Notwithstanding sub-rule 4.1., an owner or person authorised by him may install –
  - a. any locking devices, safety gate, burglar bars or other safety devices for the protection of his section; or
  - b. 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 manner of its installation.

#### **5. APPEARANCE FROM OUTSIDE**

- 5.1. The owner or occupier of a section used for residential purposes shall not place or do anything on any part of the common property, including balconies, patios, stoeps, and gardens which, at the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

#### **6. SIGNS AND NOTICES**

- 6.1. 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 the section, without the written consent of the trustees first having been obtained.

#### **7. LITTERING**

- 7.1. An owner or occupier of a section shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

#### **8. LAUNDRY**

- 8.1. An owner or occupier of a section shall not, without the consent in writing of the trustees, erect his own washing lines, nor hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other section.

#### **9. STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS**

- 9.1. An owner or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act in the building or on the common property, which will or may increase the rate of the premium payable by the body corporate on any insurance policy.

#### **10. LETTING OF UNITS**

- 10.1. All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obligated to comply with these conduct rules, notwithstanding any provision to the contrary in any lease or any grant of rights of occupancy.

## **11. ERADICATION OF PESTS**

- 11.1. An owner 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 cost of the inspection, eradicating any such pests as maybe 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 of the section concerned.

## **12. PENALTY CLAUSE**

- 12.1. If the conduct of an owner or an occupier of a section or his or her visitors contravenes, breaches, disobeys or disregards any of the Conduct Rules, relating to braai, pets, storage of items, refuse, parking, washing lines and nuisance, the trustees may furnish the owner and occupier with a written notice which may in the discretion of the trustees be delivered by hand or by registered post. In the notice the Rule that has allegedly been contravened must be clearly indicated, and the offender must be warned that if he or she persists in such conduct or contravention, a fine will be imposed on the owner of the section.
- 12.2. If the owner or occupier nevertheless persists in the contravention of that particular Rule, the trustees may convene a meeting of trustees to discuss the matter and to impose a fine.
- 12.3. A written notice by which the alleged offender (whether owner or occupier), is informed of the purpose of the meeting and invited to attend, must be sent to the owner and occupier at least 7 days before the meeting is held. At the meeting the owner or occupier must be given the opportunity to present his or her case, but except in so far as may be permitted by the chairperson, he or she may not participate in the affairs of or voting at the meeting.
- 12.4. After the owner or occupier has been given the opportunity to present his or her case, the trustees may by way of a special resolution (75% of the trustees present at the meeting with a minimum of three trustees), impose an initial penalty of R1000.00 (One Thousand Rand) for the first offence and a subsequent penalty of R1000.00 (One Thousand Rand) for every identical offence thereafter.
- 12.5. Any fine imposed in terms of sub-rule 4, may if it is not paid within 14 days after the offender has been notified of the imposition of the fine, be added to the contribution which an owner is obliged to pay in terms of 37 (1) of the Act and claimed by the Trustees as part of the monthly installments payable by the owner.

## **ANNEXURE TO CONDUCT RULES**

### **1. Referring to Conduct Rule 4 (Damage, alterations or additions to the common property):**

#### **a. TV ANTENNA: INSTALLATION AND REPAIRS**

- The repair and servicing of the existing TV. Aerials are solely the responsibility of the Trustees.
- No private TV. / Radio aerials may be erected.

#### **b. SATELLITE DISHES: INSTALLATION**

- No satellite dish may be erected without the prior written approval of the Trustees. The Trustees will decide where, on the relevant building, the satellite dish will be sited.

### **2. Referring to conduct rule 5 (appearance from outside):**

#### **a. BRAAIING: USE AND STORAGE OF EQUIPMENT**

The braai facilities at the swimming pool are for the use of all Bermuda Beach residents, and the use of these facilities is strongly recommended.

The use of any other braai equipment, on the common property, stoeps or balconies, is a privilege and not a right. This privilege should be exercised with discretion, bearing in mind any discomfort or nuisance, to other residents.

Smoke can be a major source of discomfort, and this aspect should be kept in mind.

All residents have the right to report any breach of the conduct rules in this regard to the Managing Agent, for subsequent Trustee action.

The use of braai wood on the stoeps or balconies is not acceptable. Braai charcoal is recommended.

With the sole exception of Weber braais, no braai equipment or materials may be stored on the stoeps or balconies.

These braai materials should be stored within 12 hours of use, either indoors, in a garage, or storeroom, or at the owners own risk in the refuse rooms.

#### **b. STORAGE OF ITEMS ON COMMON PROPERTY, PATIOS, STOEPS AND BALCONIES**

1. Pot plants and patio furniture are the only items that may be stored on patios, stoeps or balconies.

With regard to pot plants the emphasis is on good quality, well-maintained pots limited to reasonable quantities.

Pots on upstairs balconies should be equipped with catchment trays, in order to avoid water nuisance to residents below.

2. Patio furniture should be limited to typical, conventional makes of tables, chairs or benches that have been specifically designed for exterior use.

The use of the white plastic patio furniture is recommended; the trustees may allow other types of conventional outdoor furniture in white, green or stained wood.

### **3. Referring to conduct rule 3 (vehicles):**

#### **TRAILERS & CARAVANS**

No trailers or caravans to be parked on any of the exclusive use parking areas or visitor's parking bays. Trailers & caravans can be parked behind the clubhouse at the owner's risk.