



# **AURORA SANDS**

## **HOME OWNERS ASSOCIATION**

### **CONDUCT RULES**

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## **PRELIMINARY**

### **A. APPLICABILITY**

The Conduct Rules shall be binding on all owners, all residents and all visitors.

It shall be the duty and responsibility of an owner to ensure compliance with these Conduct Rules by the lessees or occupants of his or her home, including the employees, guests and any family members of the owner.

Should any damages be caused by or penalties (fines) be imposed on any person, the owner of the particular section shall be strictly liable to pay for the damages or to pay the penalties (fines) imposed. The owners concerned may further be held liable for damages, penalties (fines), all legal costs (including costs between an attorney and client) and expenses and charges incurred by the body corporate in enforcing compliance with the Conduct Rules. Damages, penalties (fines), legal costs and expenses and charges incurred by the body corporate in enforcing compliance with the Conduct Rules shall be deemed to be a levy and may be added to the applicable owner's levy statement and shall bear interest as a levy debt, and shall be recovered as a levy.

### **B. DIRECTIVES**

The trustees may from time-to-time issue Directives in connection with any Conduct Rule.

The Directives shall not conflict with any Management or Conduct Rule.

The Directives shall provide direction as to the practical application of a Conduct Rule. The trustees may through their Directives regulate, guide and clarify practical matters pertaining to a Conduct Rule. The trustees are not authorized to create further Conduct Rules through their issuing of Directives.

### **C. GUIDELINES**

The trustees may from time to time prepare and revise guidelines to control all aspects of the design and appearance of the building and structures on the premises, including any alteration or additions (structures) referred to in Conduct Rule 4. The Guidelines may contain specifications and sketch plans as to the nature, design, material, colors, and manner of installation required to ensure uniformity of construction of structures referred to in Conduct Rule 4.

The Guidelines shall, by virtue of these Conduct Rules, be binding upon all owners, lessees and occupants of sections upon the trustees.

**D. DEFINITION OF COMMON PROPERTY**

The common property includes all land and those parts of the building that are not sections and therefore not capable of exclusive ownership by an individual.

All those who own sections in the scheme jointly own the common property.

Any part of a building that is not part of a section is common property. External passages, the outer skin of the building are all common property, including the refuse area, refuse and guard room, letter boxes, entrance / exit gates, flower beds, dam and recreational area, pool area and its surroundings as well as the Clubhouse and the Open Play area.

**E. INDEMNITY**

**The Aurora Sands Home Owners Association advises all persons that the entry into the complex and the common property areas as well as any and all use of the common property and its associated facilities is at the sole discretion of the individual user. The association indemnifies itself and the trustees against any and all liabilities / injuries as well as any fatalities that may occur to any person/s in the use of the common property facilities as well as within the confines of the complex.**



## **RULES FOR THE CONTROL AND MANAGEMENT OF THE COMPLEX**

### **1. ANIMALS**

- 1.1 An owner or resident of a property may only have two (2) pets.
- 1.2 These two (2) pets shall consist of:
  - 1.2.1 Two (2) small to medium sized dogs
  - 1.2.2 Two (2) cats
  - 1.2.3 One (1) small to medium sized dog and one (1) cat.
- 1.3 All pets are to be kept under reasonable conditions.
- 1.4 All pets are to be sterilised.
- 1.5 All dogs must always be kept on a leash at all times and are not allowed to roam around without supervision of their owner or resident.
- 1.6 The owner of a dog who soils, messes and dirties on other owner or resident's property as well as on common property, will be responsible to clean up after their dog immediately.
- 1.7 A dog or cat does not make a noise and is not to be a nuisance to other owners or residents.
- 1.8 An owner of a unit shall always maintain their backyard by keeping it neat and free of animal faeces at all times.

Permission in writing must be requested from the trustees for the keeping of pets, which permission shall not be unreasonably denied. The trustees have the right to deny permission to any resident, or withdraw permission to keep pets if the member breaches these rules.

