

River Park Body Corporate Conduct Rules

Preamble

All unit owners and their tenants acknowledge that their property forms part of the greater River Park property and that respectful, professional behaviour from all owners/ tenants is required for River Park to function effectively. River Park is occupied by numerous businesses in various industries and there is regular commercial activity that takes place (loading and unloading of vehicles/ visitors/ maintenance etc) – in some cases, these activities may cause a temporary inconvenience to other occupants. This inconvenience should be minimised as far as possible and other tenants should be tolerant as far as is reasonable.

CSOS Prescribed Conduct Rules

Prescribed in terms of section 10(2)(b) of the Sectional Titles Schemes Management Act, 2011 (Act No.8 of 2011).

1. Keeping of animals, reptiles and birds

- (1) The owner or occupier of a section must not, without the trustees' written consent, which must not be unreasonably withheld, keep an animal, reptile or bird in a section or on the common property.
- (2) An owner or occupier suffering from a disability and who reasonably requires a guide, hearing or assistance dog must be considered to have the trustees' consent to keep that animal in a section and to accompany it on the common property.
- (3) The trustees may provide for any reasonable condition in regard to the keeping of an animal, reptile or bird in a section or on the common property.
- (4) The trustees may withdraw any consent if the owner or occupier of a section breaches any condition imposed in terms of sub-rule (3).

2. Refuse and waste disposal

- (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.
- (2) Unless the body corporate provides some other way to dispose of refuse, 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 the purpose.
- (3) The owner or occupier of a section must—
 - (a) move the refuse receptacle referred to in sub-rule (2) to places designated by the trustees for collection purposes at the times designated by the trustees and promptly retrieve it from these places; and
 - (b) 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. Vehicles

- (1) The owner or occupier of a section must not, except in a case of emergency, without the written consent of the trustees, park a vehicle, 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.
- (2) A consent under sub-rule (1) must state the period for which it is given.

4. Damage to common property
 - (1) The owner or occupier of a section must not, without the trustees' written consent, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure that forms part of the common property.
 - (2) An owner or occupier of a section must be considered to have the trustees' consent to install a locking or safety device to protect the section against intruders, or a screen to prevent entry of animals or insects, if the device or screen is soundly built and is consistent with a design, colour, style and materials approved in writing by the trustees.
 - (3) The owner or occupier of a section must keep a device installed under sub-rule (2) in good order and repair.
5. Appearance of section and exclusive use area
 - (1) The owner or occupier of a section must not, without the trustees' written consent, make a change to the external appearance of the section or any exclusive use area allocated to it unless the change is minor and does not detract from the appearance of the section or the common property.
 - (2) The owner or occupier of a section must not, without the trustees' written consent:
 - (a) erect washing lines on the common property.
 - (b) hang washing, laundry or other items in a section or any exclusive use area allocated to it if the articles are visible from another section or the common property, or from outside the scheme; or
 - (c) display a sign, notice, billboard or advertisement if the article is visible from another section or the common property, or from outside the scheme.
6. Storage of flammable materials
 - (1) Subject to sub-rule (2), the owner or occupier of a section must not, without the trustees' written consent, store a flammable substance in a section or on the common property unless the substance is used or intended for use for domestic purposes.
 - (2) This rule does not apply to the storage of fuel or gas in:
 - (a) the fuel tank of a vehicle, boat, generator or engine; or
 - (b) a fuel tank or gas cylinder kept for domestic purposes.
7. Behaviour of occupiers and visitors in sections and on common property
 - (1) 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.
 - (2) The owner or occupier of a section must not obstruct the lawful use of the common property by any other person.
 - (3) 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.
 - (4) 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 other grant of rights of occupancy.
8. Eradication of pests
 - (1) The owner of a section must keep the section free of wood-destroying insects, including white ants and borer beetles.
 - (2) The owner or occupier of a section must allow the trustees, the managing agent, or their duly authorised representatives to enter the section on reasonable notice to inspect it and take any action reasonably necessary to eradicate any such pests and replace damaged woodwork and other materials.
 - (3) The body corporate must recover the costs of the inspection and replacement referred to in sub-rule (2) from the owner of the section.

