

Somerset at Henderson Village Homeowners' Association, Inc

Rules & Regulations

*Note: These Rules and Regulations have been duly adopted by the **Somerset at Henderson Village Homeowners' Association, Inc (SAHV)** as of the date shown below in the footer. They apply to all SAHV members and their respective guests.*



Questions or concerns about these Rules and Regulations can be addressed to the SAHV's Management Company, Integrity Association Management Group at (770) 886-7577 or at the website <https://somersetathendersonvillage.org/>

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I. Introduction

Somerset at Henderson Village Homeowners' Association (SAHV) is governed by a records Declaration and Bylaws. The purpose of these documents is to maintain the attractive, peaceful quality of the neighborhood and to preserve property values.

In order to provide more specific guidelines to Somerset residents, the following Rules & Regulations have been adopted by the Board of Directors ("Board"), pursuant to the authority granted to it in Article V, Section 1 of the Bylaws to promulgate, modify, delete and enforce reasonable rules and regulations and use restrictions governing the use of the Properties, and the Common Area and Facilities thereon.

A copy of the SAHV's governing documents, which include the Declaration, Bylaws, and the Rules & Regulations governing the community are available on the community website <https://somersetathendersonvillage.org/>. These Rules & Regulations are intended as a supplement to the Declaration, not a replacement. All provisions of the Declaration not referenced in this document remain in full effect and must be adhered to by all Owners and guests. In the event of any conflict between the Declaration and the Rules & Regulations, the Declaration shall control. It is the responsibility of each Owner to make their guests aware of the restrictions within the Governing Documents. However, it is the Owner, as a member of SAHV, who remains responsible for the conduct of guests.

The Board establishes and enforces these Rules & Regulations, manages the financial affairs of SAHV, and oversees the operation and maintenance of the SAHV Facilities and the Common Area.

This document may be changed by the Board periodically as needed for clarification, amendments, and updates to maintain compliance with governmental regulation changes, or for the addition or removal of specific rules or regulations.

In addition to the Declaration, Bylaws, and these Rules & Regulations, all Owners should remember that they are required to comply with all Federal, State, Fulton County and City of Alpharetta Laws, Codes and Ordinances.

II. Landscaping and Exterior Maintenance Standards

A. Landscaping

1. Lawns are to be maintained in a uniform and consistent manner and appearance. Grassed areas should be fertilized, weeded and watered such that it is uniformly green throughout the growing season and cut and maintained to a length of no more than 5 inches. During all seasons, including the dormant season, the lawn should be free of weeds and non-grass plants.
2. Lawns should be edged and may not overlay any concrete surfaces on the property (curbs, sidewalks driveways, porches or patios) or mulched areas or gardens.
3. Mulched areas and gardens should be kept free of weeds and wild brush. Weeds should be controlled on all lot exterior surfaces, including the lawn itself, using proper herbicides.
4. Dead or burnt lawn areas should be replaced with sod consistent with the surrounding grass in the yard, in all front and side areas visible from the street(s) abutting such lot.
5. Bare soil is not permitted, except in active planting beds or cultivated gardens. All lawn space should be covered with vegetation or mulch. Mulch should be replaced at least annually to maintain (with the potential exception of the fall leaf drop), a generally consistent and aesthetically pleasing appearance, using pine straw, pine bark nuggets, or other commonly used and aesthetically pleasing mulches.
6. Shrubs, bushes, and plants should be maintained and pruned as necessary in a manner that is appropriate and customary for that specific plant material.
7. Shrubs, bushes and trees planted along building foundations and in front of window should be pruned such that no more than the lower 1/3 of the window glass area is blocked by such vegetation and no such vegetation reaches the eaves of any home.
8. No vines shall be permitted to grow up trees or shrubbery.
9. Dead trees, shrubs or other plant materials should be removed as soon as reasonably practical and for any trees or large shrubs removed for whatever reason, all stumps must be removed or ground to below the level of the yard and covered as appropriate with soil and vegetation or mulch. A permit from the City of Alpharetta is required to remove a tree (treepermits@alpharetta.ga.us).
10. All concrete surfaces (sidewalks, driveways, steps, or porches) should be cleaned as reasonably necessary to remove mold, mildew and other organic growth.
11. Lawn and Landscaping Maintenance Standards shall generally pertain to all exterior surfaces that are visible from the street.
12. Dumping of yard waste into forested areas and adjacent properties is forbidden and unlawful.
13. Planting of invasive species, e.g., bamboo, is not permitted.

