

## CONDUCT HOUSE RULES

### **Dolphin View Home Owners Association (Previously New Four Seasons Home Owners Association)**

Conduct rules prescribed in terms of section 10(2)(b) of the Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011) Amended 7/10/2016 as well as the Constitution of Dolphin View.

#### **1. FAILURE TO COMPLY WITH THESE RULES AND ENFORCEMENT THEREOF**

- (A) Contravention of any of these rules shall result in a written warning being issued by the trustees to the home owner, which written warning shall give the owner the opportunity to object or clarify his position if he or she does not agree with the transgression with which the home owner or the resident has been charged.
- (B) The home owners are responsible to advise their tenants of the new and amended rules.
- (C) After the second transgression of the same rule a fine will be imposed against the home owner by the trustees.
- (D) First offence will attract a fine of *R500*.  
Further offences will lead to an increase of each subsequent fine with a further *R500*, for each transgression of the same rule.
- (E) Any fine not paid within thirty days will be debited to the units levy account and shall be treated as a levy debt.

There is no legal relationship between the trustees of the home owner's association and the tenants/ leasing agents. As a result, hereof the trustees, even though they generally do so as a courtesy, are not required to communicate directly to leasing agents or occupiers in disciplinary issues, but to the home owners directly, should the need arise.

#### **2. PETS**

As per the policy Governing Animals at Dolphin View Estate

#### **3. REFUSE, WASTE DISPOSAL& SEWERAGE DISPOSAL**

- (A) Residents shall maintain in a hygienic and dry condition, a suitable receptacle for domestic refuse use within their exclusive use area such as the courtyard.
- (B) No garden refuse to be placed with domestic refuse, it is the residents own responsibility to dispose of garden refuse.
- (C) 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.

- (D) The owner or occupier of a section must place refuse in refuse bags. Refuse not in refuse bags will not be removed.
- (E) Owners and/or residents shall retain their refuse at their unit until Tuesday or Friday morning (or such other day as the refuse company may determine from time to time) when it shall be deposited at the refuse site by the playground of the complex for collection by the refuse removers.
- (F) The owner or occupier of a section, when disposing of refuse, must ensure that the refuse does not adversely affect the health, hygiene or comfort of the owners or occupiers of other sections.
  
- (G) All houses must have a conservancy tank into which sewerage and other household water waste must be deposited. Septic tanks as stipulated in "Annexure B" Section 17 (b) are no longer permitted by the Local Authority.

The Home Owner/ Occupier must arrange for the conservancy tank/s to be emptied on a regular basis. Disposal/extraction can only be performed through the authorised means in accordance with the Local Authorities and as regulated by the Department of Water Affairs. Sewerage disposal/extraction by any other means is a criminal offence. The Home Owner/ Occupier will be fined and reported to the Department of Water Affairs for Legal Action.

#### 4. VEHICLES

- (A) The speed limit of 20 km/h must be strictly observed with the complex.
- (B) The use of vehicles, motorcycles, including three and four wheelers and any other recreational type motorcycles/vehicles, on the common property for whatever reason, is prohibited, provided such use is limited to individuals who hold as a minimum a learner driver's licence and that such use is limited to the existing recognised roads only.
- (C) No owner/occupier shall be allowed to dismantle or effect repairs (with the exception of minor repairs) to any vehicle on any portion of the common property or in view of any other residents.
- (D) Vehicles may not be parked in such a way so as to obstruct access to the property of your neighbours. Be considerate to those adjoining your property as well as those across from you.
- (E) Owners and/or occupiers to ensure that their vehicles and those of their guests do not drip oil, brake fluid or other fluids in the roadway, driveway and lawns.

## **5. DISTURBANCE OF THE PEACE**

- (A) No owner, occupier or visitor may discharge a firearm, play music loudly, ignite fireworks, shout, scream, blow hooters/whistles/horns, create a commotion or do anything so as to disturb the peace and/or compromise the safety of others in the complex at any time.
- (B) Music and revelry to be kept at an acceptable level so as not to disturb any other residents and no loud music or revelry at all to be permitted after 22h00. (General rule is that you do not need to listen to music or the TV channel your neighbour is listening to neither do they need to listen to your music or TV).
- (C) No vehicle with a defective silencer or other noise emission may be operated within the complex.
- (D) Between 19h00 and 08h00 please consider your neighbours and refrain from using power tools, lawnmowers, or leaving motor cars or motor cycles running during the early hours of the morning.

