

BOURBANNAISE CONDUCT RULES

These rules have been compiled in terms of The Sectional Titles Act 95 of 1986 and its amendments The Sectional Titles Schemes Management Act 8 of 2011 and do not in any way supersede the management rules or conduct rules made in terms of the Act.

Section A – Definitions

ARBITRATION means, the use of an arbitrator to settle the disputes.

BODY CORPORATE means, collectively the owners of units in Bourbannaise.

COMMON PROPERTY means, the undivided share of Erf 1457, Morningside which is described in the sectional title plan.

ESTATE MANAGER means, the person appointed by the Trustees to oversee the day-to-day administration of Bourbannaise.

MANAGING AGENT means, a person or company contracted by the Trustees to manage, control or administer the affairs of Bourbannaise as required in terms of the Sectional Titles Act.

Resident means, the legal occupant of any unit and may include lessee, tenant, or an occupier.

TRUSTEE means, a member of the Body Corporate who is elected to perform and exercise the duties and power of the Body Corporate.

UNIT means, means a section together with its undivided share in common property apportioned to that section in accordance with the quota of the section.

VEHICLE means, a light motor vehicle, small utility vehicle, motorcycle, scooter or small trailer.

VISITOR means, a person invited by a resident to meet or stay with the resident on a non-permanent basis and for a short period of time.

Section B – Purpose of Conduct Rules

1. The main objective of Body Corporate Rules is to enable the Board of Trustees, by the powers invested in them, to provide the residents a high-quality lifestyle and to maintain and protect this lifestyle and the architectural standards of the complex.
2. Happy and harmonious community living is achieved when residents use and enjoy their private property as well as the public areas of the complex in such a manner as to enable other residents also to use and enjoy these facilities. General consideration of all residents for each other will greatly assist in achieving a happy community.
3. In the event of disputes between residents arising from annoyance or nuisance, and where the dispute cannot be resolved, the matter should be brought to the attention of the trustees for arbitration or settlement.
4. The Board of Trustees may amend or add to these rules from time to time or as is deemed necessary to ensure the happy and orderly co-existence of residents in the complex.
5. The Board of Trustees shall have the right to fine transgressors for contravention of these rules. Such fines shall be regarded, together with contributions and charges, as income of the Board of Trustees.

Section C – Conduct Rules

1. Use of the carpark

- a. The speed limit in the complex is 15 km per hour
- b. Save where inconsistent with these rules, the Road Traffic Act No. 29 of 1989, applies
- c. Children are not permitted to play in the carpark. If this rule is not adhered to, a fining system will be implemented.
- d. The use of vehicles which create excessive noise, is prohibited.
- e. Vehicles may only be parked in a parking bay designated, for occupants of that unit and visitors are to park in a designated, demarcated visitors parking area. No vehicle may remain in a visitors parking bay for longer than 48 hours.
- f. Parents are to take full responsibility for their children within the greater complex area. The Board of Trustees will not be liable for any accidents, which might occur involving children within the complex, and especially in and around the pool area, and in the carpark of the complex. If this rule is not adhered to, a fining system will be implemented.
- g. Bicycles, roller skates, skateboards, rollerblades or rollerballs and similar devices may not be used in the carpark of the complex. If this rule is not adhered to, a fining system will be implemented.