14. No berms or beds may divert the natural flow of water on adjoining properties.
15. Vegetable gardens and other food-bearing plants are only permitted in back yard away from street view.

B. Exterior Maintenance

1. Lot exteriors should be maintained in an orderly and attractive appearance.
2. No outdoor storage or equipment or materials, garbage cans, garden tools or supplies, empty or unused flower pots or planters, shall be visible from any street(s) abutting any lot, except that which is of a temporary nature and specific to an on-going improvement project.
3. All improvements including, but not limited to homes, fences, retaining walls, driveways, and sidewalks must be maintained in good condition and not in need of any visible repair.
4. Surfaces which are painted or stained should be well painted or stained. Improvements should be free of any stains, mildew, organic growth, rotten wood, or loose or ill-fitting elements.
5. Windows should not be broken or cracked, or otherwise in disrepair. Roof should have no loose or missing shingles, mold or mildew.
6. Gutters should be cleaned of debris.
7. Fences should be in good condition with no rust, broken pickets, or in need of repair.

III. Architectural Standards

A. Approved Colors of Residences

1. Siding and trim colors must be complementary.
2. Roof color and texture must be complementary.

B. Permitted Structures

1. All structures must be approved in writing by the Board / Architectural Control Committee (ACC) before installation on any lot. unauthorized construction, improvements or alterations are subject to enforcement action as outlined by the Declaration and may result in fines, and any costs incurred by the SAHV, being levied against the Lot and its Owner.
2. The following structures will be permitted, provided they are installed after written approval and in compliance with all stipulations herein.
3. Basketball/Sporting/Play
 - a) Opaque basketball goal backboards may be permanently installed only after written approval from each neighbor who can see the proposed location for the goal from inside his or her dwelling.
 - b) Opaque basketball goal backboards may be mounted on the side or rear face of the house, or over the garage door.
 - c) Clear basketball goal backboards may be permanently installed on a black pole at the edge of the driveway, or over the garage door.

- d) All pole-mounted backboards (clear or opaque) shall be installed no more than 18 inches from the edge of the driveway, with the front of the goal facing the driveway.
 - e) All pole-mounted backboards (clear or opaque) shall be installed nearer to the door of the garage than to the face of the house (no more than halfway to the face of the house from the garage).
 - f) No basketball goal of any kind shall be mounted on the front face of a house or nearer to the street than the front face of the house.
 - g) No basketball backboard may exceed 'regulation' size.
 - h) Portable basketball hoops are not to be kept in the street and are subject to disposal.
 - i) Portable basketball hoops maintained in good condition may also be stored on the driveway of an owner's lot at least ten (10') feet from the street or stored in back of the house when not in use.
4. Netting equipment for other sports (hockey or lacrosse) may also be stored in the back of the house when not in use. All sporting equipment must be maintained in good condition at all times. Any netting equipment left in the street is subject to disposal.
5. Bicycles, tricycles, skateboards, other wheeled vehicles, toys, bicycle or skateboard jumps, and any other portable recreational property must be stored out of public view by dusk each day. Owners are responsible to Somerset Henderson Village homeowners and neighboring property owners for any damage to common areas and/or neighboring properties that might result from the actions of their children or guests.
6. Playsets, Swing Sets, and Trampolines
- a) All playsets and swing sets must be made of treated lumber or have a 'never rust' coating.
 - b) Playsets, swing sets, and trampolines shall not be installed nearer to the street than the front face of the house.
 - c) Playsets, swing sets, and trampolines, which are visible from the street, shall be screened with landscaping or fencing, as stipulated by the ACC.
 - d) Playsets, swing sets, and trampolines must be maintained in safe, operable, and attractive condition.
7. Gazebos/Pergolas
- a) Must be constructed of Redwood, Cypress, or similar natural wood.
 - b) Dark stain is preferred.
 - c) An approved Alpharetta building permit may be required.
 - d) Utility connections must meet all applicable standards.
 - e) Cannot be visible from street.
8. Hot Tubs
- a) Must be roofed.
 - b) Must be screened with plantings and/or fencing to avoid noise and site pollution to the adjoining properties.

c) Cannot be visible from street

9. Raised Decks

a) Must NOT be attached any higher than the front entrance floor of the house.

b) An Alpharetta building permit is required for decks that are raised 18 inches or more above the ground.

c) Materials must not rot for 10 or more years.

10. Tool Sheds

a) May NOT be seen from the street. Must be made of non-rusting material.

b) Property must be fenced with approved vision blocking fencing. Shed roof may not exceed the height of the fence.

c) Cannot be visible from street.

