

# **RULES OF THE ISLAND VIEW II HOME OWNERS ASSOCIATION**

## **1. Introduction**

These rules:

- 1.1 are issued by the Trustees in terms of clause 18.6 of the Constitution;
- 1.2 are binding on all members, tenants and occupiers of units within the development as well as on their visitors;
- 1.3 are supplementary to the provisions of the Constitution; and
- 1.4 become immediately effective on the date of issue thereof.

## **2. Use of properties**

- 2.1 The dwellings within the development shall be used solely for residential purposes and a maximum of 6 people will be allowed to occupy a dwelling at any given time.
- 2.2 The garage shall be used solely for the garaging of a motor vehicle and/or a washing room and/or a storage facility.
- 2.3 The parking areas between the roadways shall be used solely for parking of motor vehicles of visitors.

## **3. Animals**

- 3.1 An owner or occupier of an erf may not permit his / her / its dogs or cat to roam freely anywhere in the development outside his / her / its erf boundary.
- 3.2 Dogs must be on a leash at all times when outside the resident's property boundaries.
- 3.3 An owner or occupier of an erf shall be responsible for the correct and immediate removal of their animals excreta deposited anywhere in the development.
- 3.4 No animals or birds may unreasonably disturb any resident, cause any damage to any residents' property and or invade any residents' privacy.
- 3.5 Cats and dogs exceeding 6 months of age must be sterilized and a veterinary certificate to this effect must be available for scrutiny by the trustees.
- 3.6 A maximum of two animals may be kept per erf.

## **4. Refuse disposal**

An owner or occupier of an erf shall:

- 4.1 Maintain in a hygienic and dry condition, the ordinary receptacle obtainable from the Municipality for refuse within his / her / its property boundary.

- 4.2 The refuse receptacle placed on each erf may not be visible from elsewhere in the development (i.e. not in the front or on sides of units unless it is next to the back gate entrance).
- 4.3 Owners must leave receptacles next to the front entrance of the alleyway for collection and remove it during the course of Monday to be stored as indicated in 4.2 above.
- 4.4 Owners or occupiers must place all their refuse in their allocated refuse receptacle.
- 4.5 owners and occupiers may not dispose any refuse that the municipality will not remove such as masonry, furniture, carpeting, paint drums etc. and the same may not be placed in the refuse room.
- 4.6 Refuse that is not removed by the Municipality would remain the responsibility of the owner to remove.

## **5. Payment of levies**

- 5.1 The owner of an erf is responsible for the payment of their monthly levy monthly in advance on the 1<sup>st</sup> day of each month and for payment of any special levy on the date(s) advised by the trustees.
- 5.2 The trustees shall be entitled to charge interest on arrear amounts at a rate equivalent to the legal rate of interest prescribed in terms of Act 55 of 1975 and applicable to judgment debts.
- 5.3 An owner of an erf shall be liable to pay the additional administration charges and/or fines for any contravention/s of the provisions of the Constitution or these Conduct Rules by the owner or an occupier of such owner's premises.
- 5.4 An owner of an erf shall be liable to pay all cost for recovering arrear levies and pay all legal cost, including costs as between attorney and own client, collection commission, expenses and charges incurred by the Home Owners Association in obtaining the recovery of arrear levies and charges or in enforcing compliance with the Constitution and/or these rules.

## **6. Security**

- 6.1 No owner, occupier or guest is allowed to tamper with the safety installations or the security gates of the development.
- 6.2 All owners and occupiers must ensure that nothing is done which may compromise the safety or security of anyone or the property of anyone in the development.
- 6.3 An owner shall complete a security application form in a manner determined by the trustees prior to permitting access. Applications forms must be submitted to the managing agent at least 7 days prior to the required access date.
- 6.4 Access can be gained via a remote control and a G-Switch receiver. To gain access via the G-Switch all residents must occupy a cell phone to open entrance gate.

- 6.5 A visitor will have to have the resident's telephone number to contact them when they arrive at the entrance gate, once you have acknowledged their call you will then have to contact the entrance gate receiver.
- 6.6 The owner or occupier shall inform the trustees immediately should their cell phone be lost or stolen.
- 6.7 There is a 24 hour access control system at the entrance of the complex and it remains the responsibility of the owners or occupiers to ensure that no one gains access without obtaining permission from the occupier of such unit which the visitors are visiting.
- 6.8 Security Gates sensors may not be obscured with any kind of material to prevent the entrance or exit gates from closing.
- 6.9 Owners that fail to complete the security and access control application form will result in the remotes and cell numbers being deleted from the system without any notice.
- 6.10 The trustees may issue further Directives pertaining to this Rule.

## **7. Noise and disturbance**

- 7.1 An owner or occupier shall not create any disturbance or noise from his / her / its erf, or on his / her / its erf or the road area, that in the opinion of the trustees disturbs occupants of other property in the development. (This includes noise from music, people, motor vehicles, motorcycles, exhaust silencers, hooting and excessive motor vehicle idling and revving or children playing in erven or in the road area between the buildings).
- 7.2 Silence shall be maintained after 22h00 Sunday to Monday and after 24h00 on Friday and Saturday.
- 7.3 The following is prohibited within the development:
  - 7.3.1 Skateboarding or rollerblading;
  - 7.3.2 The use of or playing with any devices making a disturbing noise with its wheels or any other part of it on the road or brick surface;
  - 7.3.3 The playing with balls and the playing of ball games;
  - 7.3.4 Playing in the planted areas between the roadways or damaging any vegetation planted therein.

## **8. Parking**

- 8.1 Visitors may park their motor vehicles in the parking areas between the roadways or in front of the visited person's garage without obscuring the way of others.
- 8.2 Only visitors are permitted to park their motor vehicles in the visitors parking areas (between the garden areas in the middle of the road).

