

(ID 493897)

THE MANHATTAN MEWS

CONDUCT RULES

[Section 35 (2) (b) of the Sectional Titles Act, 1986]

1.

RULES OF THE ASSOCIATION

- (a) Notwithstanding anything contained herein or elsewhere it is recorded that the Rules of the Body Corporate, as set out herein, shall be subject to the provisions of the Memorandum of Incorporation of the Parkside Umhlanga Ridge Management Association NPC, Registration Number 2011/149153/08 ("the Association") and any Rules and regulations made in terms thereof. In the event of there being any conflict between the provisions of the Rules of the Body Corporate and the Memorandum of Incorporation or Rules of the Association, the Association's provisions shall apply in this regard.
- (b) Each member of the Body Corporate is obliged to become a member of the Association in accordance with the provisions of the Association's Memorandum of Incorporation and shall at all times comply with the Association's Memorandum of Incorporation, Rules and Regulations.
- (c) In no way detracting from the generality of the aforesaid, it is recorded that each member of the Body Corporate shall be obliged to pay the Association a monthly levy calculated in accordance with the Association's Articles. This levy shall, as provided for in the Association's Rules, be collected by the Body Corporate on the Association's behalf and paid to the Association.

2.

ANIMALS

An owner or occupier of a section shall not keep any animal, reptile or bird in a section or on the common property.

3.

REFUSE DISPOSAL

An owner or occupier of a section shall:-

- (d) maintain in a hygienic and dry condition, a receptacle for refuse within the owner's section, or in a part of the common property (the bin area) authorised by the trustees in writing;

Page 2

- (e) ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained;
- (f) for the purpose of having the refuse collected, place such receptacle within the area and at the times designated by the trustees;
- (g) when the refuse has been collected, promptly return such receptacle to the section or other area referred to in paragraph 3(a).
- (h) not flush any items down the toilet that would disrupt the operation of the Sewerage system, for example plastics, harsh chemicals, disposable nappies, condoms sanitary pads, cigarettes stubs or other foreign matter. Any blockages that are attributable to a violation of this Rule by the occupier of a section shall be repaired at the expense of the owner of the section.
- (i) ensure that no household refuse is placed outside sections over weekends. Residents must dispose of this in the bin area provided for this purpose.
- (j) not shake or dust or beat carpets or mats over the balconies or walls or through the windows of any section.
- (k) be obliged to comply with any recycling initiative and separate refuse and place it in specially provided bags or receptacles as and when required.

4.

DAMAGE, ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY

- (l) 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.
- (m) Notwithstanding sub-rule 4(a), an owner or person authorised by the owner may install:
 - (i) any locking device, safety gate, burglar bars or other safety device for the protection of the owner's section; or
 - (ii) 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

- (n) The owner or occupier of a section shall not enclose any patio area or balcony attached to or allocated to the section.
- (o) The owner or occupier of a section shall not place or do anything on any part of the common property which, in the discretion of the trustees and/or the Association, is aesthetically displeasing or undesirable when viewed from outside of the section. No form of security gate, door or grille is to be attached to the exterior of any section. No aerial, satellite dish, washing line, air conditioner or any other fixture shall be attached to the external elevation of the building.
- (p) The owner or occupier of a section shall not place on any veranda/patio or in any window any veranda/patio furniture, any other external accessories, decorations, decorative lights, bunting umbrellas, signs, symbols, drapes, blinds, curtains or any other item which, in the discretion of the trustees and/or the Association, is aesthetically displeasing or undesirable when viewed from outside of the section. No reflective film of any type or colour is to be used as a sun screening devise on any window or door. Curtain linings are required to be of a standard colour throughout the sectional title scheme.
- (q) The owner or occupier of a section shall not place in any window any burglar bar which has not been approved by the Association. Burglar guards or screening fixed internally, but visible externally are to be of a standard style and uniform colour throughout the sectional title scheme.
- (r) An owner shall not place or allow to be placed in the section or any part thereof any air-conditioning equipment or television aerials except with the prior written consent of the Association and the trustees who, in giving such consent may impose conditions as to type, colour, position and manner of fitting as they in their discretion may deem fit. Air conditioning units, including all pipe work, may only be installed if they are screened from the street and adjoining buildings.
- (s) External lighting is to comply with the approved building plans.
- (t) No alteration to the exterior colour of the building may be made without the prior approval of the Association.
- (u) Landscaping is to be maintained to a standard acceptable to the Association.

6.

