

COMMUNITY OF OWNERS

SEÑORIO DE ALOHA

ANNEX 5.2 REGULATIONS ON APARTMENT REFORMS

Article 1. The rights of Owners to modify Property

In Marbella, Andalusia, apartment owners in a residential community governed by Horizontal Property Law (Ley de Propiedad Horizontal - LPH), must adhere to a combination of national law, Andalusian regulations, municipal bylaws, and the community's statutes and regulations when considering any construction or modernisation changes.

When planning construction work, owners must take into consideration that certain works may require the prior approval of the association of owners at an AGM or EGM.

To ensure a collaborative approach, all construction work that is subject to a Marbella Town Hall licence must be notified in writing to the Administrator a minimum of four weeks prior to the commencement of such works.

It will be necessary for all owners to provide the appropriate licences and consents from the Town Hall in respect to these projects. The owner must provide the Administration supporting drawings and technical information relating to the project. In the absence of the required documentation, the Administrator will issue a Denuncia to the owner, a copy of which will be sent to the Town Hall.

Interior changes are permitted, provided they:

- Do not affect structural elements, common elements (e.g. load-bearing walls, slabs, columns), or communal facilities (e.g. pipes, gas, electricity, telecommunications).
- Do not alter the safety, habitability, or aesthetics of the building.
- Comply with building codes, and where required, have received the appropriate licence from Marbella Town Hall, ("licencia de obra menor" or "licencia de obra mayor"), depending on the scale of the work.

Exterior Changes, affecting building façades, terraces or other common areas require prior approval from:

1. The Association of Apartment Owners, by a 3/5 majority vote
2. Marbella Town Hall Planning Department

N.B. If other owners have made an external modification, this does not automatically grant the right to carry out similar modifications unless the association of owners approved it, or a precedent has been legally accepted. Even then, the aforementioned procedures still apply.

Article 2.

The Administrator reserves the right to make enquiries with the Town Hall to ascertain whether the required approvals and consents have been granted.

In the event the community suspects that the work being carried out does not comply with the regulations, or is understood to modify common elements, the Administrator will request the owner to grant the Community Site Manager access the property for the purpose of a technical inspection. If said request is denied, the Administrator will issue a Denuncia to the owner, a copy of which will be sent to the Town Hall.

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Article 3. Community rules related to periods & timetable for Construction works.

Standard Construction Hours (Monday–Friday):

- Morning to afternoon: 09:00 to 15:00
- Afternoon to evening: 17:00 to 20:00

⊗ Noise Break (“siesta” hours):

- 15:00 to 17:00 – Noise-generating work is prohibited to respect rest hours.

Weekends & Public holidays:

Saturday:

- Limited hours allowed: 09:00 to 14:00
- Light work only (No drilling or hammer work, no breaking walls, floors, ceilings)

Sunday & Public Holidays

- Building or noisy work is forbidden.

In the event emergency works are necessary outside permitted hours, HELP services must be called immediately to review. (Tel +34 603 741 633)

Summer Holiday Season Break

- For the months of July & August Construction & Building work is forbidden.
- In the event of an emergency noise emitting works are necessary during this period, owners must immediately seek the approval of the Administrator or on-site Representative to proceed with the work.

Prohibited Noisy Work

Regardless of time, work is prohibited if it:

- Exceeds **55 dB(A)** during the day.
- Includes demolition, drilling, hammering, or use of high-noise equipment during quiet hours.
- Causes disturbances to neighbours beyond acceptable levels.

N.B. In Residential Communities (under LPH):

Even if the municipal rules allow certain hours:

- The Community of Owners can adopt stricter schedules in their internal regulations. (As provided for above)
- Any such rules must be approved in a general meeting (Junta de Propietarios).

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- If in doubt, check with the Administrator for community-specific schedules or restrictions.

Penalties for Non-Compliance:

- Fines by the Local Police or Urbanism Department for violating noise ordinances.
- Civil complaints from neighbours.
- Potential suspension of work by the municipality.

Article 4. Notice to neighbours

A minimum of one week prior to the commencement of construction works that will exceed THREE DAYS, a notice must be posted in both portal entrance doors & the portal elevator indicating:

- Commencement Date
- Expected Duration of Works
- Contact number of the Construction Manager responsible for the works.