### **2. REFUSE DISPOSAL**

An owner or occupier of a unit shall:

- 2.1 Maintain in a hygienic and dry condition, a Cape Town municipality plastic refuse bin for refuse within his house or unit.
- 2.2 Ensure that all refuse is placed in such plastic bin and is securely wrapped. In the case of tins or other containers, all fluid must be completely drained prior to disposal.
- 2.3 Do not dispose of items that will not be taken away by the municipal refuse removal vehicles. All refuse is the responsibility of the resident/owner and must be removed by the resident/owner if not removed by the Cape Town municipality.
- 2.4 For the purpose of having the refuse collected, all refuse must be placed in the municipal plastic bin within the area of resident unit and at the times designated by the trustees

- 2.5 When the refuse has been collected, promptly return such plastic bins behind the white gate of your section or unit.

3. **VEHICLES**

- 3.1 No owner or resident shall park or stand any vehicle upon the common property and on the grass, or permit or allow any vehicle to be parked or stood upon the common property and grass area.
- 3.2 Bicycles may not be locked or chained to any pillars in front of the property.
- 3.3 The trustees may cause 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 owner's or resident's consent.
- 3.4 Owners and residents of units shall ensure that their vehicles, and the vehicles of their visitors and guest, do not drip oil or brake fluid on to the common property or in any other way deface the common property.
- 3.5 No owner or resident shall be permitted to dismantle or affect major repairs to any vehicle on any portion of the common property.
- 3.6 No unusual trailers or boats are to be parked on any part of the common property or unit drive way.
- 3.7 No persons are allowed to sleep overnight in parked vehicles on any part of the common property.
- 3.8 No persons are allowed to stay in caravans parked on any part of the premises.
- 3.9 No vehicle may emit a level of noise which causes a disturbance.
- 3.10 The speed limit inside the complex is 10kmph
- 3.11 No vehicle may exceed the speed limit of the complex.
- 3.12 Municipal traffic rules are applicable inside the complex and shall be adhered to.
- 3.13 No claim will be set out against any owner or resident that drives over anything foreign objects which are left in the streets of the complex, like bicycles, toys or any other objects.
- 3.14 Vehicles must wait at the entrance gate until the security gate closes behind the vehicle.

4. **DAMAGE, ALTERATIONS, OR ADDITIONS TO THE COMMON PROPERTY**

- 4.1 An owner or resident of a unit shall not alter, add or mark, paint, drive nails or screws or the like into, or otherwise damage any part of the common property without first obtaining the written consent of the Trustees. Such consent may be used as a precedent for similar alterations/additions in the future.
- 4.2 An owner or resident can, with the valid consent or proxy of the property owner and trustees implement
- 4.2.1 Any locking device, security gate, burglar bars or any other device in the vicinity of his section
- 4.2.2 Any system or other devices for keeping out animals or insects must be approved by the trustees before it is installed; a

descriptive drawing of the mechanism and explanation thereof must be on paper and given to the trustees for their approval

- 4.3 Approval of alterations by the Home Owners Association is subject to approval of the plans and proposed alterations by the Municipality of Cape Town.
- 4.4 The owner accepts responsibility for any damage caused by contractors to other units and/or common property. Owners indemnify the Home Owners Association/Trustees against such damage.
- 4.5 Residents are responsible for the timeous removal of rubble off the premises (or into bins if a small amount).
- 4.6 No work to be carried out on Sundays, Religious and Public Holidays or outside normal working hours.  
Work hours are from 08h00 to 18h00 on week days only.  
Work on Saturday is allowed from 08h00 to 13h00 with noise levels not to be excessive.

## 5. **TREES AND PLANTATION**

- 5.1 Pot plants on the outside of a unit will be the responsibility of the owner or resident of that unit for the maintenance and the up keep thereof.
- 5.2 Trees and plants planted by owners or residents that cause damage to buildings, boundary walls or street surfaces will be the responsibility of the owner to pay for the repair costs.
- 5.3 Any damage caused to common property by an owner, resident or their visitors will be directly for the owner's account.

