


June 7, 2011

The following documents titled Unlicensed Vehicle Usage were approved in the open board meeting held today as a refinement/further definition to the Golf Cart Policy. Please go to the Open Board Meeting Minutes dated June 7, 2011 for reference.

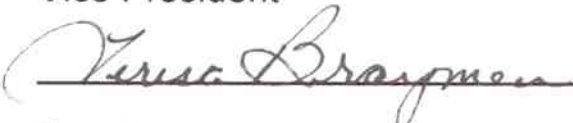
These documents should not be destroyed or removed from this policy.

  
\_\_\_\_\_


President

  
\_\_\_\_\_

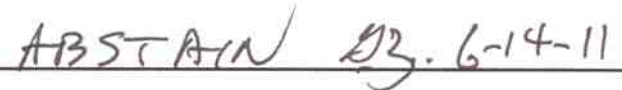
Vice President

  
\_\_\_\_\_

Secretary

  
\_\_\_\_\_

Treasurer

  
\_\_\_\_\_

Member at Large

# Unlicensed Vehicle Usage

Unlicensed vehicles which are acceptable on the streets of Grand Harbor will be registered in the Grand Harbor Property Owners Association Office within thirty days of purchase or moving into the community and within thirty days from the adoption of this resolution. A photograph of the vehicle must be presented to the office when registering the vehicle along with valid proof of residency and state issued driver's license. A registration sticker will not be given to residents without these items. The sticker must be adhered to the front left side of the vehicle so that it is visible. If for any reason, the owner decides to sell the unlicensed vehicle or moves out of the community, this decal MUST be removed and returned to Grand Harbor P.O.A.

Acceptable unlicensed vehicles are any of the following:

- ROV
- UTV
- TUV
- Golf Cart

Anyone driving an unlicensed vehicle needs either a state issued driver's permit or a driver's license to drive. Anyone driving with a state issued driver's permit needs a state driver's licensed adult with them.

Unlicensed vehicles must follow all posted traffic signs (stop signs, speed limits, etc.) within the community. They are permitted on the registered resident personal property and paved roads only. Unlicensed vehicles are permitted to drive at night if they have two front headlights and two back tail lights turned; otherwise they are prohibited from being driven at night.

ATV's, Go Carts, and Off Road Motorcycles are strictly prohibited anywhere, paved roads or dirt roads, in Grand Harbor/Harbor Side community. These vehicles may be driven during POA approved events where permitted by the event chairperson with prior approval. Any vehicle driven in an event must be registered with the POA prior to the event and the event chairperson is responsible for insuring that these vehicles are registered.

Grand Harbor and Harbor Side Property Owners Association recognizes the definitions of unlicensed vehicles as listed in this policy.

It is considered a deed violation if anyone driving an unlicensed vehicle that

- is not permitted in the community,
- is not following the posted traffic signs,
- is not registered with Grand Harbor Property Owner Association,
- does not have the Grand Harbor Property Owner Association registration sticker adhered to the unlicensed vehicle while in use,
- is non-licensed/permitted driver in the State of Texas.

## Definitions of Unlicensed Vehicles are:

A vehicle is classified as an ATV if it:

- has a saddle seat,
- has three or more wheels,
- is designed for off-highway use, and
- is not designed by the manufacturer for farm or lawn care.



A ROV is a motor vehicle that is equipped with:

- a non-straddle seat for the use of the rider (and passenger),
- is designed to propel itself with four or more tires in contact with the ground,
- and is designed by the manufacturer for off-highway use
- is not designed by the manufacturer for farm or lawn care.



A UTV or TUV (Tray Utility Vehicle) is a motor vehicle that is equipped with:

- a side by side seating arrangement
- seat belts and roll over protection
- a cargo box at the rear of the vehicle
- and is designed by the manufacturer for utility use.

A Go Cart is a vehicle that is:

- a small, low motor vehicle with four wheels,
- an open framework,
- self-propelled

A Golf Cart is a vehicle that is:

- has no less than three wheels,
- has a normal maximum speed of between 15-25 mph, and
- is manufactured primarily for operation on golf courses.



