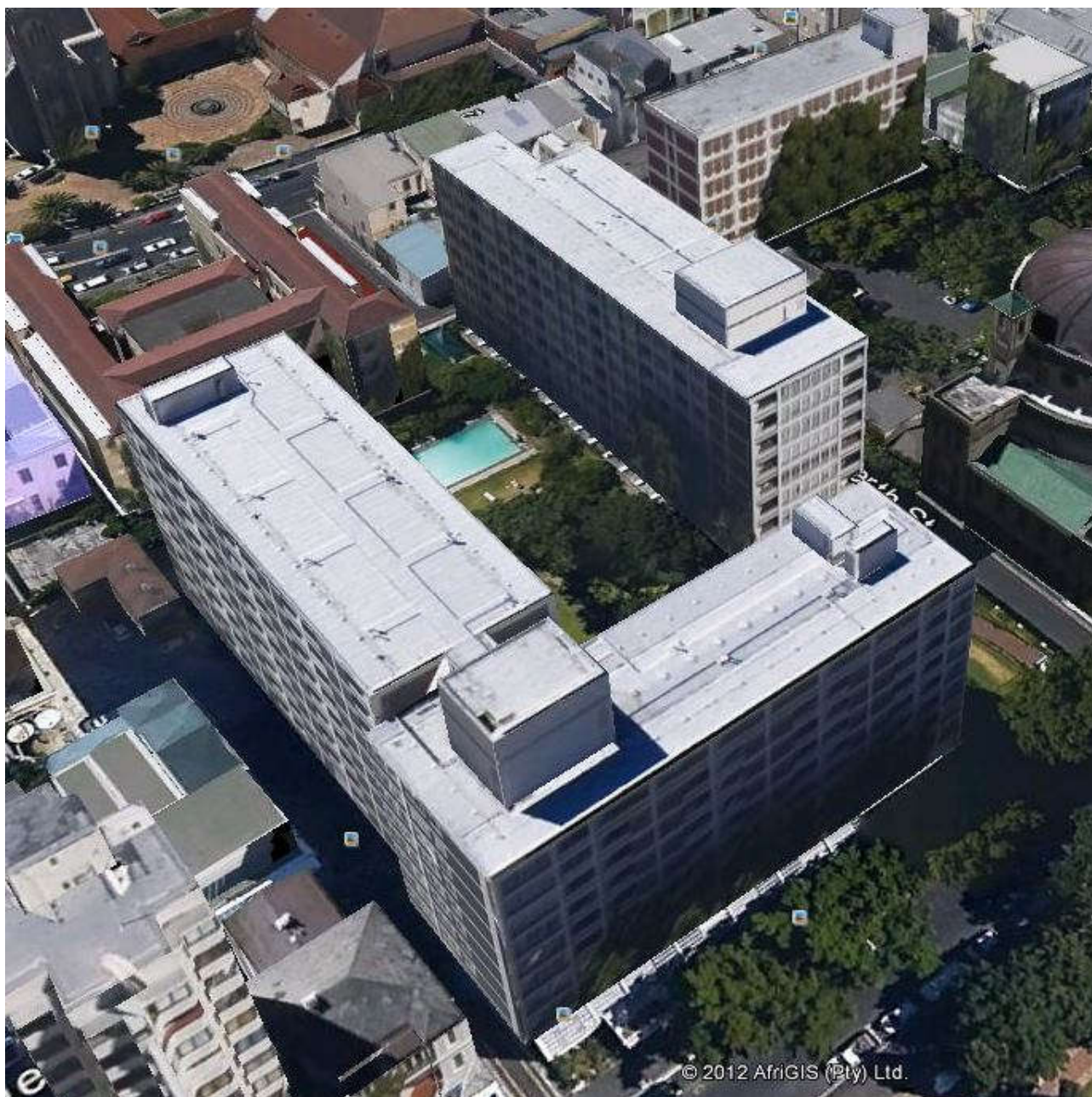


## Body Corporate St Martini Gardens



**Conduct Rules**  
**December 2020**

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## St Martini Gardens Conduct Rules

