

2. **Validity and Enforceability.** If any current or future legal limitations affect the validity or enforceability of a provision of this Order, then the legal limitations are made a part of this Order and shall operate to amend this Order to the minimum extent necessary to bring this Order into conformity with the requirements of the limitations, and as so modified, this Order shall continue in full force and effect.
- H. **Headings.** The headings at the beginning of the various provisions of this Order have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Order.
- I. **Receipt by Land Office.** Various provisions in this Plan refer to receipt by or of the General Land Office or Commissioner. Receipt by the General Land Office or Commissioner means the actual date of receipt by the General Land Office or the second business day after the date of deposit into a United States postal receptacle of the mailing, properly addressed to the General Land Office with proper postage affixed, whichever is earlier.

X. SIGNS INDICATING REGULATIONS

- A. **Authorization to County Engineer and Road and Bridge.** As soon as reasonably possible after the passage of this Order, the County Engineer is authorized to design traffic regulation and speed limit signs indicating the regulations prescribed in this Order. The Road and Bridge Department is authorized to construct and install the traffic regulation and speed limit signs. Such signs must be in compliance with the current provisions of the Texas Manual on Traffic Control Devices for Streets and Highways, stating the applicable speed limits and motor vehicle traffic regulations or prohibitions.
- B. **Uniform bilingual beach access sign.** The GLO will, in conjunction with the State Department of Highways and Public Transportation, design and produce a uniform bilingual beach access sign to be used by Galveston County to designate access ways to and from public beaches.
- C. **Placement.** Upon the receipt of such signs, the Road and Bridge Department shall place sufficient signs at each public beach access point within the jurisdiction of Galveston County to insure adequate public notice of such access point.
- D. **Request for placement.** Galveston County may provide, at the request of littoral landowners, appropriate signing allowing for the protection of the ecological function of barrier island features. These signs include, but are not limited to, dune reconstruction areas.

XI. ENFORCEMENT

- A. **Generally**
 1. Any county attorney, district attorney, criminal district attorney, other attorney at the request of the Commissioners Court, or the attorney general at the request of the Commissioner, shall file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or

injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this Order.

2. In the same suit, the county attorney, district attorney, criminal district attorney, other attorney acting at the request of the Commissioners' Court, attorney general, or the Commissioner may recover penalties and the costs of removing any improvement, obstruction, barrier, or other encroachment if it is removed by public authorities pursuant to an order of the court.
3. A person who violates this Order, unless other penalties are herein specified, is liable for a civil penalty of not less than \$50.00 nor more than \$1,000.00. Each day the violation occurs or continues is a separate violation. Please also see Section VII, Civil Penalties, of this Order.
4. Any county attorney, criminal district attorney, other attorney at the request of the Commissioners Court, or the attorney general at the request of the Commissioner, may bring a suit for a declaratory judgment to try any issue affecting the public's right of access to or use of the public beach.

B. Authority of Peace Officer. The portions of this Plan designated as an offense are enforceable by any authorized peace officer within Galveston County, Texas.

XII. REPEAL OF CONFLICTING ORDERS

All orders and resolutions of the Commissioners' Court heretofore enacted that are in conflict herewith are repealed. The Commissioners' Court order adopting the prior dune protection and beach access plan entered August 16, 1993 recorded in volume 300-14, pages 1156-1234 is repealed.

XIII. DEFINITIONS

The following words and terms, when used in this Order, shall have the following meanings, unless the context clearly indicates otherwise.

Affect - As used in this Order regarding dunes, dune vegetation, and the public beach, "affect" means to produce an effect upon dunes, dune vegetation, or public beach use and access.

Amenities - Any nonhabitable major structure including swimming pools, bathhouses, detached garages, cabanas, pipelines, piers, canals, lakes, ditches, artificial runoff channels and other water retention structures, roads, streets, highways, parking areas and other paved areas (exceeding 144 square feet in area), underground storage tanks, and similar structures.

Applicant - Any person applying to Galveston County for a permit and/or certificate for any construction or development plan.

Attorney General (AG) or Office of the Attorney General (OAG) - Attorney General of the State of Texas.

Backdunes - The dunes located landward of the foredune ridge which are usually well vegetated but may also be unvegetated and migratory. These dunes supply sediment to the beach after the