

*MONTEGO
BAY
BODY CORPORATE*

*CONDUCT
RULES*

**MONTEGO BAY BODY CORPORATE
CONDUCT RULES
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2. INTERPRETATION

- 2.1. In the interpretation of these rules, unless the context otherwise indicates -
 - 2.1.1. "Act" - means the Sectional Title Act, 1986 (Act 95 of 1986) as amended from time to time and any regulations made in force thereunder.
 - 2.1.2. Words and expressions used shall bear the meaning assigned to them in the Act.
 - 2.1.3. "Trustee" includes an alternate Trustee.
 - 2.1.4. Words importing -
 - 2.1.4.1. The singular member only shall include the plural, and the converse shall also apply;
 - 2.1.4.2. The masculine gender shall include the feminine and neuter genders and the neuter gender shall include the masculine and feminine genders;
 - 2.1.5. The headings to the respective rules are provided for convenience of references only and are not to be taken into account in the interpretation of rules.

3. USER

- 3.1. When the purpose for which a section is intended to be used is shown expressly or by necessary implication on or by the registered Sectional Plan, and owner shall not use or permit his section to be used for any other purpose.

4. INSURANCE PREMIUM

- 4.1. An owner / occupant shall not do or permit done in his section or on the Common Property anything which will or may increase the rate of the premium payable by the Body Corporate on any Insurance Policy.

5. MOTOR VEHICLES

- 5.1. The motor vehicle of owner / occupants shall be parked in the carport for the exclusive use of that unit or in specified parking areas and shall not be parked on the Common Property at any given time e.g.: driveways, yellow lines and gardens.
- 5.2. Additional motor vehicles of occupants and visitors may be parked only in such demarcated areas, e.g.: uncovered bays. Vehicles shall not be parked on any other part of the Common Property at any time. In particular vehicles are not to be parked in the driveways at any time. **Occupants shall ensure that their visitors are aware and comply with this rule.**
- 5.3. No repairs and reconditioning of vehicles on the Common Property is permitted.
- 5.4. Vehicles may not travel at speeds in excess of 10km/ph on any portion of the Common Property.
- 5.5. All vehicles e.g.: motor boats, trailers and other similar vehicles exceeding 2 tons shall not be parked on the Common Property without the written permission in writing of the Trustees first having been obtained. The Trustees may grant permission subject to such conditions as they in their absolute discretion may impose. Any permission granted by the Trustees is revocable by them at any time and in their absolute discretion.

- 5.6. Any vehicle parked in contravention of any of the foregoing may be towed away without liability for the damage claim whatsoever. The amount of all costs of towing, storage and other costs associated therewith shall be for the account of the occupant concerned, which amount/s shall be included on the monthly statement in respect of the unit in question and shall be treated as an additional levy for all purposes. The foregoing shall apply notwithstanding that the vehicle towed away is owned or driven by a visitor of the occupant concerned.

6. CYCLES

- 6.1. The use of soap-box carts, skateboards, roller skates, etc. on the Common Property is prohibited.
- 6.2. The use of soap-box carts, skateboards, roller-skates and bicycles, etc., on the walkways is prohibited.

7. LAUNDRY

- 7.1. Washing and other articles may not be hung out in any part of a unit where they are visible to the general public and other residents. In particular, washing and other articles may not be hung outside of the unit, or over the walls of Common Property of any unit.

8. CLEANLINESS / SANITARY SERVICES

- 8.1. Save as herein after provided, refuse, litter, debris etc., shall not be deposited on the Common Property at any time. Occupants shall instruct their children and visitors of this rule, and shall use their best endeavours to ensure that it is complied with.
- 8.2. If any child, occupant or visitor infringes the provisions of 8.1. the owner as the case may be shall be responsible therefore.
- 8.3. Refuse bins or bags are to be kept in the confines of each unit and shall only be deposited in the Common Property the day the refuse is collected by the Municipality.

9. NOISE

- 9.1. Radio's tape decks, musical instruments, T.V's and other sound producing devices shall not be played or used in such a manner as to interfere with the occupant's enjoyment of his unit or of the Common Property; the same shall not be played on the Common Property at any time, excluding the swimming pool area - see note 8.1.
- 9.2. Automobile hooters shall not be sounded on the Common Property at any time.
- 9.3. No hammering, drilling, sawing or other such work shall be conducted before 9am and after 7pm on any day. Subject to the other provisions of this rule 8. Such work is permitted provided it is performed in moderation and does not unreasonably interfere with the use and or enjoyment by any occupant of his unit or of the Common Property.