### Table of Contents

|     |  |    |
|-----|--|----|
| 3   |  |    |
| 1.  | Keeping of animals, reptiles and birds .....                                 | 3  |
| 2.  | Refuse and waste disposal .....  | 3  |
| 3.  | Vehicles .....   | 3  |
| 4.  | Damage and alterations to common property .....                              | 4  |
| 5.  | Appearance of section and exclusive use area .....                           | 5  |
| 6.  | Storage of Flammable Material and other Dangerous Acts.....                  | 5  |
| 7.  | Behaviour of occupiers and visitors in sections and on common property ..... | 5  |
| 8.  | Eradication of Pests .....   | 6  |
| 9.  | Letting of Units .....   | 6  |
| 10. | Insurance .....  | 6  |
| 11. | Parking bay levies .....   | 6  |
| 12. | Safety and security.....   | 7  |
| 13. | Access Control .....   | 7  |
| 14. | Use of the property.....   | 7  |
| 15. | Maximum number of Occupants .....  | 8  |
| 16. | Pool Area .....  | 8  |
| 17. | Braais (Barbeques) .....   | 8  |
| 18. | Renovations & Alterations .....  | 9  |
| 19. | Reception of goods .....   | 9  |
| 20. | Moving of furniture .....  | 9  |
| 21. | Personal information .....   | 10 |
| 22. | Imposition of penalties .....  | 10 |

(Annexure 2 to Sectional Titles Schemes Management Act 8 of 2011 with amendments and additions)

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.

### **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.
- (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).

### **2. Refuse and waste disposal**

- (1) The owner or occupier of a section must not leave, deposit or throw any refuse or litter (including cigarette butts or food waste) 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) An owner or occupier of a section must:
  - a) put clean items that are recycled by the body corporate in bins indicated for such purpose.
  - b) put all other refuse in a closed bag and dispose of it down the refuse chutes (located between floors in the stairwells), or place it in the refuse bins in B block ground floor parking garage.
- (3) An owner or occupier of a section may not, in disposing of refuse, do anything that may adversely affect the health, hygiene or comfort of the owners or occupiers of other sections or the scheme's cleaning staff. In particular they may not:
  - a) use the chutes between the hours of 21h00 and 8h00
  - b) put any glass down the chutes.
- (4) Broken furniture, building rubble or any other rubbish that is too big to go in a refuse bin must be disposed of by the owner or occupier, and may not be left anywhere 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 or building manager, park or stand a vehicle or allow a vehicle to park or stand on any part of the common property other than in a parking bay allocated to that section.

A consent under this rule must state the period for which it is given.

## St Martini Gardens Conduct Rules

- (2) 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.
- (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 affect major repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.
- (5) No trucks, caravans, trailers, boats or other heavy vehicles are to be parked on the common property or in an exclusive use area without the prior written consent of the trustees.
- (6) Vehicles are to be parked on the common property or in an exclusive use area as specifically indicated or approved by the Body Corporate in such a way that the flow of traffic and access to and from garages or parking bays is not obstructed.
- (7) The trustees and their agents are entitled to wheel clamp any vehicle which is parked on the common property (including in an exclusive use area) in breach of these rules. Such action shall be at the risk and expense of the owner or controller of the vehicle. A release fee determined by the trustees shall be payable prior to release of a wheel clamp.
- (8) The right to park on the common property or in an exclusive use area is subject to the express condition that every vehicle is parked at the owner's risk and responsibility and that no liability shall attach to the Body Corporate or its agents or any of their employees for any loss or damage of whatever nature.
- (9) The trustees may permit the installation of infrastructure for the charging of electric vehicles on common property or in an exclusive use area provided that this is requested in writing by an owner and the cost of the infrastructure and its use is recovered from such owner.