2. Good Neighbourliness

- a. No business activity or hobby, which could cause aggravation or nuisance to residents, including, auctions or jumble sales may be conducted in the complex.
- b. The volumes of sound arising in and around a unit, from whatever sources including radios, television sets, human voices, instruments, tools or telephones shall be on such a level so as not to be heard by adjoining units. No noise or loud music is allowed before 08h00 and after 22h00 on weekdays and 09h00 and 23h00 on weekends unless prior permission has been received from your immediate neighbours and the Board of Trustees. If this rule is not adhered to, a fining system will be implemented.
- c. Mechanical maintenance work including the use of power-saws, lawn mowers and similar tools may only be undertaken between the following hours, or other hours in the event of an emergency.
 - Mon – Fri 08h00 - 18h00
 - Sat 09h00 – 13h00
- d. Washing lines are permitted within the gardens of each unit, but these washing lines may not be obtrusive and must be of the circular / swinging, retractable kind. These washing lines must also be formalized within the garden. Clotheshorses are also permitted but are restricted to the patio areas of each unit. Washing may not be hung over palisade fencing, balconies / terraces, boundary walls or laid out on the grass to dry.
- e. All refuse, including garden refuse, shall be deposited in plastic bags. Plastic bags shall be sealed and placed within the municipal refuse bins at the refuse room area located next to the guard house.
- f. No advertisements or public material, of any person including maintenance contractors, may be exhibited or distributed without the consent of the Board of

Trustees. The Board of Trustees shall have the right to remove any material exhibited or distributed in contravention of this rule.

- g. No owner, tenant or occupants of any unit may run a business whatsoever for profit or otherwise without the written consent of the Board of Trustees.
- h. Hawkers will not be allowed within the confines of the complex for whatever reason at any time.
- i. No resident shall cause nuisance, disturbance, inconvenience or annoyance to any other resident. If this rule is not adhered to, a fining system will be implemented.

3. Security

- a. It is prohibited to interfere with the performance by the security guards of their duties. They may under no circumstances be abused. Residents, employees and visitors shall treat the security guards courteously and co-operate to ensure the performance of their duties. The guard may under no circumstances be asked to leave his post, if this instance does occur, the person responsible will be reported to the Board of Trustees. We must at all times remember that these guards are here for our safety. If this rule is not adhered to, a fining system will be implemented.
- b. Security protocol, at the gate, shall be adhered to at all times.
- c. All attempts at burglary or instances of fence jumping or breakage, must be reported to the Board of Trustees and a member of the security staff as soon as reasonably possible.
- d. All security systems, for individual units, are acceptable. It is of the utmost importance however, that occupants inform and leave contact details with their neighbours and a member of the Board of Trustees or the Security Company if they are going away. In this way, extra patrols can be organized for your particular unit and if you have an alarm system, it can be monitored. Should anything happen while you are away, we are able to contact you.
- e. Each unit has been provided with one front gate remote, which allows them access to the complex through the main security gates. Any unit requiring more than one remote control may purchase extra from the Complex Manager.
- f. Where possible, the security gatehouse shall be advised in advance of the pending arrival of any contract workers, deliveries or visitors.
- g. All residents shall ensure that their visitors adhere to the security protocol of the complex.

4. Occupants, Tenants, Visitors, Contractors & Employees

- a. No unit may be used as a commune. A 1 bedroom unit shall not be occupied by more than 2 persons. A 2 bedroom unit shall not be occupied by more than 4 persons and a 3 bedroom unit may not be occupied by more than 6 persons.
- b. The occupiers of units are liable for the conduct of their visitors, contractors and employees, and shall procure that such persons adhere to these rules.
- c. Domestic workers shall not congregate or loiter in the carpark, sidewalks or other open spaces in the complex.

- d. All domestic workers need to be registered with the Board of Trustees by each resident who is an employer of a domestic.
- e. A copy of the domestic's Identity Document, Physical Address, Contact Numbers and which unit they are working for, will be kept on file with the Board of Trustees. Thereafter each domestic worker shall be required to sign in at the gate with the security guard on a daily basis. Each domestic worker receives an ID access card.
- f. The Board of Trustees reserves the right to take steps to refuse access of any employee of a resident in the complex.
- g. Tenants, Occupants, Residents, Visitors and Employees are to ensure that the privacy of others is not infringed upon in any way whatsoever.