## 6. **OUTSIDE APPEARANCE**

The owner or occupier of a unit shall:

- 6.1 Not place or do anything on any part of the common property, patios, entrance area 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 washing or laundry may be hung from any windows.
- 6.3 No sheets (bed linen) are to be used as curtains - all units are to be fitted with curtains or blinds.
- 6.4 No braai stands or any other cooking devices may be left permanently on the outside in front of the house or unit.
- 6.5 No bicycles, skate boards, roller skates or any type of scooters may be left on the lawns, in the streets or any part of the common property.
- 6.6 No fire works will be allowed in the complex. No fireworks are to be dispersed or set off within the complex.
- 6.7 No alcohol is to left open and displayed in the front of the unit.

7. **LITTERING**

- 7.1 An owner, tenant or visitor of a unit shall not deposit or discard, on the common areas and on owned properties any rubbish, including dirt, cigarette butts, food scraps or any other litter at all.
- 7.2 Letterboxes are to be cleared daily to prevent littering and overflowing of mail.

8. **LAUNDRY**

- 8.1 An owner or resident of a unit shall not hang washing, laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other sections.
- 8.2 Laundry may not be hung from windows.
- 8.3 Laundry may not be hung outside on the lawn in front of a unit, driveways or on any part of the common property.

9. **STORAGE OF INFLAMMATORY MATERIALS AND OTHER DANGEROUS ACTS**

- 9.1 No dangerous flammable materials of any kind will be allowed on the property and no dangerous behaviour from any owner or resident shall be tolerated.
- 9.2 No illegal substance and material is allowed inside Aurora Sands.

10. **LETTING**

Every owner who lets or sublets his flat or section to a tenant for any length of time shall:

- 10.1 Provide the trustees and the Managing Agents with the full name of the tenant and the dates of commencement and ending of tenancy within 7 (seven) days of occupation of the unit.
- 10.2 Should an owner sell or rent out his unit, he must notify the trustees in writing within 15 (fifteen) days of his intent.
- 10.3 Owners remain responsible for their tenants/occupants, rental/letting and estate agents conduct and behaviour.
- 10.4 All owners must ensure that his tenant and visitors comply with the Conduct Rules.
- 10.5 All owners must at his own expense provide the tenant with a copy of the Conduct Rules.
- 10.6 Owners will be responsible for all acts of damage done by his tenant and shall make good to the satisfaction of the Board of Trustees any damage caused by the tenant, any of his visitors
- 10.8 All tenants of units and other persons granted rights of occupancy by the owner of the relevant unit, are obliged to comply with these Conduct Rules, notwithstanding any provision to the contrary in lease or any grant of right occupancy.
- 10.9 In the event of an owner using the services of a rental/letting agent, the owner must provide the managing agent with the rental/ letting agent's details.

11. **OVERCROWDING**

11.1 The total number of occupants residing permanently or contractually in a rental contract is two people (2) per bedroom per unit.

12. **NOISE LEVEL**

The owner or occupier of a unit shall:

12.1 Ensure that at all times radios, musical instruments, record players and TV sets must be set in such a manner that they are not audible from adjoining sections.

12.2 All noise must cease at midnight [00h00] on Fridays and Saturdays and 22h00 on all other evenings.

12.3 Occupants who have children in their care or guests with children must assume responsibility for the children adhering to this rule.

12.4 Children are not permitted to ride, skate board or roller skate on common property without the supervision of an adult.

12.5 Children are not permitted to play or wander on common property after 20:00 pm and before 08:00 am.

13. **UNRULY BEHAVIOUR**

13.1 Residents should consider other home owners and residents in the interest of good neighbourliness. Unruly behaviour on the premises will not be tolerated.

13.2 In the event of any resident creating a disturbance to other residents of the building as witnessed by one or more Trustees, will receive a citation addressing this behaviour.

13.3 Any subsequent disturbance created by the same resident as witnessed by one or more Trustees shall render the owner liable for a final written warning and will be fined.

14. **SIGNS AND NOTICES**

14.1 Only armed response signs from a legitimate security agency is allowed to be displayed outside homes or units.

14.2 No owner or occupier of a home or unit shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a unit so as to be visible from outside the unit, without the written consent of the Trustees.