## **6. SLAUGHTERING AND/OR BUTCHERING OF ANIMALS**

- (A) No animals may be slaughtered or butchered within the boundaries of Dolphin View except for cultural events as recognised as such by Constitution of the Republic of South Africa in conjunction with local authority bylaws.
- (B) In the event of a cultural event being celebrated which requires the slaughtering of an animal then the following requirements must be complied with at least two weeks before the event;
  - I. Written permission must be applied for and obtained from the local authority Health Department and all their requirements must be complied with.
  - II. Then a written notice of the intention to slaughter an animal must be delivered to each unit in the complex stating the reason for the event, the date and the time that the slaughtering will take place, this notice must include a copy of the written permission received by the local authorities.
  - III. If you are an occupier, you must obtain the written permission from the owner of your unit.
  - IV. The live animal may not be kept in the complex before the ceremony. Only small livestock may be slaughtered in the complex - cattle are specifically excluded as they pose a danger to other residents.
  - V. The slaughter and/or butchering must take place out of sight of any other person in the complex. The carcass may not be placed in such a way that it is visible to anyone.
  - VI. The process must be done in a hygienic and humane manner and any fluids or materials etc. caused by the slaughter/butchering must be disposed of so as not to create a health hazard or attract flies.
  - VII. A meeting must be arranged with the Executive Committee of the Home Owners Association at least one week before the event, who shall inspect the arrangements for the event and if the plans comply with these rules grant authority. At this meeting the following must be produced;
    - 1. The written authority of the local authorities Health Department.
    - 2. The written authority of the owner of your unit if you rent it.

3. Details of where the animal will be slaughtered and butchered.
4. How the waste, fluids etc. will be disposed of?
5. A copy of the notice delivered to the units notifying them of the event.

## **7. LETTING OF UNITS**

- (A) All tenants of units and other persons granted rights of occupancy by any owner of the relevant units, are obliged to comply with these rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.
- (B) All owners letting their unit/s to tenants shall incorporate these rules into their lease agreement and ensure that such tenants acknowledge in writing receipt of these rules and that they will abide by them and acknowledge that failure to do so may lead to their permission to rent the property being terminated. It is the owner's responsibility to ensure that their tenants receive and abide by these rules.
- (C) Any resident taking occupation of a unit shall by doing so accept the terms of these rules and that they are bound by them.
- (D) All owners letting their units shall immediately inform the managing agent Trafalgar Properties or such other agent appointed by the executive committee of the Home Owners Association of the following:
  - a) The full name of the lessee.
  - b) The contact details of the lessee including cellular telephone number, work phone number and email/fax number.
- (E) Every owner of a unit shall be responsible for the conduct of any occupier including but not limited to members of their family, their visitors and/or employees or any other person, for the damage of whatsoever nature caused to common property or, in respect of any expense or loss to the Home Owners Association incurred as a result of such person's actions or activities. Should such owner fail to affect the repairs or to make payment on demand, the Trustees shall be entitled, as the case may be to affect such repairs and to require re-imburement by the owner. It shall be the owners' sole responsibility, at his/her discretion to recover such amount from their lawful occupier or any other person who may have caused such damage or loss to the Home Owners Association.

## **8. OUTSIDE APPEARANCE**

- (A) The owner or occupier may not change in any way the outside of the dwelling unit or attach anything thereto without prior written consent of the Executive Committee of the Home Owners Association. This ruling will not be applicable in the case of change of numbers or the name of the unit. In the event of an owner wishing to change the outside appearance of the unit or construct anything the following requirements must be met before construction commences:
  - A plan must be drawn up showing the detail of the proposed construction including dimensions, materials, colour and position on the property.
  - Written consent must be obtained from the owners of all adjoining and neighbouring properties including those across the road.
  - A time schedule for the completion of the construction must be drawn up.
  - Confirmation that no construction will take place after hours or on weekends.