### **4. Damage and alterations to common property**

- (1) An owner or occupier of a section must not, without the trustees' written consent mark, paint, drive nails or screws or other objects into, or otherwise damage or deface any structure that forms part of the common property.
- (2) An owner or occupier of a section may not:
  - a) install any security gate on common property.
  - b) attach any plant containers, air conditioners, television aerials, satellite dishes or any other equipment to the exterior of the building.
- (3) All replacement windows and doors must conform in outward appearance with other windows and doors installed in similar positions elsewhere in the building and with the specifications set by the trustees.
- (4) All front doors are to be solid flat panel timber doors with a minimum fire rating of 30 minutes. The external part of the front door and frame are common property: they must be painted in the standard colours; door furniture must comply with specifications set by the trustees; and no non-standard decorative features are permitted.

## 5. Appearance of section and exclusive use area

The trustees have a duty to maintain the high-quality and uniform appearance of the scheme from the common property and from outside the scheme, and to maintain and restore the architectural integrity of the scheme where possible.

- (1) The owner or occupier of a section must not, without the trustees' written consent, make changes 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 common property.
- (2) The owner or occupier of a section must not, without the trustees' written consent:
  - a) place washing lines or drying racks, cleaning equipment, storage units, furniture, sporting equipment, television aerials, satellite dishes, air conditioning units or any other equipment on balconies or patios that extend above the height of the balcony balustrade. Nothing may be draped over the balustrade itself.
  - b) display a sign, notice, billboard or advertisement if the article is visible from another section or the common property, or from outside the scheme
- (3) Only white or neutral coloured curtain lining may be seen from the outside and blinds must be in natural wood or in a white or neutral colour. Curtains and blinds must be maintained in good condition.
- (4) The painting of balconies, including the exterior surfaces of windows and doors opening on to the balconies, will be included in exterior building redecoration projects, and the cost of this work will be recovered from the respective owners.

## 6. Storage of Flammable Material and other Dangerous Acts

- (1) 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 in:
  - a) a fuel tank or gas cylinder used or intended for domestic purposes; or
  - b) the fuel tank of a vehicle or engine.

## 7. Behaviour of occupiers and visitors in sections and on common property

- (1) The owner or occupier of a section must not do any action(s) which is likely to interfere with the peaceful enjoyment of the occupants 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 their visitors do not behave in a way likely to interfere with the peaceful enjoyment of the occupants of another section or another person's peaceful enjoyment of the common property.
- (4) An owner or occupier of a section shall not discharge a firearm, pellet gun or any projectiles on the property.

## St Martini Gardens Conduct Rules

- (5) The following are not permitted anywhere in the common areas, including the garden, passageways, driveways and garages:
  - a) The riding of bicycles, skate boards, roller skates or similar devices
  - b) Ball games
  - c) Radios, music players, musical instruments or any other noisy equipment
- (6) No smoking, or drinking of alcohol is permitted in any common areas except in the garden.
- (7) Children must be supervised by an adult when playing in the garden and in the common areas, and especially near the pool.
- (8) No noise audible within other sections or on the common property may be made during the following "quiet time" periods:

|                      |                  |
|----------------------|------------------|
| Sundays to Thursdays | 20h00 until 8h00 |
| Fridays & Saturdays  | 22h00 until 9h00 |

### **8. Eradication of Pests**

- (1) An owner of a section must keep the section free of wood-destroying insects (including white ants and borer beetles), cockroaches and rodents.
- (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. The body corporate must recover the costs of the inspection, eradication and replacement referred to from the owner of the section.
- (3) An owner shall take reasonable steps to keep his section free of pigeons by clearing away nests and dirt and by not feeding or otherwise encouraging pigeons on to the property.

### **9. Letting of Units**

An owner may let or part with occupation of his/her unit provided:

- (1) that no such letting and/or parting with occupation shall in any way release the owner from any of his/her obligations to the Body Corporate in terms of these Rules and any other Rules made in terms of the Act;
- (2) that the owner ensures that all tenants of units and other persons granted rights of occupancy are informed of the conduct rules and that they and their visitors and guests are obliged to comply with them.