- 9.4. If, in the opinion of the Trustees, of such work is unreasonably interfering with the use and/or enjoyment by any occupant of his unit or the Common Property, the Trustees may prohibit any person from performing any such work.
- 9.5. Owners / occupants shall advise their neighbours / management in advance whenever parties are to be held in their units.
- 9.6. Owners / occupants shall ensure that their children and visitors comply with the first.

10. GARDENING / SECURITY

- 10.1. No gardening on the Common Property shall be done by any person unless such person is authorised thereto by the Trustees, in writing.
- 10.2. No trees or shrubs to be removed or damaged.

11. SUPERVISION OF CHILDREN / LIABILITY

- 11.1. Occupants shall properly supervise their children, their children's friends and children of their visitors so that no provision of these rules is infringed by such children, and that no damage or nuisance is cause to any occupants, to the property of any occupant or to the Common Property or an unoccupied unit. In particular, and without affecting the generality of the foregoing, children shall not damage, deface or interfere with the plants, decorations, signs, nameplates, fire hoses and firehose reels, exterior lighting, poolgate, pool equipment, shall not enter an unoccupied unit, climb onto any roof of units or complex perimeter walls pool perimeter walls, play ball games in and around the Common Property.
- 11.2. Body Corporate accepts no responsibility for any injuries, damage or death caused to any person or property etc., etc.

12. ENTERTAINMENT

- 12.1. The pool and surrounding areas enclosed are for the exclusive use of occupants. Guests must be accompanied by any occupants while using these facilities. Discretion must be used by occupants with respect to the number of guests to avoid monopolising the pool area. The Trustees reserve the right to restrict the use of facilities by visitors.
- 12.2. Common courtesy and regard for the rights of others are essential for the full enjoyment of these facilities. Occupants are responsible for the behaviour of their guests and their children. It is expected that everyone will use common sense regarding water safety and cleanliness.
- 12.3. No bottles, glasses or other glass objects of any kind are permitted in the pool area.
- 12.4. No pets, bicycles, tricycles or go-carts, skateboards, roller-skates, etc., are permitted in the pool area.
- 12.5. Undue loud noise generated by sound producing devices is not permitted in the pool area.
- 12.6. No rough or dangerous games, (jumping off roofs) no games that interfere with any occupants enjoyment of the pool area are permitted.

- 12.7. No private functions may be held in the swimming pool area, without permission of Trustees.
- 12.8. Tampering with the pool pump and equipment is not permitted.
- 12.9. Without restricting the generality of Rule 8, litter shall not be deposited in the swimming pool, or in the swimming pool area. If any occupant infringes this rule, such occupant will be responsible therefore.
- 12.10. All persons using the swimming pool do so at their own risk and the Body Corporate accepts no responsibility and shall not be liable for any damage or injury or death suffered by any person from whatsoever cause and howsoever arising.
- 12.11. Jungle Jim and other children's play equipment can only be used by children under 10 years of age.

13. PETS

- 13.1. No dogs or cats at all.
- 13.2. No visitors will be allowed to bring pets onto the Common Property.

14. OWNERS / OCCUPANTS EMPLOYEES (MAIDS ETC)

- 14.1. Occupants shall ensure that their employees comply with the provisions of these rules.
- 14.2. Employees may not sell alcohol, be in possession of alcohol or be drunk on the property.
- 14.3. No visitors allowed for employees working on the property same for the live in staff.

15. ACTIVITIES ON THE COMMON PROPERTY

Without in anyway restricting the generality of any other of these rules:

- 15.1. No hobbies or other activities may be conducted on the Common Property if they would cause a nuisance to other occupants.
- 15.2. Hobbies or other activities which cause undue noise are prohibited.
- 15.3. No fishing on the centre pier.

16. TENANTS AND VISITORS

- 16.1. The owner of any unit who lets his unit/s shall advise the Trustees of the name of the lessee and of the period of the lease and shall at the request of the Trustee, provide the Trustees with a copy of the lease and variations thereto.
- 16.2. The owner undertakes to attach a copy of these "Conduct Rules" to the lease. The owner further undertakes that all lease/s of his unit/s shall contain a term in the following words to a similar effect:
"The lessee acknowledges having received from the lessor a copy of the "Conduct Rules" for this Body Corporate. The lessee hereby agrees and undertakes to be bound thereby and to comply therewith in all respects".
- 16.3. Occupants are responsible for the conduct of their children and invitees, including their guests. Occupants shall ensure that all such persons comply with the provisions of these rules.

