

BERGZICHT BODY CORPORATE

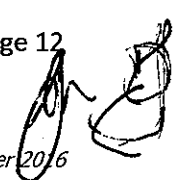
CONDUCT RULES

Annexure 9

Conduct Rules

[Section 10(2)(b) of the Sectional Titles Schemes Management Act 8 of 2011]

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1 Occupational Health and Safety

1.1 Bergzicht is compliant to the Occupational health and safety Act 181 of 1993. All contractors must produce to the Complex Manager, a staff member of the Bergzicht Body Corporate or a Trustee the following confirmation / document / information before access to Bergzicht will be granted.

- (i) In the case of a plumber: a valid Plumbers licence.
- (ii) In the case of an electrician: a valid electrician licence.
- (iii) A letter of good standing, proof of indemnity from insurance.
- (iv) Proof of registration with the WCA (commissioner of injury on duty).
- (v) Appropriate personal protective equipment.
- (vi) Tools must be in good working order.
- (vii) Contractors working at heights, a risk assessment of the task at hand must be completed before work can commence.

Failure to produce any of the above will result in the contractor being denied access to the complex.

2 Animals, reptiles, and birds

2.1 As agreed upon at the Annual General Meeting held on 30 November 2004, no new pets are allowed in Bergzicht.

2.2 As the Body Corporate has resolved that no pets should be allowed in Bergzicht, the Trustees will only give their written consent to keep a guide, hearing or assistance dog. Examples of medical conditions that may be considered by the Trustees before granting their written consent for keeping such a pet include:

- (a) Persons that are blind
- (b) Persons that suffer from uncontrolled epilepsy
- (c) Persons that suffer from uncontrolled diabetes
- (ii) In the abovementioned circumstances set out in sub-rule 2.2, a written application must be submitted to the Trustees, supported by the appropriate legal medical certificates setting out the medical condition, and need for the guide, hearing or assistance dog.
- (iii) Persons that are granted written consent by the Trustees to keep their guide, hearing or assistance dog must abide by the following reasonable conditions:
 - (a) The dog may not foul the common property.



- (b) The dog may not be left unattended on any part of the common property.
- (c) The dog must be kept on a leash when it is on common property.
- (d) The dog must not cause a nuisance to any other owner or occupier.
- (e) The Trustees may impose further reasonable conditions.

2.3 The Trustees may withdraw their consent if the owner or occupier of a section breaches any condition imposed in terms of sub-rule 2.2. In these circumstances, the Trustees may apply to a Court having jurisdiction, for an order or interdict for the removal of a pet from a section or the common property, and the owner of the relevant section shall be liable for such costs as are referred to in Prescribed Management Rule 25(4), relating to the application.

2.4 No person visiting any owner or occupier may enter Bergzicht with a pet.

3 Refuse disposal and littering

3.1 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.

3.2 The owner or occupier of a section must keep a receptacle for refuse of a type specified by the Trustees in a clean and dry condition and adequately covered in the section, or on a part of the common property designated by the Trustees for that purpose.

3.3 An owner or occupier of a section shall ensure that:

- (i) All household garbage will be placed in a plastic bag, tied and put in the refuse rooms, in refuse bins, and not on the floor.
- (ii) No garbage will be left outside a section at the door or under the stairs or anywhere else in the grounds of the complex.

3.4 The owner or occupier of a section must :

- (i) Move the refuse receptacle to the place designated by the Trustees for collection purposes at the times designated by the Trustees , and must promptly retrieve it from this place; and
- (ii) Ensure that the owner or occupier does not, in disposing of refuse, adversely affect the health, hygiene or comfort of the owners or occupiers of other sections.

