



## RULES & REGULATIONS

Updated Nov 28, 2023

Architectural Review Board (ARB): Consists of three (3) or more persons who are appointed by the HOA Board. The ARB will review submissions and make decisions using the ARB Guidelines and their best judgment of what will be compatible with the character and appearance of the community.

If a homeowner proceeds with an addition or change without requesting and receiving permission from the ARB, they risk the potential of redoing or removing the addition or change. If the ARB disapproves a request, the homeowner may not proceed with the addition or change. Approval or disapproval will be granted within 60 days as long as all requested information is submitted. It will be the homeowner's responsibility to provide all additionally requested information in a timely manner.

Please submit an ARB application for any and all exterior changes to the home and property. The form can be found at <https://www.somersbyhoa.com/rules-covenants-arb.html>

### **AMENITY RULES AND REGULATIONS**

#### **Playground Rules**

- Play at your own risk.
- Do not use play equipment unless designed for your age group.
- Do not use equipment when wet.
- No running, pushing, or shoving persons.
- Do not use play equipment improperly.
- No bare feet. Proper footwear required.
- Adult supervision required, preferable parental.
- If you notice any broken equipment or playground hazards, please report it to the HOA Board.
- Play area is closed from dusk to dawn.
- No pets are allowed in the playground area.
- No glass is allowed in the playground area.
- Playground is for the residents of Somersby.
- Gates shall be closed after entering and exiting the playground area.

#### **Swimming Pool Rules**

- Use of the amenity area is at the risk of the individual; the Homeowners Association assumes no responsibility or liability for any accidents or injuries.
- **WARNING- NO LIFEGUARD ON DUTY**
- **Pool hours are 8:00 a.m. to 9:00 p.m.** The gate will be locked and not allow access to anyone before 8:00 a.m. or allow access or egress to anyone after 9:00 p.m.
- Unattended solo bathing is prohibited.
- Children under the age of 18 shall not be allowed in the pool area without a supervising adult in attendance, preferably a parent or guardian.
- Children, three years old and younger, as well as any child not potty trained, must wear snug fitting plastic pants or a water-resistant swim diaper.
- **NO GLASS ARTICLES ALLOWED IN OR AROUND POOL.**
- No food, drink, or wrappers shall be permitted within ten feet (10') of the swimming pool.
- No running or rough play allowed.
- No spitting, spouting of water or blowing nose in pool.
- No cut-off clothing allowed.
- No diving.

- No pets allowed in pool area.
- No playing music that is excessively loud and nothing with profanity or inappropriate lyrics.
- No swimming allowed during heavy rain or when thunder and lightning can be seen or heard.
- Swimming pool is for Somersby residents only; all guests must be with a Somersby resident.  
**Residents are only allowed 4 (four) guests per household and said resident assumes liability for their guests.** Please be mindful that this could change due to COVID-19 restrictions or unforeseen circumstances.
- Gates shall be closed after entering and exiting the swimming pool area. Do not let anyone through the gate that is not with you or loan your pool card to another person. **This will result in your pool privileges being revoked.** Damage caused by those you let in the gate will be your responsibility.
- The pool is maintained by a licensed Certified Pool Operator. In the event that the pool must be closed, all signage must be adhered to or access to the pool will be **revoked for a minimum of 30 days.**
- Penalties for all other violations of these rules are as follows:
  - 1st Violation – Warning
  - 2nd Violation - \$250 fine & 30 day suspension
  - 3<sup>rd</sup> Violation - \$250 Fine and suspension for remainder of year

**ANTENNAS AND SATELLITE DISHES-** Satellite dishes are limited to 18” in diameter and 1 dish per home site. They are encouraged to be placed on the back or sides of home if possible. All antennas and satellite dishes must be mounted on the roof.

**ARCHITECTURAL CHANGES-** All exterior changes to the home and property must be approved by the Homeowner’s Association Architectural Review Board (ARB).