11. Addition to Dwellings

a) An approved Alpharetta building permit is required.

b) Must attach to the dwelling by at least 50% of the short dimension.

c) Exterior proportions, roof pitch, materials, textures, and colors must match the existing dwelling.

12. Play Houses

a) May NOT be seen from the street.

b) Must be made of non-rusting material.

c) Property must be fenced with approved vision blocking fencing.

d) Roof may not exceed the height of the fence.

C. Prohibited Structures

1. Any structure specifically prohibited by the Declaration of Covenants. Any structure which is NOT specifically listed under Permitted Structures. Examples of prohibited structure are as follows:

2. Detached garages

3. Lawn buildings other than Tool Sheds

4. Above ground swimming pools

5. Tree houses, if visible from the street

D. Temporary Structures

1. No structure of a temporary character, including, without limitation, any trailer, tent, shack, garage or other structure, shall be permitted on any Lot at any time, whether temporarily or permanently, except with the prior written consent of the Board. Structures existing solely for events lasting less than twelve (12) hours, such as rain covers for block parties, are permitted but must be removed within twelve (12) hours after the event.

2. Portable storage containers, such as "PODS", construction dumpsters or construction trailers, are prohibited from being placed or kept on a property unless previously approved in writing by the Board. Requests must be made in writing and approved in writing prior to the placement of any container on a Property. If approved, the container must be placed in the driveway of a property. PODS may remain on a property ten (10) consecutive days unless the Board approves a longer time in writing.

E. Mail Boxes

1. Each Owner is required to maintain their mailbox, street number, and post such that it is free of visible rust or damage and in proper working condition.

2. Posts are to be in an upright position such that the mailbox is as perpendicular with the surrounding surface as possible. Posts that are damaged, leaning, or rusted; mailboxes that are damaged, rusted, discolored, or loose; or house numbers that are missing, peeling, of incorrect size or style (significantly different from neighboring homes), or damaged are classified as un-acceptable and constitute a violation.

3. Plants around mailboxes shall be maintained such that they do not obscure the address number.

IV. Residential Use Restrictions

A. A property shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a residence except for a business that has obtained an Occupational Tax Certificate for a business operated from a residence in the City of Alpharetta and meets all of the qualifications and conditions as outlined on the Business License Application for a Homebased Business. For more information see the City of Alpharetta's website at www.alpharetta.ga.us. No trade or business of any kind may be conducted in or from the common areas without approval from the Board.

B. The terms "business" and "trade," as used in this Section, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is therefore required.

C. Renting of property, both short-term, e.g., Airbnb, and long-term, is prohibited, pursuant to Restrictive Covenant, excluding "Grandfathered" properties.

V. Noise, Nuisance, and Pet Feces

A. To keep or harbor any pet, which habitually barks, howls, or yelps, or habitually cries or howls, to the substantial discomfort of the peace and quiet of any residential area, or in such manner as to materially annoy or disturb reasonable persons in a residential area who are of normal sensitivities is prohibited. Such pets are considered to be a public nuisance.

B. Excessive noise may be reported to the Alpharetta Police Department. The City of Alpharetta's noise ordinance (Chapter 13, Article II, Sec. 13-20 – 13-27 of the General Ordinances of the City of Alpharetta), as amended from time to time, must be obeyed at all times and can be found at <http://www.alpharetta.ga.us>.

1. No owner or occupant shall allow the accumulation of any matter that creates or emits an unpleasant odor including, but not limited to, trash, yard waste, dog feces, etc.
2. Pet feces are considered litter.
3. All pet feces on the common area or on any property must be removed promptly by the owner of the pet or the person responsible for the pet.
4. Feces left by pets on the common area, either on the ground or collected in a container and left on the ground is considered littering.
5. Any owner or guest who has a pet who defecates on another property or common area is required to properly remove such defecation. Any bagging of such defecation must also be removed from the property or common area.

VI. Parking Restrictions

A. Parking of a vehicle shall be in the garage or on the property driveway. Vehicles parked on the driveway shall be maintained such that they are contained entirely within the driveway without encroaching upon any adjacent yard area, sidewalk or street.