SIGNS AND NOTICES

No owner or occupier of a section 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 without the prior written consent of the trustees and also of the owners of the sections used for business purposes, which sections are situate on the first three floors of the building, the owners of which are entitled to erect signage.

7.

LITTERING

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

8.

LAUNDRY

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

9.

STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

- (v) 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.
- (w) An owner or occupier shall not repair, alter or interfere with the electrical supply on the common property. Electrical faults shall be reported to the trustees.

10.

USAGE OF SECTIONS

- (x) All sections used for residential purposes shall be used for no purpose other than those permitted by the local authority.
- (y) No disorderly conduct of whatsoever nature shall be permitted in a section or on any part of the common property nor shall there be permitted any act, matter or thing in or about the buildings which shall constitute or cause a nuisance or any inconvenience to any other owner or occupant of the buildings or members of the Body Corporate or which might endanger the

building or the common property.

- (z) An owner shall not keep or do anything or permit the keeping or doing of anything on the common property after notice to desist from the trustees.
- (aa) An owner shall not store or allow to be stored or left any article or thing in any part of the common property except with the prior written consent of the trustees.
- (bb) An owner or occupier shall not: -
 - (i) Employ any person to work in the section for reward or otherwise, save as a domestic worker.
 - (ii) Carry on any profession, practice, occupation, trade or business in or from the section, in particular such that results in customers, clients or persons who have a business relationship with the owner or occupier being admitted to the section.
- (cc) In the case of consolidation, the maximum number of persons for each component shall apply. "Persons" includes visitors, children and babies from date of birth. In the case of the birth of twins to any mother residing in a section, the extra child shall be permitted to reside in the section.

11.

LETTING AND PARTING WITH OCCUPATION OF SECTIONS

An owner may let or part with occupation of a section provided that:

- (dd) the letting and/or parting with occupation shall not release the owner from the owner's obligations to the Body Corporate in terms of the Rules or in terms of the Act; and
- (ee) 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 regulations and conditions contained in the Rules and in the Act. The undertaking shall be in such terms as the trustees may from time to time require and shall be lodged in writing with the trustees prior to the lessee or person installing the air-conditioning unit.
- (ff) An owner or occupier shall, for reasons of security and to permit the monitoring of the movement of the occupiers, be obliged to give prior notice to the trustees or the Estate Manager (if there is one) or their designated agent by fax or letter of the persons or visitors who will from time to time occupy the section overnight and the owners' authority for such occupation.

12.

INSURANCE

- (gg) The Body Corporate shall have no responsibility for the insurance of the contents of any section which shall be undertaken by the owner.
- (hh) An owner shall not do or permit to be done anything which may increase the rate of insurance premiums payable by the Body Corporate on any insurance policy or which may tend to vitiate the policy. If there is any increase in the premium then the increase shall be borne by the owner responsible for the increase.

13.

DAMAGE TO ANOTHER SECTION OR COMMON PROPERTY /PAYMENT OF INSURANCE EXCESS

- (ii) The body corporate or an owner shall be entitled to recover the reasonable cost of repair of any damage to the common property or that owner's section, as may be relevant, from the owner of a section in which the cause of such damage arose or who is responsible for the person who caused such damage. Should the cost of repair be paid by an insurer, any excess shall be recoverable by the owner whose section sustains damage or by the body corporate (whoever is liable for such excess) from the owner of the other section.
- (jj) In terms of Management Rule 29 (4) the body corporate shall be responsible for excess payments in respect of specific damage within or to an owner's section, if the cause of such damage arose outside the boundaries of the section. The provisions of this rule shall not apply where the damage is caused by the act or omission of the owner or any occupant of that section or where the damage was caused by the failure of the hot water installation serving such section.

14.

OWNER'S BREACH

If an owner (including an owner's lessee, invitee, guest, agent, servant or employee) commits a breach of the Act or the Rules and remains in breach for seventy two (72) hours after the giving of a written notice to remedy such breach by the trustees or the managing agent, the trustees shall be entitled either:

- 1.1 to enter the section with workmen and agents and at the expense of the owner to carry out any work necessary to remedy such breach; or
- 1.2 to take such action as may be available in terms of the Act or at law.

15.