5. Pets

- a. The local authority by-laws relating to pets will be strictly enforced.
- b. Without the written approval of the Board of Trustees, no person may keep more than two small animals (cat or dog) on their property, unless prior permission has been received from the Board of Trustees. These animals shall be required to remain within the confines of the owner's unit. Dogs are restricted to ground floor units only.
- c. No poultry, pigeons, aviaries, wild animals or livestock may be kept within the complex.
- d. No pets shall roam the streets of the complex or properties of other owners, residents or tenants.
- e. All pets shall be accompanied by their owners when out walking. If the pet is potentially dangerous, a leash must be used.
- f. The owner of any pet shall immediately remove any excrement deposited by such pet in a public area. If this rule is not adhered to, a fining system will be implemented.
- g. Every pet shall wear a collar with tag indicating the name, telephone number and address of its owner. This is to be done at the expense of each individual owner. The Board of Trustees is empowered to apprehend and hand over to the Municipal Pound any pets found roaming the complex with or without identification tags.
- h. The Board of Trustees is empowered to require an owner to dispose of his / her pet should it, at the discretion of the Board of Trustees, become a nuisance in the complex.
- i. All animals are to be registered with the Board of Trustees and proof of vaccinations and sterilization are to be provided to the Board of Trustees.

6. Ritual Slaughtering

- a. Ritual slaughtering in accordance with certain religious or cultural beliefs and the killing of any animal and the drying of any part of the animal in the open is not allowed anywhere in the complex under any circumstances without the written consent of the board of Trustees.
- b. A written request needs to be sent to the Board of Trustees or Managing Agent at least 14 days in advance and must contain the following information:
 - The date and time of the slaughter;
 - The type of animal to be slaughtered;

- The name and qualifications of the person who will be carrying out the slaughter;
- Confirmation that the animal will be brought onto the premises immediately prior to the ritual slaughter and that the carcass will be removed immediately from the premises after the slaughter;
- Requiring a notice from the local authority confirming that the owner has permission and will comply with all by-laws;
- Requiring a notice from the health department confirming that health department specifications will be complied with; and,
- Requiring a certificate from the SPCA confirming that an SPCA official will be present to ensure that the animal will not endure unnecessary pain and suffering.

Further to the above:

- Notice must be given to all units in the scheme of the date and time of the slaughter once approved by the Trustees.
- Notice must be given at least three (3) days in advance.
- Proper shielding to be placed to ensure that no person not invited may witness the slaughtering of the animal.
- Livestock found in the complex without permission from the Board of Trustees will be removed by the required authority and the owner of the section will be held liable for any costs incurred.

7. Ensuring a pleasing streetscape.

- a. Every owner is responsible for the area between the walkway and his unit.
- b. Equipment, tools, engine and vehicle parts as well as accommodation for pets shall be sighted out of view and screened from the neighbouring properties.
- c. Wendy houses, tool sheds and similar constructions are not permitted, unless approved by the Board of Trustees.
- d. Building material shall not be dumped on the sidewalks under any circumstances.
- e. No trees on sidewalks or sidewalk lawns may be removed without the permission of the Board of Trustees. Plants on sidewalks shall not interfere with the pedestrian traffic of obscure the vision of motorists.
- f. Communal property shall be kept neat and tidy at all times.

8. Environmental Management

- a. All building rubble shall be removed by owners at their own cost.
- b. Littering in the streets or open areas of the complex is prohibited; the Board of Trustees reserves the right to fine individuals who are found littering.
- c. Flora may not be damaged or removed from any public area or open space within the complex.
- d. Fauna of any nature may not be chased or trapped in any public area by occupants or their pets.