B. Disabled vehicles are prohibited from being parked anywhere except in garages. A vehicle shall be considered "disabled" if it does not have a current license tag, is wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

C. Watercraft, trailers, buses, trucks, vans (excluding mini-vans and sport utility vehicles used as passenger vehicles), recreational vehicles (RVs and motor homes), or vehicles used primarily for commercial purposes are also prohibited from being parked on a property, except (1) in garages or (2) in the case of service vehicles, on a temporary basis during daytime business hours for the purpose of serving a residence. As per Alpharetta Ordinance Section 2.5.4, vehicles, as listed above, used primarily for commercial purposes shall not be regularly parked anywhere in either on a driveway or on the street, other than inside a closed garage.

1. The term "commercial purposes" as used in this section shall be construed to have the ordinary, generally accepted meaning, and shall include, without limitation, vehicles used to carriage persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

2. The term “service vehicle” as used in this section shall be construed to have the ordinary, generally accepted meaning, and shall include, without limitation, any vehicle used in the furtherance of repairing or maintaining of a residence or any personal property located on a residence.

D. Parking on the Facilities’ parking area is permitted for Owners, Outside Members, guests, and service vehicles between the hours of 6 a.m. to 11 p.m. when using the Facility, as posted. Any violation of this rule may result in the following:

1. The Board may place a notice on the vehicle specifying the nature of the violation and stating that after twenty-four (24) hours the vehicle may be towed at the expense of the owner. The notice shall include the name and telephone number of a person to contact regarding the alleged violation.

2. If twenty-four (24) hours after such notice is placed on the vehicle the violation continues or thereafter occurs again within six (6) months of such notice, the vehicle may be towed, at the owner’s expense, in accordance with the original notice and without further notice to the vehicle owner or user.

3. If a vehicle is towed in accordance with this Section, neither the SAHV, nor any director, officer nor agent of the SAHV shall be liable to any person for any claim of damage as a result of the towing activity. The SAHV’s right to tow is in addition to, and not in limitation of all other rights of the SAHV’S, including the right to assess fines.

4. Fines as shown in Section VIII, Violations and Fines, may be levied against the Owner.

5. An Owner demonstrating the need for an exception to this regulation, in the sole discretion of the Facilities Committee, may apply for an overnight parking permit for a variable duration. The Facilities Committee retains its option and right to evaluate each situation on a case-by-case basis. Overnight parking permit applications can be found at www.somersetathendersonvillage.org.

E. The roadways are publicly owned and maintained by the City of Alpharetta. Various City and State regulations, such as no parking in cul-de-sacs, within thirty (30) feet of a stop sign, twenty (20) feet of a crosswalk or fifteen (15) feet of a fire hydrant, not impeding traffic or emergency vehicles, etc. remain in effect. In the event that a resident observes a situation that raises safety or security concerns, he /she is encouraged to immediately report this directly to the police or fire department for immediate resolution at (678) 297-6300. Guests are to be advised by the resident to observe these regulations.

VII. Clubhouse, Gym, and Swimming Pool

A. The SAHV provides Owners and Outside Members in good standing with amenities that include a clubhouse, gym, swimming pool, tennis court, and outside cabana facilities. The Rules are to ensure the personal safety and enjoyment of the facilities and are not intended to limit or restrict their use. The Rules and Regulations for use of the gym and swimming pool are posted in prominent places, such as doors, gates and fencing at the facilities, may be amended, as deemed necessary. Owners who fail to abide by the posted Rules may be fined in accordance with Section VIII, Violations and Fines.

B. An Owner or Outside Member may be denied use of the facilities for the following reasons:

1. Delinquency in payment of dues and/or assessments.
2. History of negligence concerning the Rules and Regulations, or not in compliance with the Rules.

Other reasons deemed substantive by the Board.

VIII. Violations and Fines

A. Fines

1. Yes, owners can be warned or fined for violating the SAHV Rules and Regulations.
2. Most violations can be resolved with a friendly verbal or written reminder. When problems persist, the SAHV can issue a monetary fine.

B. Fine Amounts

1. The SAHV determines fine amounts and whether they're reasonable. Most SAHV fines start at around \$25 and increase to \$50 and \$100 if you don't pay or continue to violate the rule.
2. The type of violation also influences the fine amount. To encourage people to pick up after their dogs, for example, the SAHV may set higher fines of \$100 or more for this particular violation.

C. Fine Enforcement

1. The SAHV fine enforcement usually starts and ends with a warning. However, the SAHV has an escalation protocol for fines when responding to repeated violations.
2. People who are more familiar with the SAHV Rules and Regulations may receive a formal letter or phone call to correct any violations.
3. When the fine is given, the violation(s) should be quickly fixed and the fines paid. When fines aren't paid, additional fees may be added.