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



4 Vehicles

- 4.1 The owner or occupier of a section must not, without the consent of the Trustees in writing, park a vehicle or allow a vehicle to stand, or permit a visitor to park or stand a vehicle on any part of the common property other than a parking bay allocated to that section or a parking bay allocated for visitors' parking.
- 4.2 Owners and occupiers must request the written consent of the Trustees to park more than two vehicles in Bergzicht. Such consent must state the period of time for which the consent is given.
- 4.3 The Trustees may cause a vehicle to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, and standing or abandoned on the common property without the Trustees consent.
- 4.4 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 onto the common property or in any other way deface the common property.
- 4.5 No owner or occupier shall be permitted to dismantle or affect major or minor repairs to any vehicle on any portion of the common property, an exclusive use area or in a section.
- 4.6 Vehicles will be clamped if illegally parked on Bergzicht property. The amount of the release fee will be determined by the Trustees from time to time.
- 4.7 All owners and occupiers must inform their families, friends, employees, contactors and visitors that they must park their vehicles in the visitors' parking and not on the grass verges or in any other reserved parking areas. Failure to comply with the above would result in their vehicle tyres being clamped, and a release fee, determined by the Trustees from time to time, would then be payable immediately.
- 4.8 No owner, occupier or their visitors may park trailers, boats, rubber ducks, caravans, etc. on any part of the common property.
- 4.9 Tailgate parking is only allowed on existing designated parking bays, and if it does not cause an obstruction to other vehicles and residents.

5 Damage alterations or additions to the common property

- 5.1 An owner or occupier of a section must not, without the Trustees' written consent, mark, paint, drive nails or screws or the likes thereof into, or otherwise damage or deface a structure that forms part of the common property, or alter any part of the common property.
- 5.2 Notwithstanding sub-rule (1), an owner or person authorized by him may install-
 - (i) any locking device, safety gate, burglar bars or other safety device for the protection of his section: or



- (ii) any screen or other device to prevent the entry of animals or insects:
- (iii) Provided that the Trustees have first approved, in writing, the nature and design of the device and the manner of its installation.
- (iv) The owner or occupier of a section must keep a device installed in good order and repair.

6 Appearance from outside

- 6.1 The owner or occupier of a section used for residential purposes must not place or do anything on any part of the common property, including balconies, patios, and gardens which, in the discretion of the Trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.
- 6.2 No furniture or garden furniture, braai's, umbrellas and the likes thereof, must be left on the common property or in any passageway or at any time be left lying around outside apartments or under the stairwells.

7 Air conditioners

- 7.1 No owner or occupier may install an air conditioner without first obtaining the written consent of the Trustees.
- 7.2 When granting such approval, the Trustees can prescribe any reasonable condition.
- 7.3 The owner or occupier of a section must keep the air conditioner in good order and repair.
- 7.4 Where the air conditioner is installed on the outside of the section it accedes to the common property as a fixture, and cannot be removed by the owner or occupier.

8 Laundry

- 8.1 An owner or occupier of a section shall not, without the consent in writing of the Trustees, erect his own washing lines, nor hang any washing or laundry or any other items on balconies or any part of the common property so as to be visible from outside the buildings or from any other sections.
- 8.2 Washing, towels, blankets, mats etc. must be hung on the lines at the designated areas and not hung from windows, security bars and balustrades on the property or passageways.
- 8.3 Washing may only be hung on balconies if a 90 % shade net has been fitted to the inside of the balustrade, with the written consent of the Trustees, out of the line of sight of the public.



9 Sign and notices

- 9.1 No owner or occupier of a section, used for residential purposes, shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a section or exclusive use area so as to be visible from another section or the common property, or from the outside of Bergzicht, without the prior written consent of the Trustees.

10 Business activities and hobbies

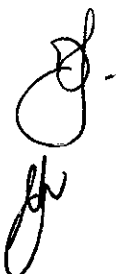
- 10.1 No business, profession or trade may be conducted on the common property.
- 10.2 No business, profession or trade may be conducted in a section or common property or exclusive use area unless the prior consent in writing of the Trustees has been obtained.
- 10.3 No owner or occupier may undertake any hobby on the common property or in their section if such hobby would impair the use and enjoyment of other sections, the common property or would cause a nuisance to other owners or occupiers.

