

# **AAEV By-Laws of importance for Landlords and Tenants**

The Aldinga Arts EcoVillage is an intentional community designed for some 300 people to live in close proximity on private properties set within a “big backyard” of landscaped common land. We are different from a regular suburb in that we are not closed off from each other by fences, and cooperatively managing our “big backyard” means many more interactions between neighbouring householders.

Tenants are welcome in the Village, and experience has shown that many readily adopt the values and practices of the community, some of which are detailed below in an extract from the Community By-laws.

However, if tenants come into the Village with little interest in living any differently from the way of suburbia, the result can be very stressful for their neighbours, their landlord and, ultimately, for themselves. Particular issues have arisen, for example, with wandering pets, noise, excessive numbers of vehicles for the limited available parking space (plus caravans, trailers, etc parked on common land).

We recommend to all Village landlords that some basic screening questions be asked about a prospective tenant’s willingness to respect the values, practices and by-laws of the Community.

We also recommend that prospective tenants familiarise themselves with the by-laws detailed below and be prepared to live by them for harmony with the new neighbours around them.

Finally if, as a neighbour, landlord or tenant, you experience difficulties under the By-Laws, there is a process available for resolving such issues. See last page below.

## **AAEV Management Committee – October 2015**

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### **BY-LAWS RELEVANT TO LANDLORDS AND TENANTS**

#### **PART 6: USE AND MAINTENANCE OF LOTS**

##### **Use of Lots,**

46. A person may not, on any lot, disassemble or carry out any repair on any motor vehicle within the community parcel other than –

- 46.1. a minor repair
- 46.2. a repair required for the maintenance of such vehicle, or
- 46.3. a repair required to render mobile an immobile vehicle.

47. Unless appropriately garaged, no vehicle shall remain in a disassembled or immobilised state within the community parcel for more than seven days without the consent of the Community Corporation.

##### **Occupier’s obligation to maintain the lot in good condition**

52. the occupier must –

- 52.1. properly maintain the landscaping, gardens, trees, grass and other plants on the lot and replace any landscaping, gardens, trees, grass and other plants that shall deteriorate or die;

- 52.2. ensure that the lot is maintained in a safe condition with respect to fires and other hazards; and
- 52.3. keep the lot in a clean, neat and tidy condition and free of pests (including plant, vertebrate, invertebrate and insect pests).

### **Collection and disposal of garbage and recyclable materials**

- 53. The occupier of a lot must –
  - 53.1. recycle all recyclable items and materials whenever possible;
  - 53.2. recycle all domestic plant and garden reuse material whenever possible;
  - 53.3. store domestic garbage in an appropriate sealed container that prevents the escape of unpleasant odours and which is not visible outside the lot;
  - 53.4. store and dispose of other waste in an appropriate manner to prevent any nuisance to the occupier of any other lot;
  - 53.5. comply with any requirements of the Council and the Community Corporation for the disposal of garbage, garden and other waste;
  - 53.6. not engage in any activity or practice that attracts or maintains pests or vermin.

## **PART 7: THE COMMON PROPERTY**

### **Damage etc. to common property**

- 62. A person must not, without the approval of the Community Corporation –
  - 62.1. smoke any cigarette, cigar, tobacco or other herb on the common property;
  - 62.2. light any open fire on the common property;
  - 62.3. make any unnecessary noise on the common property between the hours of 10 pm and 8 am;
  - 62.4. damage or interfere with a building, structure, tree or garden on the common property;
  - 62.5. affix any object to the common property;
  - 62.6. deposit any rubbish or waste material on the common property other than in a receptacle placed on the common property by the Community Corporation for such purpose;
  - 62.7. deposit any object or material on the common property if it is likely:-
    - 62.7.1. to obstruct the movement of vehicular or pedestrian traffic;
    - 62.7.2. to be hazardous or offensive to other persons using the common property;or
  - 62.8. exclude or discourage other persons from using any part of the common property.