An Off Road Motorcycle (Dirt Bike) is:

- designed and specialized for off-road events
- light weight, simple, rugged construction with little bodywork
- large wheels with knobby tires, often clamped to the rim with a rim lock

# GRAND HARBOR/HARBOR SIDE POA

18056 FREEPORT DRIVE STE. A,  
MONTGOMERY, TEXAS 77150

PHONE (832) 582-1074  
FAX (832) 582-0880

## UNLICENSED VEHICLE REGISTRATION FORM

### Decal Request

Date: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Is this your permanent address? Yes \_\_\_\_\_ No \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone Number (Home): \_\_\_\_\_ (Mobile): \_\_\_\_\_

(Mobile): \_\_\_\_\_ (Work): \_\_\_\_\_

Property Location: Grand Harbor: Section \_\_\_\_\_, Block \_\_\_\_\_, Lot(s) \_\_\_\_\_

Harbor Side: Section \_\_\_\_\_, Block \_\_\_\_\_, Lot(s) \_\_\_\_\_

Decal #	Manufacturer	Color	Date Issued

I, \_\_\_\_\_, have read and agreed to abide by the attached Unlicensed Vehicle Procedures.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

If you have any questions, please contact the Grand Harbor P.O.A office.

Grand Harbor/Harbor Side P.O.A. Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Photo attached \_\_\_\_\_

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RESOLUTION No. 18  
Golf Cart Operation on GH Streets

GRAND HARBOR PROPERTY OWNERS ASSOCIATION on LAKE CONROE  
(GHPOALC)  
BOARD of DIRECTORS  
RESOLUTION

In a meeting of the GHPOALC Board of Directors (BoD), at 11301 Grand Harbor Blvd., Montgomery, TX 77356, duly called (per By-Laws Art. III, Para. B, Sec. 4) and held on May 6, 2008, all directors in attendance, the following resolution was offered and adopted by 2:1 vote (Yes: Horne; Parada No: Zetka):

*"While Article III, Section 21 of the respective Grand Harbor subdivision section's Covenants, Conditions and Restrictions (CCRs) restricts the use of unlicensed motor vehicles within the subdivision, the wording of this CCR allows some latitude in its interpretation and enforcement.  
It is therefore resolved that the operation of "Golf Cart" type personal vehicles on subdivision streets (said operation to be only by driver- licensed individuals) shall be exempt from the restriction of this CCR.*

I certify that the foregoing is a correct representation of the resolution passed by a majority of the Board of Directors of the GHPOALC on the date specified.

  
\_\_\_\_\_  
GHPOALC Secretary

5. 21. 08  
DATE

APPROVED:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice President/Treasurer

**GRAND HARBOR PROPERTY OWNER'S ASSOCIATION (GH POA)  
COMMITTEE SUPPORT PROJECT/INVESTIGATION**

**COMMITTEE:** Access Control (Sammy Robertson)

**PROJECT OR INVESTIGATION:** Resolution 18 Golf Cart Operation on Grand Harbor Streets

**START DATE OF ACTIVITY:** May 18, 2011

**ACTIVITY COMPLETION TARGET DATE:** On or before June 2, 2011

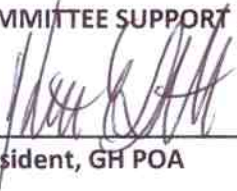
**ACTIVITY DESCRIPTION:** The BoD has found a need to review Resolution 18 Golf Cart Operation on Grand Harbor Streets. We are asking you to review this resolution with an eye to rewriting it. We would like you to answer the following questions.

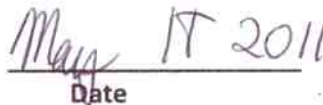
1. What unlicensed vehicles should be allowed to operate on GH Streets?
  - a. Can I drive my Riding Mower to mow a lawn? If so does an unlicensed driver mowing lawns need a driver's license.
2. What should Golf Cart Type personal vehicle mean?
3. Please refer to surrounding communities policies.
4. Refer to Texas Law, GH By-Laws and CC&R's.

Please draft a replacement to Resolution 18 that is more specific. One that will include current needs as well as future vehicle type like low speed electrics.

Please plan registration events so these vehicles can get registered.