14.3 No Estate or Rental Agent's sign(s), board(s) is to be placed on common or section owned property. Owners are to inform their Estate/ Rental Agents likewise.

14.4 Show house:

Estate Agent signs may only be displayed from 12h00 on Saturdays till 20h00 on Sundays.

Estate Agents are to adhere to the by-Laws as set out by the Municipality in this regard.

15. **DOMESTIC EMPLOYEES**

- 15.1 Residents must ensure that their domestics do not loiter or cause unnecessary disturbance in the complex or on the common property.
- 15.2 No employee may be housed on the property without obtaining prior written permission of the Trustees. The granting of such permission shall be at the sole discretion of the Trustees and may be withdrawn at any time by the Trustees upon giving the owner or resident 7 days written notice of such withdrawal. In such an event the owner or occupier shall ensure that the employee in question is permanently removed from the property or a section within the stipulated period.
- 15.3 Owners and residents are responsible for the behaviour of their employees and must at all times ensure that they strictly adhere to the Conduct Rules of The Home Owners Association. In particular, the owners and residents shall ensure that their employees do not loiter on the common property or store any liquor on the property or in a section or behave in a drunken or disorderly manner, or allow the property or a section to be overcrowded with visitors, or contravene any law, bylaw or Rules of The Home Owners Association. Owners and residents shall provide their employees with the necessary toilet requirements, i.e. toilet paper, soap, towels, etc. Newspaper may not be used in toilets and toilet must always be kept clean and sanitary.

16. **SECURITY**

- 16.1 Security keys and remote controls are the responsibility of the owners. Remotes are to be handed over to the owners or rental agents by outgoing residents.
- 16.2 Remotes are to be obtained from the managing agent – a deposit or replacement cost will be charged.
- 16.3 Residents must not allow unknown people into the complex.
- 16.4 Owners and Residents must ensure that the security gates close behind them after exiting or entering the complex.

17. **MIRCOM [INTERCOM SYSTEM]**

- 17.1 The use of the Mircom unit is mandatory for all residents.
- 17.2 Rental agents are to provide the managing agents with the tenant information sheet for programming of tenant details.
- 17.3 Rental agents are to ensure that payment is made by tenants to the ASHOA for the programming of the Mircom unit.
- 17.4 The charge for programming of the Mircom is based on industry charges for services rendered.
- 17.5 Failure by rental agents to ensure payment to ASHOA for the Mircom will result in the Mircom programming charge being added to that specific unit levies.

18. **CLUBHOUSE AND SWIMMING POOL**

**A. CLUBHOUSE GENERAL RULES AND REGULATIONS**

1. The Club House facilities are for the exclusive use of home owners and their guests.
2. A home owner may delegate their right of enjoyment of the Club House and its facilities to their residing tenants.
  - 2.1 The home owner shall notify the secretary of the Home Owners Association as well as the managing agent in writing of the name and privileges of any such tenant.
  - 2.2 The rights and privileges of such tenants are subject to suspension to the same extent as those of the home owner.
3. During any period, in which a home owner or tenant is in default for payment of monthly levies, the right to use any facilities will be suspended by the trustees until all levies are paid in full.
4. Any violation by the homeowner(s) or their guests of any Rules and Regulations governing the use of the Aurora Sands Club House facilities will result in the suspension of privileges and use of the facilities for a period to be determined by the trustees.
5. No illegal substance will be allowed at any time in the club house (**This includes the complex as a whole.**)
6. The home owner (or tenant as provided in rule 2) must be present for the entire time the club house facilities are in use. Minors are not allowed to be left in the Club House without adult supervision.
7. Music and noise in the club house must be turned down to the bear minimum by  
22:00 – Sunday - Thursday (closing time of the Clubhouse is 23:00)  
23:00 - Friday and Saturday (closing time of the Clubhouse is 00:00)
8. All functions must be finished and guests to exit the Club House as depicted on the times below:  
Sunday to Thursday at 23h00  
Friday and Saturday at 00h00  
Exceptions to this will be considered in writing to the Club House Secretary at least 48 Hours prior to the function.
9. The club house cannot be used for money raising purposes by any individual or organization other than the association.
10. No political, religious, commercial or outside organisation is permitted use of the club house facilities, even though a homeowner is a member of the organisation.
11. No animals (pets) are allowed in the club house and pool facilities at any time.
12. Maximum number of people allowed in Club House is 30.
13. The home owner or tenant WILL BE responsible for the conduct of his or her guests and proper behaviour to prevent damage and excessive noise.
14. A home owner may intervene at a party if there is any indication that Rules and Regulations are being violated.

