

**PRESCRIBED CONDUCT RULES AS AMENDED BY AN  
INCLUSION OF A NEW RULE 7(5) AND 9 FOR THE SECTIONAL  
TITLE SCHEME KNOWN AS 35 ON MAIN**

Prescribed in terms of section 10(2)(b) of the Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011).

**Keeping of animals, reptiles and birds**

1. (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.
- (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).

**Refuse and waste disposal**

2. (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.

**Vehicles**

3. (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) A consent under sub-rule (1) must state the period for which it is given.

#### **Damage to common property**

4. (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, if 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.

#### **Appearance of section and exclusive use area**

5. (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.

#### **Storage of flammable materials**

6. (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.

#### **Behaviour of occupiers or visitors in sections and on common property**

7. (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.
- (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.

(5) An owner shall be permitted to let his section and exclusive use area/s by means of Air B 'n B or similar platforms including private letting and/or agency letting subject to the directions of the Trustees from time to time including the Trustees right to prohibit such use as a result of frequent nuisance of a Tenant or disregard of the Rules.

### **Eradication of pests**

8. (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.

### **Commercial / Retail units**

9. (1) The Owners of the Commercial and Retail Units shall have due regard to the rights of Owners and Occupiers of the Residential Units to privacy and peace.

(2) The Owners of the Commercial and Retail Units are to operate their businesses within the guidelines as prescribed by the Local Authority with regard to trading hours.

(3) The Owners of the Commercial and Retail Units are to ensure that the noise levels emanating from the use of the units shall not exceed the prescribed guidelines as laid down by the Local Authority. In the event of this Conduct Rule being exceeded, the Body Corporate reserves the right to employ an independent security company to enforce this Conduct Rule at the expense of the Owners of the Commercial and Retail Units.

(4) The Owner of a Unit shall ensure that the applicable fire regulations have been complied with, with regard to any occupancy of a section. The Owner of a Unit shall submit a certificate confirming that the inspection and servicing of all fire equipment located within a Unit to the Trustees or Managing Agents, duly authorised, on an annual basis.

(5) The Commercial/Retail Component pertaining to any food and/or beverage industry shall be obliged to install and maintain any extraction fans, to ensure that all odours emanating from any kitchen and/or servicing areas, do not in any way permeate into the building whatsoever. The noise levels of such extractors shall be kept below the maximum allowed in terms of the local authority guidelines. In the event of these levels being exceeded, the body

corporate shall have the right to correct the equipment after professional advice has been obtained and all the charges relating to this work and consulting fees shall be debited by the body corporate to the Owner of the commercial unit as a special levy.