**COMMITTEE SUPPORT PROJECT/INVESTIGATION REQUESTED:**

  
\_\_\_\_\_  
President, GH POA

  
\_\_\_\_\_  
Date

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GHPOALC Secretary

5.21.08  
DATE

APPROVED:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice President/Treasurer



Texas Department of Motor Vehicles

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## ATVs and Golf Carts

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<a href="#">License Plates</a>
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Page Options
Tools & Plug-ins

Low-Speed Vehicles (LSVs), also known as Neighborhood Electric Vehicles (NEVs), and golf carts are regulated by state and federal laws. Registered, titled and insured NEVs may be legally driven at a maximum speed of 35 mph on public roads with a posted speed limit of 45 mph or less, unless a city or county ordinance prohibits their operation.

Effective September 1, 2009, golf carts can no longer be titled or registered. Registrations issued to golf carts prior to September 1, 2009, will remain valid until expiration but will not be renewed at expiration. Titles issued prior to September 1, 2009, will not be required to be returned to the department. The one exception to this rule is Grayson County where citizens can purchase "golf cart" license plates.

For Driver License requirements to operate any of these vehicles, contact your local law enforcement agency.

- ▶ [What are the rules regarding Low-Speed and Neighborhood Electric Vehicles?](#)
- ▶ [What are the rules regarding golf carts?](#)
- ▶ [What are the rules regarding All-Terrain Vehicles?](#)
- ▶ [What are the rules regarding Utility Type Vehicles or Recreational Off-Highway Vehicles?](#)

CCR VIOLATIONS

LY9	<p>Failed (e.g. trees) not removed</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
L 10	<p>Oil or greasy substance on curbs or canals. No effective erosion control measures in use or measures in disrepair</p>	B	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: Immediately to correct Second Notice: Immediate</p>
MV1	<p>Motor Vehicle Operation, Storage, Repair Improper operation of motorized vehicle on roads, motorcycle scooter, go-cart &amp; golf carts</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 24 hours to correct Second Notice: 24 hours to correct</p>
MV2	<p>Motor Vehicle Operation, Storage, Repair Motorized vehicle, trailer, boat or marine-type motorcraft parked or stored on any part of lot, easement, or right-of-way</p>	B	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 24 hours to correct Second Notice: 24 hours to correct</p>
MV3	<p>Motor Vehicle Operation, Storage, Repair Improper dismantling and repair or storage of motorized vehicle on any part of lot, easement, or right-of-way</p>	B	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 24 hours to correct Second Notice: 24 hours to correct</p>
SD1	<p>Antenna and Satellite Dish, Panels Antenna/satellite dish, proper size, color, # of Dishes</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
SD2	<p>Improper radio transmitters - violation of power</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
SD3	<p>Solar panels improperly installed for installation</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
SD4	<p>Satellite dish outside of parking lanes or in front of a building or visible from the street</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
PT1	<p>Pets Horses, cows, poultry or other livestock (more than animals-house pets) maintained on lot (Exemption for certain Lots in Peel Pct.)</p>	C	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>	<p>First Notice: Immediately to correct Second Notice: Immediate</p>
PT2	<p>Pets Pets (numerical large pets) not on leash, animals causing resident threat or nuisance</p>	C	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>	<p>First Notice: Immediately to correct Second Notice: Immediate</p>
AC1	<p>Architecture Control Unauthorized approved carport put in place</p>	D	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
AC2	<p>Architecture Control Window or wall type air conditioner installed</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
AC3	<p>Architecture Control Installed signage construction on-site exceeding 160 days</p>	D	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
AC4	<p>Architecture Control Protective mats, screening determined and existing repair or maintenance</p>	A	<p>First Notice: 10 days to correct Second Notice: 10 Days to correct</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>
AC5	<p>Architecture Control Unauthorized implosion, design or use of construction materials</p>	D	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>	<p>First Notice: 10 days to correct Second Notice: Fine or Attorney Intervention</p>