### **Traffic and parking**

- 63. A person must not use vehicles including motor cycles and motor scooters for any recreational purpose on the common property.
- 64. A person must not obstruct vehicular or pedestrian traffic on the common property.
- 65. A person must not park a motor vehicle on the common property except on a part set aside by the Community Corporation for such parking.
- 66. A person must not drive a motor vehicle on the common property except on a roadway established for use by motor vehicles.
- 67. A person driving a vehicle on the common property must comply with the rules applicable under the *Road Traffic Act 1961* to the driving of a vehicle on a public road.
- 68. A person must not undertake any repairs to any vehicle on the common property except for repairs necessary to render mobile an immobile vehicle.

69. The following vehicles shall not be parked in any area within the community parcel other than an area designated by the Community Corporation as the parking area for such vehicles –

69.1. vehicles in excess of three (3) tonne in weight;

69.2. vehicles in excess of 7 metres; and

69.3. any trailer, caravan or other towed or pushed vehicle that cannot be parked wholly within a community lot.

#### **Taking animals onto common property**

70. Subject to this Part –

70.1. no pet animal may be taken or allowed to go on common property unless such animal is on a leash.

70.2. persons taking any pet animal or pet animals onto the common property must remove and clean up any excreta left by the animal on the common property.

### **PART 8: ANIMALS**

#### **Philosophy**

72. All animals and pets must be kept in a humane manner in a clean spacious environment without disturbance to other persons or other animals.

#### **Limited right to keep an animal on a lot**

73. Unless expressly exempted by these by-laws, a person must not bring onto or keep any animal on a lot or the common property without the consent of the Community Corporation.

74. The consent of the community Corporation shall not be required in relation to a dog that is trained to assist the person in respect of a disability.

75. An animal shall be exempt in relation to a community lot whilst it satisfies the following criteria –

75.1. where the animal or a dog or a cat, that animal must be desexed and only one of either of such animals shall be kept on the community lot;

75.2. the animal is not a prescribed breed under the Dog and Cat Management Act or the subject of an order under that Act;

75.3. the animal is fully contained by fences, walls or other structures that prevent it from escaping at any time from the lot;

75.4. the animal stays at all times on the lot unless it is entering or exiting the lot, at which times it must be kept on a leash or confined to a cage;

75.5. the animal does not cause a nuisance at any time;

75.6. the animal does not cause an unreasonable disturbance to a person on another lot after 9.00 pm and before 8.00 am on any day; and

75.7. the animal does not exceed 22 kilograms in weight.

76. The Community Corporation may resolve that a specified animal fails to meet the criteria for exemption. In such case, the occupier –

76.1. must not bring, permit or keep that animal on any part of the community parcel; and

76.2. where that animal permanently resides on a lot must permanently remove that animal from the community parcel within 14 days of the Community Corporation's resolution.

#### **Unreasonable interference by animals**

79. the owner or occupier of a lot must ensure that any animal kept on a lot does not unreasonably interfere with the use or enjoyment of another lot or the common property by an occupier or other persons who are lawfully thereon. Failure on several occasions to minimise, control and immediately clean up the excreta of the animal on the common property shall constitute unreasonable interference with the use or enjoyment of the common property.

80. Where the Community Corporation forms the view that an animal has created an unreasonable interference contrary to this by-law, the Community Corporation may –

- 80.1. direct the occupier to takes specified action (ie “Bark Busters” or retraining) or unspecified action to prevent any repetition of any interference; and
- 80.2. require the animal to be removed permanently from the community parcel or direct that the animal must not be brought, permitted or kept on any part of the common property.

**Liability of occupiers and other persons**

81. The owner and occupier who keeps or permits any animal to be on a lot or the common property and the person who brings any animal onto the lot or the common property shall be liable for any loss, damage or injury caused by that animal.

**PART 16: PROHIBITION OF DISTURBANCE**

**Prohibition of nuisance and unreasonable interference**

108. A person within the boundaries of the community parcel must not engage in conduct that constitutes a nuisance or unreasonably interferes with the use or enjoyment of a lot or the common property by any person who is lawfully on the lot or the common property.

109. The owner or occupier of a lot must ensure, as far as practicable, that persons who are brought or allowed onto the lot or the common property do not engage in conduct that unreasonably disturbs the occupier to another lot or others who are lawfully on a lot or the common property.

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# By-law reinforcement process