### **10. Insurance**

Any first loss on any insurance claim is for the account of the section owner.

### **11. Parking bay levies**

A levy will be charged for the exclusive use of an undercover parking bay (in lieu of the actual cost of maintenance of the parking garages) at 15% of the levy for section no. 84.

## 12. Safety and security

- (1) The on-site Security Officers are responsible to the trustees for maintaining a high level of safety and security for all residents and their visitors. This includes controlling access, managing disturbances and enforcing these Conduct Rules.
- (2) No owner or resident or visitor shall do or allow to be done anything that obstructs the Security Officers from effectively carrying out their duties, including verbally abusing them or wasting their time.
- (3) No-one may tamper with or cause damage to the gates, doors, fences, cameras or any security devices.
- (4) No-one may use the fire hoses or fire extinguishers for any purpose except to fight a fire in an emergency.
- (5) Emergency exits may not be used for alternative exit / entrance to the building; they may only be used in the case of an emergency.

## 13. Access Control

Access to the property is controlled in order to maintain a high level of security.

- (1) Residents
  - a) All residents who are not owners must provide evidence that they have the owners' permission to live in the building.
  - b) Authorised residents may purchase an access tag that will allow them access in and out of the pedestrian entrances at any time.
  - c) If a resident does not have a working access tag he/she must provide some form of identification to security and must sign the Residents' Access register.
  - d) Access tags are not transferrable; any one used by a person other than the person to whom it was issued may be confiscated by security and/or disabled.
- (2) Visitors
  - a) Visitors (including domestic workers) will only be given access to the premises with the approval of a resident.
  - b) Unaccompanied visitors must provide identification and sign in the Visitor's Access register.
- (3) Parking

All residents who have been allocated a parking bay or wish to park a bicycle may purchase a remote control to give them access to the garage. Remote controls are not transferrable; any one used by a person other than the person to whom it was issued may be confiscated by security and/or disabled.

## 14. Use of the property

In terms of the City of Cape Town's Zoning Regulations St Martini Gardens is Residential and therefore no business or trade may be conducted on the premises.

## 15. Maximum number of Occupants

No owner shall permit his or her section to be occupied by more than the herein prescribed number of persons:

|                |                |
|----------------|----------------|
| Bachelor flat  | 2 persons only |
| 1 Bedroom flat | 2 persons only |
| 2 Bedroom flat | 4 persons only |

The trustees may approve short term visitors in addition to this number. When granting such approval, the trustees may prescribe any reasonable condition.

## 16. Pool Area

- (1) The trustees may regulate times during which the pool may or may not be used.
- (2) A maximum of two non-resident guests per section are permitted to use the pool at any time. Guests must be accompanied by their host who must be over the age of 18.
- (3) All persons utilizing the swimming pool must be suitably dressed so as not to cause offence to others.
- (4) No child under the age of 10 years will be allowed within the pool enclosure unless accompanied by an adult who supervises them to ensure their safety.
- (5) The following are not permitted in the pool enclosure:
  - a) Smoking, drinking and eating
  - b) Running, noisy or rowdy behaviour
  - c) Air mattresses or similar objects
  - d) Pets
- (6) The trustees reserve the right to prohibit the use of the pool to any individual or group at any time without giving reasons.
- (7) The use of the pool shall be at the sole risk of each of the owners or occupiers and their respective guests and family members.

Each owner and tenant hereby absolves the Body Corporate from liability, loss, claim or damages whatsoever arising in connection with the use of the pool and indemnifies and holds the Body Corporate harmless in respect of any actions or claims brought by or any loss(es) or damages sustained by any owner/s or tenant/s, invitees or persons using the pool through such owner or tenant, arising directly or in connection with such use.

## 17. Braais (Barbeques)

Braais (barbeques) are not permitted on unit balconies, private enclosures or parking bays.

Braais on the common property are not permitted without the written consent of the trustees, and such consent will only be provided for special circumstances and will be subject to certain conditions.