River Park Special Rules

9. Vehicles & Parking

- (1) Parking bays have been allocated to units by special AGM resolution as per diagram in Appendix A.
- (2) All vehicles of staff and business visitors may only park in bays assigned to their unit. No parking in bays without the express permission of the owner/ manager of the units.
- (3) No parking on red/ yellow lines or in a position that will impede the flow of traffic around the park.
- (4) No bays have been allocated in front of shutter doors as these are deemed to be 'loading bays'. If owner/ tenant chooses to park in front of their own roller door, this will be an additional parking bay, over and above their allocation.
- (5) If a parking bay is used by owner/ tenant for another purpose (eg water tank, container, deck etc) this will reduce the number of bays available to them for parking.
- (6) Unit owners may lease bays assigned to them to other units. These arrangements are between the two unit owners and the Body Corporate should be informed. The bay owner will be responsible for paying any levies due on the parking bay to the Body Corporate and collection the rent from the lessee.
- (7) The Maintenance Agent will paint the bays and erect numbers per bay, in line with Appendix A. The owner/ tenant will be responsible for putting up signage with the name of their business on their parking bays.
- (8) The speed limit for all vehicles in the park is 30km/ hour.

10. Security and Access Control

Vehicle access will only be via the main entrance at 77 De Waal Rd. Pedestrian access will be via the main entrance at 77 De Waal Rd and the pedestrian gate at Greenville Terrace. The Trustees has contracted an external company to provide security for the park – details in Appendix B. The gates will be open from 07h00 to 18h00 Monday to Friday (excluding public holidays), outside these hours the gates will be closed and access will only be granted by the security staff, once they have confirmed the vehicle occupants have legitimate business in the park. All vehicles entering the premises must supply reasons for their visit, if requested by the security staff on duty.

11. Maintenance

- (1) The Trustees will employ a Maintenance Agent to maintain the common areas of River Park. The cost for the Maintenance Agent (and their staff) are included in the annual budget prepared by the Trustees and approved by attendees at the AGM. The business relationship between the Trustees and the Maintenance Agent will be governed by a Service Level Agreement signed by both parties and day to day instructions will be managed by the Managing Agent, employed by the Trustees to oversee the affairs of River Park on their behalf.
- (2) The focus on the Maintenance Agent is to keep the assets of the park in good repair and to ensure the common areas, including gardens and hedges are kept neat and in good condition.
- (3) The Maintenance Agent will give priority to work on the common areas of River Park. If they have spare capacity, they may also quote unit owners/ tenants for private work, inside units. The cost for this work will be invoiced directly to the unit owners and the hours spent by the Maintenance Agent staff will be deducted from the Body Corporate costs for the month, at an hourly rate to be agreed annually between the Maintenance Agent and Trustees.

- (4) Broadly, responsibility for maintenance of all internal items lies with the unit's owner and all external items which are part of the "common property" must be maintained by the Body Corporate, using funds from levies and the 10-year maintenance plan reserve. There are several exceptions to this rule to be noted - the following items will not form part of the "common property" and maintenance costs will be for the account of the unit owner:
- a. Photo-voltaic panels,
 - b. Air-conditioning units,
 - c. Air vents, extractor fans, whirly birds
 - d. Generators,
 - e. Water tanks,
 - f. Roller shutter doors,
 - g. Fibre connections,
 - h. Pest control bait boxes
- (5) Repairs on the following items will be split 50:50 between the Body Corporate and unit owner:
- a. Exterior windows
 - b. Exterior doors

12. Alterations or additions to a unit

All alterations must comply with relevant local/ national government regulations. All alterations where the implantation will affect the traffic flow in the park require written permission from Trustees. The Trustees meet once per quarter and requests for permission for alterations will be discussed at the first meeting after the request has been received in writing.

Alterations to the exterior of units including the addition of Photo-voltaic panels, water tanks, air vents, extractor fans, whirly birds, air-conditioning units, placement of permanent containers and external geysers must be approved in writing by the Trustees.

The following additions do not require permission from the Trustees:

- a. Generators,
- b. Signage, provided it complies with requirements on rules on signage.

Internal changes that involve structural changes must be approved in writing by the Trustees. Structural changes must also be signed off by a Structural Engineer.

Cosmetic internal changes do not need permission from the Trustees,

13. Letting/ selling of units (including advertising allowed)

Owners of units may advertise their units for sale or for rent with two signs – one on their unit and one at the main entrance to the park at 77 De Waal Rd for a maximum period of 4 months. The positioning of the sign at the main entrance must be approved by the Maintenance Agent.