**BASKETBALL HOOPS AND BACKBOARDS-** Only temporary portable basketball hoops are acceptable but must be placed in such a manner that they do not block sidewalks or streets. Temporary portable basketball hoops do not require the ARB’s approval but must be removed and stored from sight from the street after use and must only be used on the homeowner’s property. All other recreational equipment must be approved by the ARB.

**BIRDHOUSE OR BIRD FEEDER-** Birdhouses and birdfeeders are generally acceptable when installed in the backyard. Any other location will require approval of the ARB.

**CARPORTS AND STRUCTURES-** No structure, tent, shack, carport, garage, barn, or other outbuilding shall be erected by the Owner, on any portion of the Property, at any time, either temporarily or permanently.

**CLOTHES LINES-** Clothes lines are not permitted.

**DECKS, PATIOS, SCREENED PORCHES AND COVERS-** All decks, patios, screened porches, and covers will require approval from the ARB. Dimensions of the options with materials, colors, and specifications must be submitted with the plans for ARB approval. Decks and patios must be natural in color. Deck should not extend past the width of the house and should be no more than fifteen feet in depth.

**DISPOSAL OF WASTE:** Disposing of yard debris, waste, bulk items, fire pit ashes, etc. in common areas is prohibited.

**DOG HOUSES-** Dog houses meeting the following guidelines will not require approval. Dog houses are restricted to 16 square feet and must be located in a fenced backyard. Dog houses must be installed at ground level and must not be visible above the fence or from any public or private street. Dogs may not be tethered unattended.

**DRAINAGE DEVICES-** All drainage devices must be approved in writing by the ARB. Any modification impeding the flow of water is prohibited. Each owner shall maintain the grading upon his or her lot. A change in any drainage pattern must be approved by the ARB.

**FENCES-** All fencing (which includes but is not limited to: height, location, color, material, style) **MUST** be approved by the ARB. For further specifics, please refer to the ARB application and guidelines.

**FLAGS/FLAGPOLES/GARDEN FLAGS\*** - Flagpoles that are freestanding are prohibited. Flagpoles attached to the front of the house do not require approval as long as the length of the pole does not exceed six feet. Each home is limited to two (2) flags located on the front of the house. In addition, a maximum of two (2) garden flags are permitted in the front yard landscaping. Collegiate, professional sports, military, seasonal, monograms/family initials, and country flags are permitted. Flags shall not be tattered or faded. Flags must not contain profanity, hate speech, or offensive content.

**FLOWER BOXES ON WINDOWS-** Window flower boxes that are the same base color of the house or trim color are permitted. All others need approval from the ARB. Flower boxes may not contain artificial flowers.

**FOUNTAINS/ PONDS-** Fountains and ponds of any kind will not be allowed in the front yard unless approval is received from the ARB. Approved items must be maintained in appearance and functionality.

**HOME BUSINESSES-** Home business occupations are permitted provided such businesses are undetectable from the street by sight, sound, odor, or noise. The following must also apply. 1) The business shall operate in its entirety within the dwelling unit and only by the person residing in the dwelling. 2) The business shall not have a separate entrance. 3) The operator shall not display any external evidence of the operation of the home business. 4) The business shall not exclusively utilize more than 20% of the gross square floor area or 300 square feet, whichever is less. A garage shall not be utilized for, or in conjunction with a home business. 5) The home business shall clearly be incidental and secondary to the use of the dwelling or of the neighborhood by excessive noise, lights, traffic, or other disturbances. 6) A business license must be acquired if it is required by the city/county and the business must meet zoning and business regulations.

**HOME BUSINESS PARKING:** The parking of commercial vehicles in a driveway or an unenclosed garage is only authorized by ARB approval. "The term "commercial vehicles" includes all automobiles and pickup trucks, which weigh less than 10,000 lbs and have no more than (2) axels, and bear signs or have printed thereon any reference to any business undertaking or enterprise. Only one vehicle is authorized, however an ARB must be submitted. Vehicles exceeding (2) axels and/or 10,001 lbs are not authorized to be parked. The parking of vehicles exceeding 10,000lbs (Tractors & Straight Trucks ) in any driveway or common parking area is strictly prohibited. Requests for exemptions may be submitted to the HOA Board for review and will be decided on a case-by-case basis.