11 Letting of units and behaviour of occupiers and visitors

- 11.1 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 grant of rights of occupancy.
- 11.2 The owner or occupier of a section must not create noise likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.
- 11.3 The owner or occupier of a section must not obstruct the lawful use of the common property by any other person.
- 11.4 The owner or occupier of a section must take reasonable steps to ensure that the owner or occupier's visitors do not behave in a way likely to interfere with the peaceful enjoyment of another section or another person's peaceful enjoyment of the common property.

12 Occupancy

- 12.1 Maximum occupants per unit on a permanent basis:
- (i) One bedroom: 2 persons e.g. (max. Two adults) OR 1 Adult and 1 Child
 - (ii) Two bedrooms: 4 persons e.g. (max. Two adults) OR 2 Adults 2 Children
 - (iii) Three bedrooms: 6 persons e.g. (max. Two adults) OR 2 Adults and 4 Children.



- 12.2 Any additional visitors per unit will not be permitted for more than 48 hours, unless the prior written consent is obtained from the Complex Manager and/or the Trustees for the visitor/s to stay for a longer period. Permission will be granted at the discretion of the Trustees and/or Complex Manager to the number of people staying over.

13 Eradication of pests

- 13.1 An owner of a section must keep the section free of wood destroying insects, including white ants and borer beetles.
- 13.2 The owner or occupier of a section must allow the Trustees, the managing agent, and their duly authorized agents or employees, to enter the section, on reasonable notice, for the purpose of inspecting the section and taking such action as may be reasonably necessary to eradicate any such pests and replace damaged woodwork and other materials.
- 13.3 The Body Corporate must recover the costs of the inspection and replacement from the owner of the section concerned.
- 13.4 The feeding of wild birds on common property i.e. (feeding of wild birds with cooked food or seed or bread on the ground) is strictly prohibited, as such action encourages mice and rat infestation.

14 Imposition of penalties

- 14.1 If the conduct of an owner or an occupier of a section or that of his or her visitors or guests constitutes a nuisance, in the opinion of the Trustees, or if an owner, occupier or visitor contravenes, breaches, disobeys or disregards any provision of the Sectional Titles Act 95 of 1986 or the Sectional Titles Schemes Management Act 8 of 2011; or any Management or Conduct Rule, the Trustees may furnish the owner and occupier with a written notice (first warning) which may be delivered by hand, facsimile or e-mail.
- 14.2 If the owner or occupier nevertheless persists in that particular conduct or in the contravention of that particular Rule, the Trustees may furnish the owner with a written notice (final warning) which may, in the discretion of the Trustees, be delivered by hand, facsimile or e-mail.
- 14.3 If the breach persists, the Trustees may impose an initial penalty for the first offence, and a subsequent penalty, for every similar offence thereafter.
- 14.4 Any fine imposed in terms of sub-rule (3), shall be added to the contribution which an owner is obliged to pay in terms of section 3(1) of the Sectional Titles



Schemes Management Act 8 of 2011, and claimed by the Trustees as part of the monthly instalments payable by the owner.

- 14.5 The Body Corporate may determine the amounts of the initial and subsequent penalties at the same meeting that this rule is adopted. Notwithstanding the aforementioned the Body Corporate may, at any general meeting, from time to time, determine the amount of the initial and subsequent penalties.
- 14.6 Notwithstanding sub-rules (1) to (5), the Trustees may, in suitable circumstances, apply to a Court having jurisdiction, for an order or interdict if an owner or occupier contravenes, breaches, disobeys or disregards any provision of the Sectional Titles Act 95 of 1986 or the Sectional Titles Schemes Management Act 8 of 2011; or any Management or Conduct Rule.
- 14.7 Any complaints relating to any contravention of any provision of the Sectional Titles Act 95 of 1986 or the Sectional Titles Schemes Management Act 8 of 2011; or any Management or Conduct Rule, breaches or concerning common property is to be submitted, by the registered owner in writing to the Managing agent.