17. BUSINESS ACTIVITIES

- 17.1. No business, profession or trade may be conducted on the Common Property. No business profession or trade may be conducted in any unit unless it is specifically permitted to be in a Sectional Title scheme in terms of the relevant legislation, and unless the consent in writing of the Trustees shall first have been obtained. The Trustee may, in their absolute discretion, revoke such consent at any time, in which case the business activity concerned shall cease at such time as the Trustees require.
- 17.2. No auction or jumble sale may be held on the Common Property or in a unit without prior written permission from the Trustees.
- 17.3. No advertisement or publicity material may be exhibited or distributed on the Common Property. The notice board must be used for this purpose.

18. IMPROVEMENT ON OR TO THE COMMON PROPERTY

- 18.1. No duty shall be placed upon any owner in regard to the provision of any improvement on or to the Common Property unless a proposal to make such an improvement has been approved by either a special resolution or a unanimous resolution at a general meeting of owners of that section.

19. ALTERATIONS

- 19.1. All exterior walls and all woodwork and roofs are considered Common Property.
- 19.2. No extension, alterations or improvements to the extension of any unit, including awnings shall be affixed or made unless the Trustees have been given full particulars thereof including plans, approved by the Municipality, have countersigned such plans, and have given permission in writing thereto. If such written permission is granted, it shall pertain only to the plans submitted to the Trustees for approval and no variation thereof may be effected unless the occupant shall have complied with the foregoing in respect of such variations.
- 19.3. With respect to alterations or improvements to the interior of any unit, no structural alterations to the water connections, electric conduits or plumbing may be effected, unless the provisions contained in rule 19.2. shall first have been complied with.
- 19.4. All security gates and burglar proofing installed in an opening or part of the property must comply with the following:
 - (a) All gates must be painted cream.
 - (b) Must be according to specifications as laid down by the Body Corporate.
 - (c) May not be removed when moving as it forms part and parcel of the property.
- 19.5. All refuse, debris, etc., that result from any extensions alterations or improvement, shall be removed by the occupant concerned within five days. If such refuse, debris, etc., is not removed, the Trustees may cause it to be removed and all charges in connection therewith shall be

for the account of the occupant concerned and shall be paid by such occupant to the Trustees on demand.

20. DAMAGE TO COMMON PROPERTY

- 20.1. Should any damage whatsoever be caused to the Common Property by an owner / occupant, and/or any member of his family, and/or any of his visitors, and/or employees, their children or visitors, and/or other invitee of such occupant, or should any such person cause the Body Corporate to suffer any loss or incur any liability to property repair he/she shall forthwith reimburse the Body Corporate in full in respect of such loss or expense. Should such occupant fail to repair such damage forthwith, the Trustees may cause such damage to be repaired and such occupants shall reimburse the Body Corporate in full forthwith in respect of all costs and expenses arising out of or in connection therewith.
- 20.2. If the Body Corporate or the Trustees instruct a firm of Attorneys in connection with or arising out of an infringement by any occupant of any of the provisions of these rules, such occupant shall be liable to reimburse the Body Corporate on demand for all legal costs incurred in respect thereof on an Attorney and client basis.

21. PENALTIES

- 21.1. If in the opinion of the Trustees an occupant is in breach of any of the provisions of these rules, the Trustees may, in their absolute discretion, impose a penalty on such occupant of an amount not exceeding R50.00 in respect of such infringement.
- 21.2. Any monetary amount raised can be altered at the discretion of the Trustees.
- 21.3. Should any occupant infringe any of the provisions of these rules and persists in such infringement after 14 days notice in writing from the Trustees calling upon him to desist from such infringement, the Trustees shall be entitled to impose upon such occupant a penalty not exceeding R500.00.
- 21.4. Any penalty imposed in terms hereof shall be payable by the occupant concerned to the Body Corporate on demand.
- 21.5. The imposition of any penalty in terms hereof shall be without prejudice to and shall not effect and shall be in addition to any other rights available to the Body Corporate at law, and in particular its right to apply for an order compelling any occupant to comply with the provision of these rules or desist from infringing same.
- 21.6. If the Body Corporate or the Trustees instructs a firm of Attorneys or debt collectors in connection with or arising out of any infringement by any occupant of any unit, the provisions of these rules or the collection of levies and any other amounts due, such occupant shall be liable to reimburse the Body Corporate on demand for all its costs and expenses incurred in respect thereof including legal costs on an Attorney and client basis.