- 8.3 Owners may only park their motor vehicles on their own property.
- 8.4 No caravans, campers, boats and trailers are allowed to be parked in the open areas (such must be parked in garages).
- 8.5 Visitors parking bays are solely for the use of visitors to park their motor vehicles in such allocated bays on the day of such visits for a maximum time period of four hours.

**9. Motor/delivery/removal vehicles**

- 9.1 No owner or occupier of a property shall be permitted to dismantle or effect major repairs to any vehicle on any visible part of an erf or on the common property.
- 9.2 No owner or occupier shall be permitted to drive a motor vehicle:
  - 9.2.1 at more than 20km per hour anywhere within the development;
  - 9.2.2 in a manner that may be dangerous to persons or property.
- 9.3 Large Removal Vehicles are not permitted to access the complex and should you be faced with using a large removal vehicle you would have to engage in using smaller vehicles to transport your goods from the outside of entrance gate to your unit. All removal companies have vehicles small enough to access the complex.

**10. Damage, alteration or addition to property**

- 10.1 An owner or occupier of an erf shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, or add onto any part of the common property/dwelling unit without first obtaining the written consent of the trustees.
- 10.2 An owner or occupier of an erf shall not erect any awning, pergola, garage door, shade cloth structure, aerial, TV aerials, satellite dish, air conditioner, and safety gate to his / her / its front door or burglar bars to his / her / its windows without first obtaining the written consent of the trustees.
- 10.3 An owner shall not paint the exterior walls of a unit or boundary walls without the prior approval of the trustees in regard to the specifications to be followed.
- 10.4 Prior to the submission to the Local Authority or Council of building plans for alterations to existing buildings, it shall be submitted to the Home Owners' Association for approval in principle.
- 10.5 Save for ordinary repair works to a building, the owner shall comply with the following prior to building operations commencing:
  - 10.5.1 Submit a copy of the approved building plan to the Managing Agent for record purposes;
  - 10.5.2 Pay a deposit of R5 000-00 to the Home Owners' Association.
- 10.6 Once building operations commence on site or when any internal renovation that does not require building plan approval is undertaken, the owner shall comply with the following conditions:

#### 10.6.1 Working hours:

10.6.1.1 Monday to Friday: 08h00 to 18h00

10.6.1.2 Saturday: 08h00 – 17h00

10.6.1.3 Sunday, Christmas Day, New Years day or any other public holiday: no building operations are permitted.

10.6.2 Keep the property clean and tidy of building materials and litter at the end of each day.

10.6.3 Remove visible rubble from site by no later than close of business on every Friday, failing which the trustees will appoint a private contractor to remove the rubble from the site and all cost incurred will be for the owner's account.

10.6.4 Should building materials have been messed on the common property, road verges, sidewalks and or on the roads, same must be cleaned to the satisfaction of the trustees, failing which the trustee will appoint a private contractor to clean and reinstate such areas and all cost incurred will be for the owner's account.

10.6.6 Should any area of the common property, road verge, sidewalks and or the road be damaged during building operations the owner shall be liable to reinstate it to its original status at his cost to the satisfaction of the trustees, failing which the trustee will appoint a private contractor to reinstate such areas and all cost incurred will be for the owner's account.

10.6.7 Should any owner fail to comply with the working hours time frames as set out above he / she / it shall be liable to pay a penalty of R1 500-00 per incident or day.

### 11. **Appearance from outside**

11.1 The owner or occupier of a dwelling shall not place or do anything on any part of the common property or his / her / its balconies, patios, stoeps, and gardens which is aesthetically displeasing or undesirable when viewed from the outside of the dwelling. In particular no washing, towels, wetsuits, carpets or similar objects may be placed on balconies.

11.2 External aerials and wires: television aerials and satellite dishes must be fixed out of sight and as unobtrusively as possible.

11.3 Burglar bars and alarms: burglar bars must be placed internally and must be as unobtrusive as possible.

11.3.1 The Home Owners' Association must approve the design of all burglar bars.

### 12. **Signs and notices**

- 12.1 No owner or occupier of a dwelling shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property, without the written consent of the trustees first having been obtained.
- 12.2 Show houses are permitted on a Saturday or Sunday subject to the following conditions:
  - 12.2.1 signage is allowed on show days to clearly mark the show house,
  - 12.2.2 the signage of the show house may be set up from Saturday 12h00,
  - 12.2.3 the signage of the show house must be removed immediately after the show house ends and no later than 18h00 on the same day,
  - 12.2.4 the trustees reserve the right to remove any signage that does not conform to these Conduct Rules.

### **13. Letting of units**

- 13.1 All tenants of dwellings and other persons granted rights to occupancy by any owner of the relevant dwelling are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.
- 13.2 Despite the foregoing, owners remain ultimately responsible for any failure to comply with these rules or the constitution by any occupiers.

### **14. Littering**

An owner or occupier of a dwelling shall not deposit or throw on any common property or other owners' property any rubbish including dirt, cigarette butts or other form of litter.

### **15. Penalties for breaches**

- 15.1 In addition to the provisions of the Constitution providing for the enforcement thereof and of the Rules of Conduct by way of legal process, the Trustees shall have the power to impose fines for breaches thereof.
- 15.2 No fine thus imposed may exceed three times the monthly levy applicable when the breach was committed.
- 15.3 Should an owner or occupier fail to comply with any notice served on an owner the trustees are empowered to impose fines without further notice.
- 15.4 Any fine so imposed shall become due and payable on the 1<sup>st</sup> of the month following upon the imposition.

October 2015