SECURITY AND ACCESS

- (kk) Access to the roof area of the building including all air conditioning facilities being part of the common property shall be strictly restricted to the Trustees and consultants or workmen duly authorised by the Trustees to have access to such areas.
- (ll) The trustees may from time to time prescribe a form of identification for employees of owners and occupiers to issue identification to their employees upon terms and conditions determined by the trustees. The trustees may require employees to carry identification on their persons, particularly when leaving and entering the building and they furthermore may authorise security personnel to require production of identification and, when deemed necessary, to search employees and their property.
- (mm) Owners shall be responsible for the security of their sections and exclusive use areas.
- (nn) The trustees shall be entitled to appoint a security guard to monitor all persons entering and leaving the complex. This includes the register of visitors and overnight visitors who will be issued with visitor cards. Where cards are not returned by 24H00 the visitor will be deemed to be an overnight visitor.
- (oo) Owners and occupants shall be obliged to accompany visitors or other persons who do not have discs/keys to the entrance of the complex in order to facilitate their admission or exit from the complex.
- (pp) The trustees shall be entitled to issue amended or further written directives regarding access into and from the building which shall be binding upon owners and occupants as if part of these rules.
- (qq) For security reasons the trustees may require an owner to provide personal information including an identity number of:
 - (i) Any contractor or service provider who intends to gain entry to a section.
 - (ii) Failing compliance with 15(f), the trustees shall be entitled to refuse entry to the building.
 - (iv) The Estate Manager / Supervisor (if there is one) or a security officer appointed by the trustees shall be entitled to call upon any person to identify himself or herself and to refuse entry to the common property and any section to any person which is unable to reasonably identify himself or herself with the owners authorization to occupy the

section, likewise the trustees shall be entitled to take whatever steps they deem necessary to remove from a section or the common property any person whom they were entitled to deny entry aforesaid.

- (v) Owners and occupiers shall comply with the security requirements of Rule 15 regarding overnight visitors.

16.

ERADICATION OF PESTS

An owner shall keep the owner's 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 authorised agents or employees, to enter upon the section from time to time for the purpose of inspecting the section and taking such action as reasonably may be necessary to eradicate any such pests. The costs of inspection and eradication, replacement of any woodwork or other damaged material shall be borne by the owner of the section concerned.

17.

OCCUPANCY

- (rr) An owner of a section, whether or not the owner personally occupies that section, shall at all times ensure that the number of persons who permanently reside in that section does not exceed number of persons permitted to reside in or occupy that section. A person who sleeps in a section shall be deemed to permanently reside in that section.
- (ss) The maximum number of persons who may permanently reside in or occupy a section overnight is as follows:
 - 2 persons per bachelor section
 - 3 persons per one bedroom section
 - 4 persons per two bedroom section

18.

LEVIES AND PENALTIES FOR THE LATE PAYMENT OF CONTRIBUTIONS

- (tt) Levies are due and payable on or before the first day of each month. The preferred manner of payment shall be by debit order.
- (uu) Should a levy be paid after the due date, the trustees or the managing agents may impose an administrative fee, the amount of which will be determined and be adjusted from time to time and which will be used to offset costs in recovering late payments. The administrative fee shall be in addition to any interest the trustees may, in terms of Management Rule 31(6), charge on arrear amounts.

- (vv) Should a levy be in arrears in excess of thirty (30) days, the managing agents or trustees may hand over the defaulting owner to attorneys for collection, all costs of which will be solely for the defaulting owner's account.

19.

HOUSE RULES

- (ww) The trustees are authorised, if necessary, to prepare House Rules for the efficient control of the building which House Rules can be added to or amended by the trustees from time to time.
- (xx) Owners will be held legally responsible for their tenant's infringement of House Rules.

20.

PENALTIES

- (yy) If the conduct of an owner or of an occupier of a section or that of his or her visitors constitutes a nuisance in the opinion of the trustees or if an owner, occupier or visitor contravenes a Management, Conduct or House Rule, the trustees may furnish the owner or occupier with a written notice which may, at the discretion of the trustees, be delivered by hand or registered post. In the notice, the conduct which constitutes the nuisance shall be adequately described or the rule that is alleged to have been contravened shall be clearly indicated. The recipient shall be warned that if he or she persists in such conduct or contravention a fine will be imposed on the owner of the section.
- (zz) Should the owner or occupier nevertheless persist in the particular conduct or in the contravention of the Rule, the trustees may convene a meeting of trustees to discuss the matter.
- (aaa) A written notice by virtue of 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 or occupier at least seven (7) days before the meeting is held. At the meeting the owner or occupier shall be given the opportunity to present his or her case but, except insofar as he or she is permitted by the chairperson, he or she shall not participate in the affairs of or vote at the meeting.
- (bbb) After the owner or occupier has been given the opportunity to present his or her case, the If the conduct of an owner or of an occupier of a section or that of his or her visitors constitutes a nuisance in the opinion of the trustees or if an owner, occupier or visitor contravenes a Management, Conduct or House Rule, the trustees may furnish the owner or occupier with a written notice which may, at the discretion of the trustees, be delivered by hand or