22. ENFORCEMENT OF AMOUNTS PAYABLE

Any amounts payable by an occupant to the Body Corporate in terms of these rules shall be deemed to be an additional levy in respect of such occupant/s unit,

and the payment thereof shall be capable of enforcement as provided in rule 23 below.

23. PAYMENT OF LEVY, ETC.

- 23.1. Payment in full of levies (including additional levies), electricity (and water) charges for each month must be received by the Managing Agents by the 1st of that month.
- 23.1.1. If payment is received after the 7th of the month, a fine will be imposed in respect of the unit concerned, which fine will be included on the next statement.
- 23.1.2. If payment in full (including outstanding fines) has not been received by the end of the 2nd month, all services to the unit concerned, including electricity, will be suspended and the account will be handed to Attorneys for collection without further notice. All fines referred to above, will be in addition to all costs referred to in 21.6.
- 23.2. All amounts received from the occupant in respect of a unit will be appropriated firstly in payment of water charges, then in payment of outstanding levies (including additional levies) then in payment of outstanding fines, then in payment of electricity charges in respect of such occupants unit.
- 23.3. Electricity cut-off pursuant to the foregoing will not be reinstated until all amounts owing plus a reconnection fee are paid in full.
- 23.4. Non-receipt of statement or levy statement does not excuse payment of levy and other amounts which are due.

24. SUNDRY PROVISIONS

Without in anyway derogating from the generality of the foregoing rules and in addition thereto;

- 24.1. The Trustees shall have the right to take any action deemed fit to prevent any infringement of these rules.
- 24.2. Any owner / occupant shall not:
- Use his unit or permit his unit or permit his unit be used for any purpose which is injurious to the reputation of the complex.
 - Do or permit to be done in his unit or on the Common Property anything which or may increase the premiums payable by the Body Corporate on any insurance policy.
 - Cigarette ends and other objects may not be thrown from windows or at the braai area.
 - Common Property and garden areas must at all times be kept neat.
 - Inflammable or other dangerous material or article may not be brought on to the Common Property or elsewhere except in such limited quantities as are allowed under the Insurance Policy or By-Laws.
 - The gardeners and cleaners employed by the Body Corporate may not be employed to do any private work for occupants during working hours unless specifically authorised by the Trustees.
 - No firearms, pellet guns "catties" or bows and arrows may be discharged on or over the Common Property.
 - No stones or other solid objects may be thrown on the Common Property.

- No signs of whatsoever nature may be displayed on the Common Property without the prior written consent of the Trustees having been obtained.
- No ball games are allowed on driveways or against walls.
- No parties to be held in car-ports; the pool area is to be used for this purpose.
- No tampering with Fire Hydrants is allowed. Fire Hydrants are not to be used for washing of motor vehicles or veranda's.
- No fire-works (pyrotechnics) are permitted within the Common Property.
- The remote control button must only be pressed once in order to open the gate which must then be allowed to close automatically after a 30 second delay.
- Any complaints regarding the breach of "Conduct Rules" must be addressed to the Trustees in writing.
- A maximum of 2 persons per bedroom on a permanent basis - subject to Trustees approval.

- 24.3 All the provisions contained herein shall be brought under the attention to any person to whom the owner leases his / her unit and should be an annexure to any lease agreement.
- 24.4 The abridged rules and regulations pertaining to the use of boats in dams under the control of the Northwest Province as amended from time to time, form an integral point of house rules of conduct.