**HOLIDAY DECORATIONS-** Consideration of neighbors should be exercised when decorating for any occasion. All holiday decorations should be considered temporary and may not be installed prior to forty-five days before the holiday and must be removed within fifteen days after the holiday/celebration. Decorations may not include any audio that can be heard beyond the limits of the lot.

**HOUSE NUMBERS-** House numbers as installed by the builder must be maintained. No alternatives allowed without ARB approval.

**LANDSCAPING, TREE REMOVAL, VEGETABLE GARDENS-** All landscaping must be approved by the ARB in advance of installation. Eighty percent of the lot area, exclusive of the portion occupied by the house and original driveway, shall be covered with live vegetation cover. Gravel, mulch, and similar materials shall not be considered live vegetation. No artificial plants or flowers shall be part of the landscaping. Each owner shall use his or her best efforts to keep and maintain attractive, healthy, live, and growing conditions, any and all grass, shrubs, trees etc. Dead or dying trees or shrubs must be replaced with like or similar options.

**LIGHTING-** Removal of existing lighting installed by the builder is prohibited without approval from the ARB. Additional lighting installed must be approved by the ARB. Any and all exterior lighting installed on the lot shall

either be indirect or shall be of such controlled focus and intensity that it will not unreasonably disturb the neighbors or neighboring lots.

**MAILBOXES-** House numbers may be placed on the mailbox without approval. Mailboxes must be maintained and repainted when needed, with black semi-gloss or gloss paint, by the owner. Mailbox covers and/or décor must be approved by the ARB. Proper maintenance of mailboxes shall include the following: the pine cone ornament at the top, the scrollwork under the mailbox, a red flag attached properly, and no visible rust.

**PAINTING-** ARB approval is required for the repainting of any house when the color differs from the original color. A sample paint swatch must be submitted with the request. The ARB may require that a sample area is painted with new color and trim before approval is granted.

**PATIO FURNITURE-** All patio furniture in the front or on the side of home must have ARB approval. Patio furniture must not be in landscaped or grass areas. Wood and/or wrought iron are encouraged.

**PETS-** No non-domesticated animals, livestock, or poultry of any kind shall be raised, bred, boarded, or kept on any site. No animal of any kind shall be permitted to remain on the property that is found by the ARB to make an unreasonable amount of noise or odor. Each owner shall be financially responsible and liable for any damage caused by their pet. All local ordinances concerning pets must be obeyed at all times. No pets are allowed in any amenity area. All cats or dogs over three months must be vaccinated for rabies annually. All pet owners must clean up promptly after their pet(s) and dispose of the waste in suitable containers. All dogs shall be leashed at all times and shall not be allowed to roam free in the neighborhood. Pets may not be tethered unattended per Chatham County Ordinance.

**POOLS-** ARB approval is required before a pool is installed. In-ground and above-ground pools are now permitted. Pool enclosures require ARB approval.

**PONDS, LAKES, MARSHES, AND BODIES OF WATER-** All boats, rafts, or sailing craft are expressly prohibited. All ponds, lakes, and bodies of water are declared “no swimming” areas. Due to slippery banks and muddy shores, parents/guardians are required to maintain constant supervision of their children. The natural area of ponds should not be disturbed.

**RECREATIONAL EQUIPMENT-** All permanently installed exterior recreational equipment including play yards (swing sets, slides, tree houses, trampolines, etc.) must have the ARB approval. The maximum height of the equipment shall not exceed 12’ for swing sets and 14’ for trampolines, with the exception of the community amenity area. The homeowner must have a fence prior to equipment being installed. No equipment installed for children’s recreational use shall be installed or placed within the front or side yard of any lot or in any easement or common area adjacent to a lot.

**RESIDENTIAL STRUCTURES-** No residential accessory structures are permitted, and all expansions/additions must be approved by the ARB. It is the responsibility of the homeowner, or their contractor, to obtain a building permit from the appropriate municipality prior to any building.

