



Our Governing Documents



When we move into the community and visit the POA office for the first time, we are presented with a stack of papers which consists, among other things, of our governing documents. Although this information can seem overwhelming and daunting at first, you soon learn that these documents determine much of what you can and cannot do in a community that is restricted and controlled by our Covenants and the other documents which flow from those Covenants.

On the POA side, our governing documents include:

- **Covenants, Conditions & Restrictions**
- **By-Laws**
- **Rules and Regulations**
- **Architectural Review Board (ARB) Guidelines**

Under South Carolina law, these documents must be recorded and filed in Dorchester and Charleston Counties to be binding. That filing requirement includes not only the original documents themselves but also any amendments or modifications to them. All of our governing documents are posted on the POA side of the [Coosaw Creek website](#) for your convenience.

Frequently, the functions of these four sets of documents, and how they affect the community or individual residents, can be confusing. With this POA Newsletter, we seek to set forth the purpose of each document and how it fits into the overall scheme of governing our community.



Your Covenants are Coosaw's version of the United States Constitution. It is our founding document and contemplates the creation of all other governing documents that come after it, such as the By-Laws, Rules & Regulations and ARB Guidelines. The Covenants establish your rights as a resident to the property which you own, to the Club and its amenities and to the common areas of the community. It also covers the rights and obligations of the Property Owners' Association to its members and vice versa.

The Covenants cover the following legal issues:

- Property-use restrictions
- Clearly defined maintenance obligations for the POA and individual members
- Creation of rule enforcement and dispute resolution
- Assessment obligations (including special assessments, fines and penalties)
- Insurance obligations
- Creation of a wide variety of easements
- Creation of a mechanism for enforcements of our rules, regulations and guidelines, as well as due process for those who are charged with such violations



1. The Covenants govern both the Club and POA sides of the community.
2. An amendment of the Covenants requires a vote of three quarters (3/4) of the community at an annual or special meeting of the members.
3. The Covenants limit the ability of the POA Board to increase yearly POA assessments by more than 15% without a vote of the entire community. An increase of more than 15% requires a vote of two thirds (2/3) of the community at an annual or special meeting of the members
4. The POA Board does not have the power to impose a special assessment on its members. A special assessment requires the consent (by vote) of three quarters (3/4) of the community at an annual or special meeting of the members.



The purpose of the By-Laws is to set forth HOW the POA side of the community governs itself.

The By-Laws involve:

- Frequency of POA Board elections
- Process for nominating and electing new Board members
- Process for filling a Board vacancy when it occurs
- Number of Board Members who serve at any given time
- Length of Board member service terms
- Meeting frequency and quorum requirements
- Duties and responsibilities of Board members
- Creation of standing and ad hoc Committees to support the POA Board
- Requirement of Annual Meeting and Round Table Meetings
- Creation of mandatory binding arbitration as the exclusive means of resolving disputes between the POA and its members



1. The By-Laws were comprehensively revised in 2014 and passed with a vote of 232 in favor to 5 against.
2. The By-Laws can only be amended by a majority vote of the community at an annual or special meeting. The POA Board does not have the authority to change the By-Laws on its own.
3. The By-Laws set a strict limit on the amount of money the POA Board can spend on unbudgeted capital expenditures without a vote of the members. That spending limit is calculated at ten percent (10%) of the current annual assessment multiplied by the total number of members, or roughly 10% of the annual budget.
4. If a resident has a dispute with the POA, he or she cannot bring an action in a court but is restricted to mandatory binding arbitration.



The ARB Guidelines come into play in one of two ways:

- When an application for the construction of a new home is made
- When there is an application for additions, alterations or any changes to an existing home, structure or landscaping.

The ARB Guidelines state that no building, fence or other structure or landscaping element may be erected, placed or altered on a member's property until the proposed building plans, specifications, exterior color or finish, landscaping plan, site development, drainage easement and drainage plan and construction schedule shall have been approved in writing by the ARB.



1. The ARB consists of up to 9 volunteer members of the community many of whom have specialized knowledge and experience in areas relevant to their duties, including civil engineering, real estate, building construction and management and architectural design.
2. The number of ARB applications has increased significantly in the past year.
3. Many of the more recent ARB applications have involved tree removal, roof replacements, the installation of generators, fencing and drainage issues.
4. The ARB meets on the second and fourth Mondays of each month in the Clubhouse, and those who have pending applications are welcome to come and present their applications personally, although it is not usually necessary to do so.
5. The ARB's guidelines are implemented in accordance with the aesthetic standards of the community.
6. The ARB Guidelines can be amended by a majority vote of the POA Board. However, the initiative to change a rule generally originates with the ARB itself.



Rules & Regulations

Many of our rules and regulations are found within the Covenants themselves. However, the Covenants contemplate that a separate body of rules will be adopted and enforced which significantly expand upon those found within the Covenants.

The Covenants and By-Laws require that the Board of Directors adopt, publish, implement and enforce Rules & Regulations governing the use of lots, easement areas, open and common property and facilities, the conduct of the members, their families and guests and to establish penalties for any violations or infractions.

The Rules & Regulations cover a wide variety of community conduct and activities. These include but are not limited to:

- Boat, Trailer, RV and Truck Restrictions
- Exterior maintenance of buildings, grounds and yards
- Prohibition of Unsightly Conditions
- Trash, Debris and Garbage Collection
- Mailboxes
- Parking
- Motorcycles, ATV's and Go-Carts
- Private Golf Carts
- Speeding and Traffic Enforcement
- Commercial and Other Signs
- Offensive Activities and Noise Abatement
- Soliciting
- Dumping
- Animals
- Rental and Leasing Restrictions
- Garage and Yard Sales
- Commercial Storage Containers



1. The Rules & Regulations were comprehensively revised in 2015.
2. The Rules & Regulations can be amended by a majority vote of the POA Board. However, the initiative to change a rule generally originates with the Rules & Regulations Committee itself.
3. In early 2020, the POA Board created a Rules & Regulations Committee to enforce the rules that already exist and to recommend changes or amendments to such rules.
4. Our Rules & Regulations are enforced by a team of staff and volunteers, which include a Board member, more than 20 members of the community who volunteer, our property manager and office manager.