**COMPILED BY SECTIONAL TRUST (PTY) LTD - TEL: 674-2105
BODY CORPORATE ADMINISTRATORS**

**ABRIDGED RULES AND REGULATIONS PERTAINING
TO THE USE OF BOATS IN DAMS UNDER THE
CONTROL OF NORTHWEST PROVINCE**

The rules and regulations set out below are aimed at ensuring the rights and safety of every lawful user of dams under the control of the Administration. Several branches of aquatic sports are practised on such dams and these rules and regulations have been made in the interest of all concerned. They must be strictly complied with and contravening or ignoring the regulations will render offenders liable to prosecution in terms of regulation 45 framed under Ordinance 12/83 (Nature Conservation Ordinance)

1. No boat shall be allowed on any dam without the necessary permit.
2. The use of any boat on any dam shall be at the users own risk.
3. The driver of any boat shall be at all times be responsible for the safety and the conduct of his passengers.
4. No boat shall exceed the maximum speed applicable to the dam concerned except where participating in an officially recognised competition.
5. No person shall pollute the water of any dam or place any offensive or harmful material, refuse or litter therein.
6. No person shall launch a boat or remove it from waters at any other place than the place set aside or designated for the purpose for that type of boat.
7. No person shall use a boat at any other place than a place set aside demarcated, zoned, reserved or designated for that purpose.
8. No person shall use a boat in such a manner that it constitutes or may constitute to any other person or boat, or cause or may cause a disturbance any person angling from the banks of the water.
9. No person shall occupy such a position on a boat which has been navigated that it constitutes or may constitute a danger to himself or any other person on such boat.
10. No person shall jump or dive from a boat which have being navigated or swim away from such boat.
11. No person under the age of 16 may navigate or be in charge of a boat. Any person under the age of sixteen must have the prior written consent of the person in charge of such dam for the purpose of navigating a boat. While competing in a official recognised competition.

12. No person may use a boat on any dam during the period of half an hour after sunset till half an hour before sunrise the following day.
13. No person shall leave a drifting boat or a boat that is not moored, unmanned.
14. No person shall use a boat fitted with an internal combustion motor unless it is equipped with an efficient silencer.
15. No person shall use a boat unless it is equipped with an efficient water pump or bailing apparatus.
16. No person shall use a boat unless it is equipped with a life belt or life jacket for every person on board.
17. No person shall use a boat with more persons on board than the number indicated on the permit issued.
18. No person shall use a boat propelled by means of an airscrew unless he is the holder of a permit authorising him to do so.
19. No person shall navigate any boat through any floating barrier.
20. The navigator of a boat driving away from the launching place shall cove anti-clockwise with the shore on his right hand and boats coming into moor must likewise move anti-clockwise with the shore on the right hand.
21. No person shall be in charge of any boat whilst he is under influence of intoxicating liquor or any dependence producing substances.
22. No person shall let a boat for use or convey any person for reward therein unless he is the holder of a permit authorising him to do so.
23. No person shall use a boat with only one motor unless it is equipped with two efficient cars and rowlocks.
24. No person shall navigate a motor boat near fifty (50) metres from the banks of the water or nearer than fifteen (15) metres from any other boat, unless he navigated from the place where his boat was moored or to the place where he washes to moor his boat.
25. No person shall navigate a motor boat or overtake any other boat in such a manner that the slip stream of his boat shall endanger the other boat.
26. Any person who navigates or is in charge of a motor boat shall overtake any other boat, travelling in the same direction on the left hand or port side.
27. A motor boat yields the right of way to any other boat. A canoe or a rowing boat yields the right of way to a sailing boat.

28. Any person in charge of a boat towing a skier shall see to it that a red flag with a size of at least 500mm x 500mm is displayed in a prominent manner on the boat when towing of the skier commences and ending when it is terminated.
29. Any person in charge of a boat towing skier shall see to it that there is either a second person on board to keep the skier under observation or that the boat is equipped with an efficient review mirror in which the skier and the ski area can be observed.
30. Any person in charge of a boat towing a skier shall see to it that the boat is steered anti-clockwise when he wishes to turn it about.
31. No skier shall be towed by means of a steel wire or wire rope.
32. Any person skiing on water in any dam shall wear a life belt or life jacket when he skies except in circumstances where the skier takes part in an official recognised competition.
33. No person shall make use of any apparatus which he can glide in the air above the surface of the waters, unless he has obtained the written permission to do so from the administrators before hand.
34. No person shall disturb any plant, bird or animal life.
35. Any person who contravenes or fails to comply with these regulations is guilty of an offence and upon conviction liable to a fine not exceeding R750.00 or to imprisonment for a period not exceeding nine months or to both such fine and such imprisonment.
36. A Nature Conservator may instruct any person, who does not comply with or adheres to these rules and regulations, to remove such boat from the waters or remove such boat himself.
37. Any person who wilfully obstructs, hinders, or interferes with any Honorary Nature Conservator, Nature Conservator, Interpreter or his Assistant in the performance of his duty is guilty of an offence.