**ROOFS/ROOF VENTS AND SHINGLES-** All roof vents shall be painted a color to match the color of the roof. Roof shingles, if replaced, must be the same color and style as the shingles replaced unless otherwise approved by the ARB. Installation of solar panels must be approved by the ARB.

**SECURITY DOORS, STORM DOORS, SECURITY SYSTEMS-** High quality, full panel glass doors, decorative wrought iron doors, or decorative aluminum doors may be installed if approved by the ARB. Any other door, any enclosure, or change of the original builder’s design requires ARB approval. Doorbell cameras will be permitted without ARB approval provided they appear professionally installed. All other security systems or measures which are installed on the exterior of the house require the ARB approval.

**SHEDS-** Each lot is allowed one (1) shed, measuring no more than 10’ in height, 10’ in width, and 10’ feet in length. Shed installation requires ARB approval. All shed installation requests require specifics on the shed,

including pictures, descriptions, and dimensions before approval. Sheds require the yard to be fenced and shed is to be maintained as not to become a nuisance or eyesore.

**SHUTTERS-** Exterior shutters on windows need ARB approval. Shutters must match or accent the house trim color and be consistent with other homes in the community. Shutters must be maintained and should be replaced if damaged.

**SIDING-** Any replacement siding requires ARB approval.

**SIGNS-** Residents are permitted to display 1 professionally painted "For Rent," "For Sale" or "Open House" sign no larger than 6 square feet. Builder lot signs are permitted. Political signs may be placed in your yard as part of your first amendment right. However, in order to protect the aesthetic harmony of the neighborhood, only one (1) political sign not more than 6 square feet is permitted to be placed in the front yard (as defined above) two (2) weeks prior to the election date. The sign must be removed within 3 days after the election. Except for security alarm systems, all other commercial and advertising signs, including signs of contractors performing work at residence, are prohibited. Placement of signs and notices on fences, trees, and other objects are prohibited. The HOA reserves the right to periodically place signs in the common space for the benefit of the community. Such signs include but are not limited to informational signs and warning signs.

**SPAS/HOT TUBS-** Spas/hot tubs must be approved by the ARB. The equipment must be located in such a way that it is not immediately visible to adjacent property owners, i.e., hidden by fence, shrubs, etc.

**TRASH CONTAINERS, RECYCLE BINS, AND ENCLOSURES-** No refuse, garbage, trash, lumber, grass, shrub, tree clippings, plant waste, compost, metal, bulk materials, scrap, or debris of any kind shall be kept, stored, or allowed to accumulate on any site except within an enclosed structure or appropriately screened from view. All trash receptacles and/or yard waste to be emptied must be placed at curb and removed from curb within 24 hours. Items placed out for collection must be secured such that animals cannot get into trash that litter is caused. Trash and recycle containers shall be stored and placed so that they are not visible from the street. Refer to Service Yards in ARB Guidelines.

**VANDALISM-** Any vandal destroying Common Area amenities within the community will be prosecuted to the fullest extent of the law. Owners are responsible for any vandalism committed by their family members, invitees, and guests and shall be subject to cost for repairs and a fine equal to the cost of repairs to reimburse the association. In addition, if a reward is paid for information leading to an arrest, that reward must also be reimbursed.

**VEHICLES-** All vehicles (including but not limited to cars, SUVs, trucks, and/or vans) belonging to a property owner, their household, tenants, and employees must be parked in the garages or driveway areas provided on each lot. Vehicles may not be parked in landscaped areas. Vehicles may not be parked in the street. Overnight street parking is strictly prohibited between the hours of 9:00pm and 6:00am. The parking of semi tractors and/or semi trailers, boats, buses, trailers, motor homes, or any other recreational vehicle is prohibited on the properties. No disabled vehicle shall be parked on the properties for more than 24 hours. Discharge from any engines, motors, drive trains, and holding tanks shall not be allowed into the street, storm drain, or sanitary sewer storm drain. Vehicles cannot be maintained, repaired, serviced, rebuilt, or dismantled on any lot except within the confines of the garage. This does not prevent a vehicle from being washed or waxed in the driveway of any lot.