These requirements must be presented to the Executive Committee of the Home Owners

Association who will then decide whether to grant permission or not at their sole discretion.

If permission is granted it shall be subject to such conditions as laid down by the Executive Committee of the Home Owners Association from time to time.

- (B) Gardens, lawns are to be kept neat and tidy and driveways and footpaths to be kept free from weeds and grass.
- (C) All units to be kept in a clean, neat and tidy condition.

#### **9. STORAGE OF FLAMMABLE MATERIALS**

- (A) An owner and/or resident shall not store any material or permit or allow to be done, any dangerous act within the complex that will or could cause damage to his property or those of others.

#### **10. ERADICATION OF PESTS**

- (A) The owner of a unit must keep the section free of wood destroying insects, including white ants and borer beetles.
- (B) The owner or occupier of a unit must allow the trustees, the managing agent, or their duly authorised representatives to enter the unit on reasonable notice to inspect it and take any action reasonably necessary to eradicate any such pests and replace damaged wood work and other materials.
- (C) The Home Owners Association must recover the costs of the inspection and replacement referred to in sub-rule (B) from the owner of the section.

#### **11. LAUNDRY**

- (A) A resident may not hang any washing or laundry in such a manner so as to be visible from outside the property they occupy.
- (B) Laundry to be hung up on a washing line in the court yard of the property. No washing to be hung over veranda railings or outside the court yard on walls etc.

#### **12. PAYMENT OF LEVIES AND SERVICE CHARGES**

The payment of levies and service charges shall be paid on or before the 1<sup>st</sup> of the month for which the account is due.

#### **13. ACCESS TO THE COMPLEX**

- (A) Only persons known to you should be allowed to enter the complex. On no account should unknown persons be allowed access, no matter what their intended business is.
- (B) Speed limit of 20 kph to be adhered at all times.
- (C) Undesirable persons making a nuisance of themselves at the main gate should be reported to the security company employed by the association.

- (D) Residents are to keep outside the boundary of personal property when walking within the complex. Residents, their children, their visitors and their visitor's children are to keep to their own property or common property at all times.
- (E) No resident or visitors may drink alcohol or make any braai or have any parties on any common property without Trustees approval.

#### **14. SUPERVISION OF CHILDREN**

- (A) The owner or occupier of a section must supervise their children, their children's friends and children of their visitors so that the Conduct Rules is not infringed by any such children, and that no damage or nuisance is caused to any owner or occupier's section or to the common property or any unoccupied section.
- (B) The owner or occupier of a section must ensure that their children, their children's friends and children of their visitors do not play in the roadways, parking areas and on electrical boxes for safety reasons.

#### **15. LITTERING**

No owner, occupier or their guests shall deposit, throw or permit to be deposited or thrown within the boundary of the complex or roadway, any rubbish including dirt, cigarettes, food scraps or any other litter whatsoever including garden refuse.

#### **16. GARDEN STAFF, BUILDING AND EQUIPMENT**

Owners and / or residents may not:

- (A) Interfere by giving orders to staff, guards, garden staff or garden service. Any requests/complaints must be taken up with the Executive Committee of the Home Owners Association via the managing agent.
- (B) Tamper, switch off, or in any way interfere with any complex equipment such as the water pump at the entrance, the gates or electrical switch boxes.

#### **17. SKATEBOARDS / SCOOTERS / TRICYCLES ETC.**

Skateboards, scooters, tricycles and bicycles can be dangerous when used by children not under adult supervision. Strict control by owners/occupiers and adult supervision is essential.

#### **18. CONTRAVENTIONS OF RULES BY "OTHERS"**

Any contravention of the rules by any person who gains access to the property under the authorization of an owner or resident shall be deemed to be a contravention by that owner or resident.

#### **19. MUNICIPAL LAWS, BY LAWS, RULES AND EXISTING REGULATIONS**

All municipal laws, by laws, rules and existing constitution regulations are incorporated into these rules as if they had been specifically stated herein.