15 Swimming pool

- 15.1 The swimming pool is for the exclusive use of owners and occupiers and their guests.
- 15.2 In the interests of safety, no person under the age of 10 (ten) years may be allowed into the swimming pool area without parental supervision.
- 15.3 At all times the swimming pool is used at a person's own risk. The Trustees of the Body Corporate cannot be held liable for any damage or injuries to persons using the swimming pool.
- 15.4 Every owner or occupier is responsible for the good behaviour and decorum of his or her guests.
- 15.5 No swimming is allowed after 9pm out of consideration for owners/tenants living in units close to the swimming pool.
- 15.6 Owners and occupiers must not make or allow any excessive noise from children, radios, musical instruments or the like or any other cause, in the swimming pool area over weekends and especially before 07h00 and after 21h00, with exception of those times when the Club House is let, which has a closing time of 00h00.
- 15.7 Owners and occupiers making use of the pool area are required to clean up after themselves and their guests, and leave the entire area in the same clean state in which they found it.
- 15.8 All users of the swimming pool are requested not to interfere with the pool cleaning equipment or the pool filtration system.



- 15.9 All visitors must be accompanied by an owner or occupier, and children are required to be under parental supervision.
- 15.10 No more than twenty (20) people are permitted in the pool at any one given time.
- 15.11 An occupier is permitted a maximum of two visitors to make use of the swimming pool at any one given time.
- 15.12 The occupier must be present at all times whilst he has visitors at the pool. A parent must be present, when children have friends over to swim.
- 15.13 Owners, occupiers and guests may not use the swimming pool if not clad in acceptable swimwear. Clothing considered to be underwear i.e bras and panties, sleepwear i.e. satin boxer shorts, lycra gym wear, or street clothes will not be permitted. Swimming costumes must be worn at all times. Babies and toddlers may not swim without a swimming costume or some other form of clothing e.g. swimming nappies that are specially designed for the swimming pool.
- 15.14 Swimmers with shoulder length or longer hair needs to ensure that their hair is tied up or wear a swim cap. Swimmers with hair extensions or weaves must also wear a swim cap.
- 15.15 Balls are strictly forbidden, and no one is allowed to make "water bombs" in the swimming pool. Anyone found water bombing can receive restricted use of the pool or banning by the Complex Manager.
- 15.16 The swimming pool rules displayed near the pool area must be observed and adhered to, at all times.

16 Noise and nuisance

- 16.1 No loud noises of whatsoever nature will be tolerated (party, music, car radio's etc.) Should you intend having a party etc., please bear in mind that your neighbours are also humans who require their peaceful sleep. No noises after 10pm from Sundays to Thursdays and 12 midnight on Fridays and Saturdays. Consider and respect your neighbours at all times.
- 16.2 No loud noises from power tools, no chopping or hammering, of any kind will be permitted after 18h00 on weekdays, and 17h00 on Saturdays. No such alterations will be permitted on a Sunday.
- 16.3 Vehicles entering Bergzicht property must lower the volume of the music within their motor vehicles to an acceptable/normal volume, as they proceed to their units.
- 16.4 When noise invades the space of fellow owners and residents, e.g. loud music, loud television etc. and is outside the quiet period, residents can be asked to turn it down.



17 Children

- 17.1 Owners or occupiers with children must ensure that no child plays on the passageways, stairs, and tarred surface areas or with the security gates. Parents must be aware that if your child is caught playing with the gate, and it has to be repaired, the parents will be held responsible for the account.
- 17.2 No bicycles, skateboards, jay boards and rollerblades/roller-skates are allowed on the grass areas at the swimming pool, and may not be ridden at the washing courtyards.
- 17.3 No excessive noise from shouting, or riding plastic scooters between 13h00 and 16h00 on Sunday afternoons, in consideration of your neighbours.
- 17.4 Children caught pulling grass out of the thatch rooves, parents will be liable for damage costs.
- 17.5 Children under the age of ten (10) must be supervised at all times by an adult. Any child/children found unsupervised will be asked to go home.