The objective is to prevent property owners, their households, tenants, employees, guests, licensees, and invitees from creating a nuisance and potential public safety issues to adjacent neighbors and/or to negatively impact property values throughout the Community.

Exemptions from the parking restrictions may be granted by the Board in certain situations. (e.g., short-term renovation/maintenance projects of existing homes, additional overnight guest/visitors, certified care givers, emergency response vehicles, law enforcement vehicles, etc). Requests for exemptions may be submitted to the HOA Board for review and will be decided on a case-by-case basis; all exemptions must be requested in advance. The decision of the HOA Board will be documented for enforcement. (update 11.28.23)

**WATER FILTRATION SYSTEMS-** Water filtrations systems must be at the back of the house and out of your neighbor's view.

**WELLS-** No wells are permitted. This does not prevent the Association from keeping a well for landscape purposes.

**WEATHERVANES-** ARB approval is required for any weathervane.

**WINDOWS-** ARB approval is required for the replacement of all windows not originally installed by the builder.

**WOOD STORAGE-** Stored firewood must be neatly stacked, below the fence line, or not visible from any public or private street. Wood storage must not be located in an area so as to block any existing drainage pattern on the lot.

**YARD SALES-** Community Yard Sales will be permitted 4 times per year. The dates and times will be posted on the HOA website [www.somersbyhoa.com](http://www.somersbyhoa.com). During the posted date/time the Homeowners will be permitted to have yard sale signs on their property and at the front of the community. Yard Sale signs may be displayed 24 hours before the sale and must be removed within 1 hour after the sale ending time. If a Homeowner has a yard sale on a date other than an approved community Yard Sale date, they will be fined \$100 on the first offense and \$175 on every subsequent offense.

**ENFORCEMENT OF RULES-** All Association Rules and Regulations and all rules set forth in the Community Covenants and Restrictions shall be vigorously enforced by the Association, its members, the HOA Board, and the Managing Agent, and all committees of the Association. The managing agent will do periodic inspections of the community and record violations to be reviewed by the HOA Board. Homeowners shall be notified in writing of the alleged violation and said violation must be corrected immediately unless additional time is given according to the violation notice. Violations must be amended and maintained to avoid additional violations for an offense of the same type. Immediate correction of any violation does not relieve the owner of a fine incurred. Fines will be assessed according to the structure below.

Owner's voting rights and rights to the use of recreational facilities by the Owner, Owner's family, tenants, and guests may be suspended or limited in addition to fines being levied.

*First Offense:* Written letter of warning. Notice to homeowner explaining nature of alleged violation.

*Second Offense:* \$150.00 fine for repeat violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit.

*Third Offense and Subsequent Notice of Violation:* The HOA may choose to fix or repair the problem at the owner's expense, (*according to our Covenants, Article VII, Section 2*), or impose a \$225.00 fine for a repeat violation, to be added as additional HOA fees. Unpaid fines are collectible in the same manner as unpaid monthly assessments and may result in a lien on an owner's unit.

After receiving the first violation, if a Homeowner feels that they are not in violation as described, they must contact the HOA immediately. If an agreement cannot be met at that time, the Homeowner may request the opportunity to be heard at the next scheduled meeting of the board at which time the board will determine if the Homeowner was in violation as described in the rules and regulations.

Owners may be required to remove any exterior addition or change (*at their expense*) which did not receive ARB approval.

A violation by a rental tenant or guest shall be treated as a violation by the homeowner. The owner shall receive the letters cited above which shall outline a complaint for a rules violation committed by their resident.

Rules and Regulations may be amended, repealed, and adopted from time to time by the board of directors. Proposed amendments may be published, but are not required to be published, on the Community website, [www.somersbyhoa.com](http://www.somersbyhoa.com).

If you have any questions or are in need of assistance, please email [somersbyhoaboard@gmail.com](mailto:somersbyhoaboard@gmail.com) and the board will be happy to assist you.