- e. The garden service is responsible for the maintenance of trees, plants and shrubs planted on the sidewalks, as well as the mowing of lawns in all areas of the complex.
- f. Residents shall ensure that declared noxious flora is not planted or growing in their gardens.
- g. All owners and tenants will ensure that their gardens are kept neat and tidy at all times. The garden service is responsible for the watering, weeding, mowing and general maintenance of the gardens.
- h. Children under the age of twelve (12) are to be supervised by an adult, at all times, in the pool area. If this rule is not adhered to, a fining system will be implemented.
- i. The swimming pool area is a communal area and is to be respected as such. No individual is allowed to climb the perimeter wall, or the palisade fence surrounding the pool and jump or dive into the pool.
- j. No braais are allowed in the swimming pool area given the compactness of the area and lack of a designated built in braai area.
- k. No topless bathing for ladies and no naked tanning for both ladies and gentlemen will be permitted.
- l. The use by residents of the open space and pool areas within the complex is at all times entirely at their own risk. No glass / glass bottles are permitted in this area. The pool area is available for hire, and limited to a maximum of 6 people which includes the residents.

9. Administration

- a. All contributions and charges towards the administration of the complex are due and payable by the first (1st day of each month and shall be payable to the managing agents of the complex.
- b. Tenant, residents and owners of the units, who are not up to date with payments of their levies and other administration charges shall have their services (electricity) terminated.
- c. Interest at the legally prescribed rate will be raised on all accounts in arrears.

10. Additions and Alterations

- a. No additions or alterations whatsoever to any building or property shall be affected without the prior written approval of building plans by the Board of Trustees.
- b. The Board of Trustees is empowered to dispense with the requirement of building plans and to require a complete and accurate description in writing in lieu thereof. This rule does not absolve any owner from complying with any requirements of the local authority. If this rule is not adhered to, a fining system will be implemented.
- c. Except with written consent of the Board of Trustees, garden doors, walls and building forming part of the streetscape may only be painted with the paint colour currently being utilized within the complex.
- d. No fixtures may be attached/fixed to the exterior fencing of each individual unit, or on the boundary wall, without the written approval of the Board of Trustees.
- e. Awnings (which are portable or removable e.g.: patio umbrellas) will be permitted for use in/on units' gardens/balconies.

- f. Security gates may be installed. These gates must be white in colour and must fit within the doorframe of the door. No exterior burglar bars will be permitted. Each unit within the complex has access to the communal TV and Satellite dish.
- g. Any other aerials, which may be required by tenants, may not be fixed to the outside of the unit. These aerials must be stored within the roof of each unit. Satellite dishes may be installed only if and when approved by the Board of Trustees.
- h. Use of all fire equipment to be used in emergencies (fire hazard) only.

Section D – Selling and Letting

1. No owner shall let or otherwise part with occupation of this unit whether temporarily or otherwise unless-:
 - a. He has concluded an agreement for the benefit of the Body Corporate with the proposed occupier of the unit that such undertakes to these rules and undertakes to ensure that his family, invitees and domestic employees adhere to these rules; and
 - b. The owner has provided the tenant with a copy of these rules, and a signed copy of the rules is to be provided to the Estate Manager.
2. No Airbnb or any short-stay rentals are permitted due to the security risk posed. If this rule is not adhered to, a fining system will be implemented.
3. No owner shall be entitled to transfer ownership of any other interest in his unit without a clearance certificate issued by the Board of Trustees on behalf of the body Corporate, by which it is certified that: The owner is not indebted to the Body Corporate in any way in respect of contribution and charges of other amounts which the Body Corporate may, in terms of these rules, or the Sectional Titles Act, 1986, be entitled to claim from him.
4. The Board of Trustees shall not be entitled to refuse to issue the clearance certificate if an owner complies with all requirements.
5. The Board of Trustees shall be entitled to fix a reasonable fee to be charged for issuing of all clearance certificates.
6. The owner selling a unit in the complex, or an interest in such a unit, shall ensure that the written agreement for sale contains the following clauses and the Deed of Transfer contains the clauses set in a-d below:
 - a. The purchaser acknowledges that he is required, upon registration of the property into his name, to become a member of the Body Corporate and agrees to do so subject to these rules and the Sectional Titles Act, 1986.
 - b. The purchaser acknowledges that he has received from the seller, a copy of the Community Participation Rules of the Body Corporate and, for the benefit of the Body Corporate, agrees to be bound by such rules from the date of his occupation of the unit.
 - c. The agreement is subject to the suspensive condition that the seller receives a clearance from the Board of Trustees in terms of rule 4 of Section C of the Community Rules.
 - d. The seller be entitled to procure that, in addition to all other conditions of title, the following conditions of title be inserted in the Deed of Transfer, in terms of which the purchaser takes title of the property:

“Every owner of the erf, or owner of any sub-division thereof, or owner of any unit thereon shall remain a member of the Bourbannaise Body Corporate and be subject to its rules, until he ceases to be an owner of aforesaid”

“Neither the erf, or sub-division thereof, nor any unit thereon, shall be transferred to any person who has not bound himself to the satisfaction of such Body Corporate to become a member of the Body Corporate”

“The owner of the erf, or owner of any sub-division thereof, or any unit thereon, shall be entitled to transfer the erf or any sub-division thereof, or any interest therein, or any unit thereon, without a clearance certificate from the Board of Trustees that the rules of the Body Corporate have been complied with.”

Agents shall provide any buyer or tenant with a copy of the Bourbannaise Community Participation Rules and any other applicable within the complex.

Section E – General

1. These rules have been established in terms of the Sectional Titles Act, 1986 and its amendments. amendments The Sectional Titles Schemes Management Act 8 of 2011. They are applicable to every person in the complex, as is any decision of the Board of Trustees in interpreting these rules.
2. The owners shall ensure that all occupants of their units; their invitees, tenants, visitors, friends and employees abide by these rules. A breach of these rules by any person falling into of the aforesaid categories shall be deemed to be a breach committed by the owner/resident.
3. Where there is a deemed to be a breach committed by the owner/resident, the trustees reserve the right to impose fines, on any occupant who continues to be in breach of the rules as specified on the below sliding scale:

Transgression	1st Offense	2nd Offence	Continuation
Noise	Warning	R 1 000	R1 000 per infraction thereafter
Unsupervised children in parking area	Warning	R 1 000	R1 000 per infraction thereafter
Any rule regarding pets	Warning	R 1 000	R1 000 per infraction thereafter
Dangerous Driving	Immediate fine of R1 000		
Illegal Parking	Warning	R 500	R500 per infraction thereafter
Leaks from Vehicles	Warning including costs of cleaning	R1 000 including costs of cleaning	R1 000 per infraction thereafter including costs of cleaning
Damage to another residents property/vehicle	R 500 including costs of repairs	R1 000 including costs of repairs	R1 000 per infraction thereafter including costs of repairs
Vandalism and/or damage to the entertainment or common areas	R 250 including costs of repairs	R1 000 including costs of repairs	R1 000 per infraction thereafter including costs of repairs
Additions without permission	Warning	R 1 000	Monthly fine of R1 000 until resolved
Unruly behaviour or Violence	Warning	R 1 000	R1 000 per infraction thereafter
Washing hung over balconies or in common areas	Warning	R 500	R500 per infraction thereafter
Undermining of security personnel instructions	Warning	R 1 000	R1 000 per infraction thereafter
Non-compliance with Body Corporate rules	Warning	R 500	R500 per infraction thereafter

The fine system for each unit will be reset annually on the 01 January for all existing residents and during the year, when a new resident takes occupation of a unit.

4. Any interpretation of these rules by the Board of Trustees is final and binding.
5. These rules are subject to change from time to time by the Board of Trustees or the Body Corporate.

Contravention of laws and rules:

If, as a result of a breach by an owner of these rules or any other obligation to the owner, the Body Corporate or the Board of Trustees instructs an attorney, the defaulting owner shall be liable for all costs and charges of whatever nature on attorney and client scale incurred by the Body Corporate or the Board of Trustees thereof.