(blank notice forms can be ordered from the Administrator)

Article 5. Rules Applicable during Construction Works

- ✓ Owners must deposit the following amounts into the Community's bank account as a guarantee against potential damage to common elements. This deposit will be refunded upon completion of the works if no damage has occurred.
- ✓ €2,000 for work with a Licencia de Obra Mayor (Major Works Permit)
- ✓ €1,500 for work with a Licencia de Obra Menor (Minor Works Permit)
- ✓ Owners whose works that cause cleaning & repairs in common areas for which there was no deposit will be charged at cost. If the owner doesn't pay voluntarily, the cost will be added to their community account as a debt.
- ✓ During Construction Works, 'Common Areas' used during the works must be kept tidy and clean.
- ✓ Any construction project exceeding 3 months from date of commencement forfeits the deposit due to the disturbance to neighbours & community services.
- ✓ All works must comply with the Community Regulations & Spanish legal norms:
Ley de Ordenación de la Edificación (LOE) – Building Act (1999):
(Regulates responsibilities, liabilities, and technical standards for all construction work)
Código Técnico de la Edificación (CTE) – Technical Building Code:
(Defines minimum safety, habitability, energy efficiency, and accessibility standards)

Article 6. Notwithstanding the provisions of article 1, the following actions are forbidden or require referral to the association of owners

- A) make modifications to the community common areas. Owners will be personally responsible for any such breach, including the cost of restoring the area to the original state.

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- B) install terrace canopies that differ from colour code **WHITE PR-60 AW-12 BW-2,76 HW-1,653 YELLOW KR-55 AW-200 BS-60 BW-120 MS-500**, which is the colour established for the SdA Community. Safety regulations prohibit the attachment of terrace canopies to the exterior building walls.
- C) modify the terrace safety rails or paint them in a colour other than that approved by the Community.
- D) make temporary or permanent closing of the terraces, without the approval of the association of owners & the appropriate Town Hall licences
- E) install air conditioning units on the facades, windows or terraces, except in the utility terrace originally designated for this equipment.
- F) install private television antennas or parabolic antennas on the external walls & rooftops of the buildings.
- G) install inside the portals or garages or other common area property, including the facades of the buildings & external walls, any objects, announcements, posters or advertising of any kind, or make cavities.
- H) install non-domestic machinery or motors that may cause disturbance to owners and/or communal areas.

Article 7.

Use of communal electricity & water by building contractors during property reforms must have prior authorisation by the Administration.

Article 8.

The Administration has the right to disable community access control devices when contractors are in breach of the rules stated herein

Article 9.

Entrances to the community must remain closed at all times. It is not permissible for building contractors, service providers etc, to wedge open or disable door/gate mechanisms. This includes exterior gates, garage doors, & portal entrances. Repeat offenders will have their access control & garage remotes disabled.

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Article 10.

Rubbish/building materials must not be stored in stairwells, garages or other communal areas.

Builder's skips placed outside the community on Calle de las Adelfas must not be located between the two sets of waste bins provided by the Town Hall. This is because too many owners/renters dispose of their household rubbish in the building waste skips because they are too lazy to walk to the waste bins. If this rule is not observed building contractors will have their access to the community restricted.

Industrial size building rubbish / raw material sacks must not be left on the street outside the community (especially on Calle de las Adelfas) for periods exceeding two weeks. (Owners must insist that their contractors remove them. Where necessary the community will report the owner to the Town Hall for illegal rubbish dumping.

Article 11.

In order to ensure the uniformity and aesthetics of the stairwell, any change to an apartment external door must retain the original design and colour. The basis for new doors is wood-patterned exterior. The suppliers' colours to be used is **CHERRY COLOR**.

Article 12.

The property has a ventilation system with central ventilation. In the case of renovation work that generates a lot of dust, the ventilator must be covered during construction, otherwise the dust can enter the rest of the apartments in the building.

Article 13. Works Allowed Under Uniformity Conditions

ALL THESE RULES DO NOT OVERRIDE THE CITY COUNCIL'S REGULATIONS. IF THE CITY COUNCIL'S REGULATIONS ARE MORE RESTRICTIVE, THEY WILL PREVAIL.

1. The terrace flooring may be replaced following an inspection by the community technician and authorization from the Community. The community technician will also assess the terrace's waterproofing.
2. Structural elements such as pillars, columns, and other interior or exterior components of the building cannot be removed.
3. Windows on the east-facing terraces of the building may be aligned with the outermost line of the original windows, pending review by the community technician and approval from the Community.
4. Glass curtains may be installed on west-facing terraces. However, the intended use of these terraces cannot be altered (e.g., converted into bathrooms or bedrooms). These installations require the supervision of the community technician and prior authorization from the Community.

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5. For the east-facing terraces of corner penthouses & front facing terraces of the other penthouses, part of the exterior wall may be removed, & replaced with safety glass provided the work is supervised by the community technician and approved by the Community.
 6. Storage rooms attached to ground-floor apartments cannot be incorporated into the apartments, nor can their use be converted into residential spaces.
 7. Planters on the terraces may be removed internally and integrated into the terrace space, subject to the supervision of the community technician and approval from the community. Before completing the work, both the waterproofing and the construction must be inspected by the Community.
 8. Security bars may be installed, after supervision by the community technician and authorization by the neighbourhood's community.
 9. The outdoor air conditioning units will be installed in the Utility Terraces originally planned for this and should not be visible from the outside. Any intention, past or future to deviate from this standard must be reviewed by the community technician and approved by the Community
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