

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All orders and resolutions of the Commissioners' Court heretofore enacted that are in conflict herewith are repealed.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the prior dune protection and beach access plan entered August 16, 1993 recorded in volume 300-14, pages 1156-1234 is repealed.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