## **B. PROCEDURE TO RESERVE CLUB HOUSE FACILITIES**

1. Contact the Club House representative.
3. Reservation may be made up to a maximum of six (6) months in advance.
4. Payment for Club House will be:
  - 4.1 A payment must be made for use of the Club House.
  - 4.2 A further security deposit will be retained by the association as part payment of any expense for damage and or loss to the association property.
  - 4.3 If the deposit is not sufficient to cover the full value of such property, then the homeowner or tenant will be responsible to reimburse the association for any additional expense as determined by the trustees.
5. Confirmation of the booking will be applied after all funds have been received.
6. The security deposit is refunded when the following occurs:
  - 6.1 The key is returned by no later than 10:00am the following day of the booking of the Club House.
  - 6.2 The Club House facilities are inspected for damage or loss and found in acceptable condition.
  - 6.3 The Club House reservation agreement is signed (again) acknowledging if any damage or loss to the association property or personal injury has occurred.
- 7.1 Rental of the clubhouse is limited to maximum of 6hr use for a function.  
(6hr from the requested start time to finish time)
- 7.2 No rental of the Clubhouse is allowed during
  1. Easter Weekend
  2. 24/25/26/31 December
  3. 01 January

## **C. CLEANUP OF CLUB HOUSE FACILITIES**

1. The home owner or resident are responsible for clean-up of Club House facilities (including the pool area).
2. Home owners or resident must supply cleaning materials, toilet paper, towels, dishcloths, paper towels, trash bags, broom and vacuum cleaner.
3. Remove all trash (inside and outside club house as well as the pool area) to your personal property for disposal. DO NOT leave trash at club house or pool area.
4. Clean all club house areas used: toilet, sinks, braai, appliances, tables, etc.
5. Should there be any furniture, return it to original location.
6. Turn OFF all inside and outside lights.
7. Lock all doors and windows. (See Rule B.7 regarding return of the key)

19. **POOL AREA RULES**

1. All persons using the pool do so at their own risk .  
Children under 18 years of age are not allowed to use the pool without the active supervision of a responsible adult.  
Only two guests per household allowed to be accompanied by the host unless approval has been given in writing by the trustees for a party being held in the clubhouse.
2. No animals or pets are allowed in the pool area.
3. No food or drinks permitted in the pool. No glass objects or bottles allowed in the pool area.
4. Running around, Jumping, Diving into or Pushing anyone is not allowed at any times in and around the pool and pool area.
5. No inflatables, balls or any other games in the pool area.
6. The gate to the pool must always be kept closed.

20. **PLAY AREA RULES**

- 20.1 Play area is open between 8am and 8pm (Mon – Sun)
- 20.2 No noise after 8pm
- 20.3 No playing with balls after 8pm
- 20.4 No children under the age of 10 may play in the park without adult supervision
- 20.5 Dogs are not allowed in the play area
- 20.6 No riding bikes on the grass
- 20.7 No littering
- 20.8 No dumping
- 20.9 No open fires allowed
- 20.10 No weapons allowed
- 20.11 No sleeping is allowed in the park
- 20.12 No Alcohol is to be brought to the park
- 20.13 No alcoholic beverage is allowed to be consumed in the park.

21 **CONTRAVENTION OF THE RULES AND IMPOSITION OF FINES**

- 21.1 FINES will be administered and levied to respective Owners of a unit should any of the Complex Rules be broken
- 21.2 FINES will be administered in accordance to the Fines, Warnings and Penalties Document
- 21.3 Refer to the PRELIMINARY above

APPROVED AT SGM HELD 9 FEBRUARY 2022