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- (eee) After the trustees may by way of a special resolution (75% of the trustees present at the meeting with a minimum of three trustees) impose a fine, appropriate to the offence, as determined by the trustees in their sole discretion.
- (fff) A fine imposed in terms of sub-rule (d) shall, if it is not paid within fourteen (14) days after the offender has been notified of the imposition of the fine, be added to the contribution which the owner is obliged to pay in terms of Section 37(1) of the Act and shall be claimed by the trustees as part of the monthly levy due by the owner.

21.

LIFTS

- 1.3 Children under the age of twelve years shall not use the lifts unless accompanied by an adult.
- 1.4 The trustees in their discretion shall be entitled to impose a charge upon an owner or occupier for excessive use of a lift during building operations or movement of furniture, the intention being to compensate the body corporate for additional electricity charges and/or wear and tear. The trustees shall also be entitled to deny the use of all lifts for the purposes of conveying building materials for any owner who refuses to comply with the conditions imposed by trustees when approving building alterations.

22.

DOMESTIC WORKER

The trustees shall be entitled to require the domestic workers of owners and occupiers to provide their names and identity numbers, to carry a permanent card of identification and to take whatever other steps the trustees may deem necessary for the security of the premises. The cost of any or all of the aforementioned shall be borne by the owner/occupier.

23.

OBLIGATIONS WHEN SECTION LEFT VACANT

Owners or occupants who intend to leave their section vacant for more than seven consecutive days are required to turn off the water supply at their stopcock.

24.

SLAUGHTERING OF ANIMALS

No slaughtering of animals or birds shall be permitted in any section or on the common property.

25.

NUISANCE

- 1.5 An owner or occupier shall not cause or permit any disorderly conduct of whatsoever nature in a section or upon any part of the common property, including an exclusive use area, or do or permit any act, matter or thing in or about the same which shall constitute or cause a nuisance or inconvenience to any other owner or occupier of a section, to the Estate Manager (if there is one) or staff of the body corporate or to any other person lawfully present. Owners and occupiers shall be responsible for the supervision of their children.
- 1.6 Owners and occupiers shall cause quietness to be maintained between 22:00 and 07:00 on all days and, in addition, between 14:00 and 16:00 on Saturdays, Sundays and Public Holidays in sections and on the common property, including exclusive use areas.
- 1.7 Motor hooters shall not be sounded on the common property.
- 1.8 Radios musical instruments, record players and television receivers shall be used in such a manner as not to disturb owners or occupiers in adjoining sections.
- 1.9 An owner shall be required to keep his air conditioning unit in a good state of repair so as not to cause undue noise to adjacent sections, failing which the trustees shall be entitled to have it repaired at the owner's cost.
- 1.10 Building operations in a section or exclusive use area, including drilling,

hammering, sawing and any other noise-creating repairs, whether carried out by the owner or a contractor, shall only be carried out between the hours of 08:00 and 16:00 but not over weekends and public holidays. All building operations shall be expeditiously completed.

- 1.11 It is of the utmost importance that an owner or occupier shall not cause or permit noise from a section to be heard in the section below. In particular, owners and occupiers shall ensure that the movement of furniture over tiled surfaces and wooden flooring, the footsteps of persons with hard sole shoes and other like contact with the surfaces do not result in noise being carried to bedrooms of the section below. In respect of such hard surfaces the trustees shall be entitled to require owners and occupiers to fit pads on the feet of furniture to eliminate such noise.
- 1.12 Fireworks shall not be lit or discharged in any section, exclusive use area or on the common property.
- 1.13 No smoking is allowed in that part of the buildings comprising common property.

26.

STAFF

Owners and occupiers shall not give instructions to staff employed by the body corporate.

27.

EMERGENCY ACCESS

The trustees may use reasonable force to gain access to a section for the purpose of an emergency.

28.

POWER TOOLS AND EQUIPMENT

- 1.14 The owner or occupier of any section shall not use or cause to permit to be used anywhere in the building (including his section) or on the common property (including his sole utilisation area) any hand or powered tools, implements, equipment, devices, utensils or any other things whatsoever which interfere with the radio or television reception or which create or cause any sound or noise or smells or fumes to which any other owners or occupiers may reasonably object.
- 1.15 No owner or occupier may store or permit to be stored any power tools and equipment and/or similar items, including work benches, work tables, in or on any part of the common property or exclusive use area.