14. Signage

All unit owners (or their tenants) may place signage in the following places:

- (1) To demarcate their allocated parking bays.
- (2) On the outside of their building.
- (3) One sign on the wall at the main entrance at 77 de Waal Rd. The size of these signs to be determined by the Trustees, to allow all tenants space to advertise their business.

All costs for the creation and installation of signage to be borne by the unit owner (or their tenant).

15. Adherence to and health regulations

The Trustees will engage a contractor to spray all drains for cockroaches etc twice a year in March and September. The costs will be included in the annual budget and covered from levies.

16. Discharge to sewerage disposal system

No oil or foreign objects may be discharged into the sewage system.

17. Storm Water Drains

No oil or chemicals may be discharged into the storm water drains. This is illegal and subject to fines by Water and Sanitation Departments.

18. Noise

All unit owners/ tenants should be respectful of their neighbours and keep noise from the operations and staff to a minimum. Any owner/ tenant who is offended by the noise from their neighbour should first try to resolve the matter directly with the owner of the neighbouring unit. If this is unsuccessful, they can approach the Trustees to mediate the matter. The Trustees reserves the right to instruct owners of units that are making excessive noise to reduce the noise level or to install additional noise insulation material, at their cost.

19. Use of common property

Common areas can be used occasionally for staff events like fire drills, end of year braais etc. In all cases, respectful behaviour towards neighbours should be observed and the free flow of traffic should not be interrupted.

20. Refuse bins and weekly removal

Owners/ tenants are responsible for:

- (1) Marking their bins with their unit number.
- (2) Paying the City of Cape Town for the correct number of bins on their monthly rates bill.
- (3) Keeping lids of bins closed at all times.
- (4) Putting bins out on correct day for collection by municipality (currently Monday).
- (5) Ensuring their staff do not dump anything in bins belonging to another unit, without the permission of the other unit owner/ tenant.
- (6) Arranging replacement bins from Managing Agent if their bins get damaged/ stolen.

21. Use of forklifts on the park

Owners/ tenants to ensure forklifts used by their staff are:

- (1) Roadworthy.
- (2) Only driven by licenced forklift drivers.
- (3) Driven in a generally safe manner.

22. Electricity Meter Reading

Owners/ tenants who wish to check the reading of the electricity meter for their unit must arrange access with the Maintenance Agent.

23. Contravention of rules and imposition of penalties

Contravention of conduct rules and imposition of penalties.

- (1) If the conduct of an owner, occupier, tenant or their visitors, in the opinion of the trustees constitutes a:
 - (a) nuisance;
 - (b) contravention of any duty of the owner under the rules
 - (c) contravention of any of the conduct rules

the trustees may furnish the owner with a written notice, which may in the discretion of the trustees, be delivered by hand, email or by registered post.

(2) In the notice, the particular conduct which constitutes a nuisance must be described or the provision that has allegedly been contravened must be clearly indicated, and the recipient must be warned that if the conduct or contravention persists, a penalty will be imposed on the owner of the section.

(3) If the owner, occupier and/or tenant nevertheless persists in that particular conduct, or in the contravention of that particular rule, the trustees may convene a meeting to discuss the matter.

(4) A written notice, by which the alleged offender, is informed of the purpose of the meeting and invited to attend, must be sent to the owner at least 7 (seven) days before the meeting is held. At the meeting, the owner must be given the opportunity to present their case, but except insofar as they will be permitted by the chairperson, they may not participate in the conduct of the meeting.

(5) After the owner has been given the opportunity to present their case, and if a majority of the trustees present at the meeting, agree that a provision/s of the conduct rules have been contravened, the trustees may, by majority resolution, impose on the offender a penalty, taking into consideration the nature and effect of the offence, in the amount of R500 for the first offence, R 2 000 for the second offence and R10 000 for the third or further offence/s.

(6) The trustees must record the outcome of the meeting, and may resolve to:

(a) uphold the penalty, or

(b) withdraw, increase or reduce the penalty.

(7) A trustee will not be entitled to participate at the meeting in the capacity as trustee, if they, or any occupier and/or tenant occupies the section which they own and/or represent, is the alleged offender.

Appendix A – Parking Scheme

Appendix B – External Security Company

Contracted security provider: Pro Sec

Contract details: One security staff on duty 12 hours a day, 7 days a week, based at entrance on 77 De Waal Rd.