18 Tennis court

- 18.1 The correct tennis equipment must be used while playing tennis. Only tennis shoes will be allowed on the surface.
- 18.2 Any owner or occupier who cause damage to either the tennis net or the tennis surface will be responsible for the cost of repair.
- 18.3 Keys for the tennis net, (which is kept in the clubhouse) can be obtained from Security.
- 18.4 The net must be taken down after play, returned to clubhouse and keys returned to security

19 Hawking / door- to-door collection / donation lists

- 19.1 No hawking whatsoever, door-to-door collection or donation lists are allowed in the complex.

20 Garages

- 20.1 Garages (utility sections) may only be owned by owners of residential sections (primary sections).
- 20.2 No garage (utility section) may be sold to any person who does not own a residential section (primary sections) in Bergzicht.



20.3 When a unit is sold by an owner, the garage must form part of the sale.

20.4 Owners who have a garage may not park additional vehicles on the designated visitors' parking.

21 Window and door replacements and repair

21.1 All wooden windows, window frames and doors must be replaced with aluminium frames, windows and doors by the owner(s) when so required in terms of the resolution taken by the Body Corporate for improvements to common property in terms of prescribed management rule 29(2).

21.2 An owner of a section must be considered to have the required consent for the installation if it is consistent with the design, colour, style and material and the manner of the installation approved by the Trustees in writing.

21.3 The nature and design standards for the aluminum wooden and door frame installations and the list of preferred contractors can be obtained by the Trustees, Managing Agent or Complex Manager.

21.4 The owner who replaces the window and door frames shall be responsible for the cost thereof.

21.5 The owners will not claim from the Body Corporate, any costs incurred in the installation.

21.6 The owners will be responsible for the maintenance and repair in good working order of the installation.

21.7 The owners shall be responsible for all costs of repairing and replacing any damage inside and outside their unit arising from the installation.

21.8 If, despite written demand by the Body Corporate, an owner refuses or fails to maintain the installation, the Body Corporate must remedy the member's failure and recover the reasonable cost of doing so from that member; provided that in the case of an emergency, no demand or notice need be given to the owner concerned.

22 Balcony braai's and pool braaing areas

22.1 No braaing on balconies permitted. Anyone found to be braaing on a balcony will be asked to extinguish the fire immediately.

22.2 Braaing on a portable braai near a lapa (thatch) roof is not permitted. A portable braai may be used twenty metres (20m) away from the nearest lapa.



23 Storage of flammable materials

- 23.1 An owner or occupier of a section must not store any inflammable material, or do or permit or allow to be done, any other dangerous act in a section or on the common property.
- 23.2 This rule does not apply to the storage of a substance that is used or intended for use for domestic purposes, or to the storage of fuel or gas in the fuel tank of a vehicle, boat, generator or engine or a fuel tank or gas cylinder kept for domestic purposes.
- 23.3 Gas stoves and braais need to be installed by a registered gas installer.

24 Security and car entrance access discs

- 24.1 A maximum of two (2) entrance discs allowed per unit.
- 24.2 Only Bergzicht owners or occupiers (residents) will be permitted to obtain discs.
- 24.3 If a car is sold the old disc must be returned before a new disc will be issued.
- 24.4 If the disc is lost an affidavit affirming the circumstances of the loss will have to be obtained from the local South African Police.
- 24.5 Discs must be returned to security if the occupier no longer resides within Bergzicht. It is the owner's responsibility to make sure that car discs and walk-in passes are returned.
- 24.6 Keys to entrance gates on Frans Conradie Drive can be obtained from Complex Manager upon the owner's request at a cost determined by the Trustees. This remains the owner's responsibility once his/her tenants no longer reside in Bergzicht.
- 24.7 Additional company cars will not receive additional disks.
- 24.8 An ID photo is required to provide the resident with a walk-in permit. This needs to be given to the Complex Manager.
- 24.9 A resident without a motor vehicle will be provided with a walk-in permit, provided that they submit an ID photo to the Complex Manager.
- 24.10 All food deliveries must be collected at the entrance gate after 18h00. Food delivery companies will not be allowed entrance to the complex after 18h00.