## 18. Renovations & Alterations

- (1) Any owner or occupier of a section must apply to the trustees on the prescribed application form for permission to carry out any renovations, alterations or redecoration to their section.
- (2) The trustees have a duty to ensure that all occupants act with care and consideration for other owners and residents of the building and will consider the following when reviewing applications for work to be done:
  - a) Noise and dirt that can inconvenience neighbours
  - b) Security concerns that arise when unsupervised contractors are on the premises, and large amounts of material are being moved in and out
  - c) The quality, integrity and safety of the structure of the building and plumbing and electrical installations
  - d) Maintaining a high-quality and uniform appearance from the common property and from the outside of the building.

In line with this duty the trustees may make rules that impose restrictions on working (including the days and times when work may be performed), and specify standards for alterations.

- (3) Work may not start until trustee approval is given and the required deposit paid. The conditions of the approval must be complied with.
- (4) The owner accepts responsibility for any damage caused by him or his contractors to common property or to other sections in the block and indemnifies the Body Corporate and other owners against such damage.
- (5) All alterations visible from outside the section, or affecting common property (ducts pipes and cables) must be consistent with those installed in similar positions elsewhere in the building.
- (6) No contractors may work on Saturdays, Sundays, Public Holidays or outside normal working hours i.e. 08h00 to 17h00 Monday to Friday. No demolition, hammering, drilling, sawing or use of power tools or other disturbing noise-producing activities may be undertaken between the hours of 13h00 and 14:00.
- (7) Drilling and hammering for minor DIY decorative work is permitted on Saturdays from 9:30 – 12:30.

## 19. Reception of goods

The body corporate or its agent's representatives and domestic employees shall not be liable or be responsible in any manner whatsoever for the receipt or the non-receipt and delivery or non-delivery of goods, postal matter or any other property.

## 20. Moving of furniture

Moving of furniture and heavy or bulky articles should be by prior arrangement with the building manager. The responsibility for repairing any damage to common property caused by moving such furniture, heavy or bulky articles shall be that of the owner or person concerned.

## 21. Personal information

- (1) Information about SMG owners and residents:
  - a) is collected, stored and used by the Body Corporate trustees, employees and agents where this is necessary for them to perform their duties effectively.
  - b) is considered confidential and will be safeguarded from loss or misappropriation.
  - c) will be destroyed when no longer required.
  - d) will not be provided to any other person without the consent of the subject (except as permitted or required by law).
- (2) Owner information

In terms of the Sectional Titles Schemes Management Act the Managing Agent maintains a register of the names and contact details of all owners. This is used to collect levies and other amounts due, and to send communications to owners.
- (3) Resident information

In terms of the Sectional Titles Schemes Management Act the Building Manager maintains a register of the names and contact details of all residents. This is used to manage access to the premises and for communications with residents.

## 22. Imposition of penalties

- (1) The trustees may set and change from time to time the amount of fines for the contravention of the Sectional Titles Schemes Management Act, Sectional Title Act or the St Martini Gardens Management and Conduct Rules.
- (2) If the conduct of an owner of an occupier of a section or his visitors or guests constitutes a nuisance, or if an owner, occupier or visitor contravenes or disregards a Management or Conduct Rule any person may send a written complaint to the trustees. The trustees will investigate all written complaints.
- (3) If a complaint is supported by the trustees they may furnish the owner or occupier with a written notice which may in the discretion of the trustees be delivered by hand, post or e-mail. In the notice the particular conduct which constitutes a nuisance must be adequately described and 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.
- (4) If an owner or occupier persists in the contravention of a rule after a warning the trustees may resolve to impose a fine on the owner or occupier concerned. If the breach is considered serious, the written warning may be omitted. Any fine imposed in terms of this section may be added to the contribution which an owner is obliged to pay in terms of section 3(1)(c) of the Sectional Titles Schemes Management Act, 2011 and claimed by the trustees as part of the monthly instalments payable by the owner.
- (5) Owners or occupiers given written warnings and fines may respond in writing and/or or request to meet with the trustees to dispute or discuss the matter.