- 1.16 No owner or occupier of any section shall practice or cause to be practiced in any part of the common property or exclusive use area, any hobby or activity to which other owners and occupiers may object.

29.

FIRE FIGHTING EQUIPMENT

- 1.17 The owner or occupier of any section shall not tamper with, abuse or use or cause or permit to be tampered with, abuse or use, any fire hose, reel or extinguisher in any manner or for any purpose other than as permitted or prescribed by the fire regulations of the relevant local authority or other relevant legislation.
- 1.18 Fire extinguishers, fire hoses or similar device anywhere in any section or anywhere on the common property shall not be used for any other purpose except for emergency purposes and shall not be used for the washing of motor vehicles, garden or any other unauthorized purpose.

30.

BARBECUES

The owner or occupier of any section shall not make fires or use barbecues or braai's in a manner or at a time which causes inconvenience to the owner or occupant of any other section, or endanger the building or any part thereof or any property of any other person whatsoever.

31.

SPEEDING

The owner or occupier of any section shall use entrances and exits to the building and internal roads and passages in such manner as may be indicated by the trustees from time to time and shall at all times drive his vehicle slowly, i.e. 10km/h, and with the utmost caution on the premises, and shall furthermore ensure that visitors do likewise.

32.

SWIMMING POOL

- 1.19 No swimming before 7:00am and after 9:00pm.
- 1.20 No ball games within the swimming pool area or games with any other inflatable item which will interfere with other bathers will be permitted.
- 1.21 Restraint of behaviour. The swimming pool is to be enjoyed by all owners and tenants of the complex, therefore no unruly behaviour will be allowed.
- 1.22 Supervision of children by parents. Parents are responsible for the safety

and conduct of their children in the pool enclosure.

- 1.23 Bathers are required not to interfere with the cleaning mechanism, including the pool pump and motor.
- 1.24 No glass or dangerous objects to be brought into the pool enclosure

33.

VEHICLES

- 1.25 A vehicle shall be deemed to include a motorcycle and a trailer.
- 1.26 An owner, occupier, contractor or visitor shall not park so as to leave unattended any vehicle upon the common property without the prior written consent in writing of the trustees and shall not park a vehicle in an exclusive use parking bay or garage without due authority or entitlement. Notwithstanding the afore-going, the trustees shall be entitled to designate parking areas for visitors, contractors and additional parking for owners and occupiers including restricted periods and time limits.
- 1.27 The trustees may cause to be wheel-clamped, removed or towed away, at the risk and expense of the owner or user of the vehicle, any vehicle parked in breach of these rules without prejudice to the disciplinary proceeding and imposition of fines upon an owner referred to in these rules.
- 1.28 Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and contractors, do not drip oil or brake fluid onto or in any other way deface the common property including an exclusive use area.
- 1.29 An owner or occupier shall not be permitted to dismantle or affect major repairs to any vehicle on any portion of the common property, including an exclusive use area or in a section.
- 1.30 No buzz bikes, bicycles, tricycles, roller skates, scooters or skate boards shall be used on the common property.
- 1.31 No persons shall sleep in any vehicle parked on the common property, including an exclusive use area or in any garage.
- 1.32 Save with the prior written consent of the trustees, mobile campers, caravans and boats shall not be brought onto any portion of the common property, including an exclusive use area or garage.
- 1.33 Vehicles shall only be washed using a bucket and water from an owner's supply when water is individually metered. Fire hoses shall not be used.

- 1.34 The use of vehicles, including motorcycles, which create excessive noise or pollution, is prohibited.
- 1.35 Parents are to take full responsibility for their children within the greater complex area. The trustees and/or the body corporate shall not be liable for any accidents which might occur involving children within the complex, and in the roads of the complex. Children under the age of twelve (12) are to be supervised by an adult at all times.

34.

REMOVALS AND DELIVERY OF FURNITURE

- 1.36 Owners and occupiers shall advise the trustees or Estate Manager (if there is one) seven days in advance of the intended day of the removal or delivery of furniture or any other heavy goods. Removal vans shall not impede the flow of traffic. Removals shall take place only between the hours of 07:00 and 17:00.
- 1.37 The trustees shall be entitled to impose a weight restriction in respect of vehicles permitted to travel on the roads of the body corporate.