Grand Harbor Board of Directors

October 23, 2008

Dear Board of Directors,

Re: Deed Restrictions, Board Meetings

As a resident and member of the POA of Harbor Side at Grand Harbor, I am requesting for the Board of Directors to obtain a written legal opinion clarifying the use of golf carts in our community. According to the provisions shown below, neither golf carts nor the change in Deed Restrictions and Covenants are allowed without proper actions of the property owners. Also, let me state I do not have a problem with adult property owners using golf carts in the community, I do however, have a problem with the way the Board of Directors went about to change the deed restrictions to allow them, saying it was done so with a "Resolution". And, although the Grand Harbor area may not see anything wrong with children of any age operating the unlicensed vehicles, Grand Harbor is much larger, Harbor Side is one road in and same the one road out with many speeding vehicles creating a danger to anyone on the roadway whether walking, biking or joy riding on a golf cart.

The Deed Restrictions for Harbor Side at Grand Harbor Section 1 state in **Article III, Section 21. Motor Vehicles.** *No unlicensed motor vehicles shall be allowed within the subdivision. No motor bikes, motor cycles, motor scooters, "go-carts", or other similar vehicle shall be permitted to be operated on the Properties, if in sole judgment of the Association, such operation, for reason of noise or fumes emitted, or by reason of manner of use, shall constitute a nuisance or jeopardize the safety of the Owners, his tenants and their families.* My deed restrictions also state in **Article IX, General Provisions Section 1. Term.** *These Covenants and Restrictions shall run with the land and shall be binding upon all parties claiming under them for a period of forty (40) years from the date these Covenants are recorded after which time said Covenants shall be automatically extended for successive period of ten (10) years each, unless at the end of the 40 years, or anytime thereafter an instrument signed by majority of the then owners of the Lots has been recorded agreeing to change or terminate said Covenants herein. It shall be lawful for the Association, The Architectural Control Committee or any Lot owner to prosecute the proceedings at law or in equity against the person or persons violating or attempting to violate any such Covenants and either to prevent him or them from doing so or to recover damages or other dues for such violations. The Declarant reserves the right to enforce these restrictions.*

Reviewing the above Deed Restriction I do not see were it allows golf carts as you have stated in the posting on the website *"Although our restrictions do allow the use of Golf Carts in the neighborhood, the operation of the carts must be by a licensed operator no less than 16 years of age. We will be registering carts in the neighborhood very soon with a sticker identifying each cart with a unique number. A handout will be sent to all residents as this program gets underway."* In the hand out given to each resident of both Grand Harbor and Harbor Side on October 3 and 4, 2008, you stated: *"This year in May, the board approved the use of Golf Carts in Grand Harbor and Harbor Side, thus changing the deed restrictions."* I have also read in the May Board of Director minutes where it is stated in 3. B. 2. *"By 2 to 1 vote, BofD approved a resolution to allow golf carts (unlicensed vehicles) on subdivision roadways."* As a resident that is affected by this and whose rights under these Deed Restrictions have clearly been violated, I came to the October meeting, the first meeting

## Grand Harbor & Harbor Side Resident Updates

### **New front gate information -**

We will be privatizing our front gate staff as part of our new Loss Prevention Program (formally called Guards). With the back gate now Resident Only and controlled exit, the front gate will be busier with contractor and visitor traffic.

We ask each resident to call the front gate in anticipation of guests, contractors, or any other visitor so the Loss Prevention Team can place them on the daily visitor's log. "Approved guest lists" will no longer be used by the Loss Prevention Team; so, please be sure to call and alert them to ALL visitor traffic including pizza deliveries in the evenings.

### **Back Gate click in click out -**

This policy and practice is now in place. A call box is located inside the premises for controlled exit. Please see the website - [www.GrandHarborPOA.com](http://www.GrandHarborPOA.com) for more details.

### **Boat ramp usage -**

If you are using the boat ramp, please stop in at the Loss Prevention station (Guard House) to get the daily code. Please close, lock, & chain upon entering and exiting the boat ramp area. This helps to secure residents' vehicles and prevent usage by non-residents. New policies are now in place with signage located at the ramp and on the website.

### **Hurricane IKE Debris -**

We have contacted everyone possible to assist with the debris situation many of us faced in the wake of IKE. From the County to FEMA, no one will address the situation in a gated community. Hence, each property owner is responsible for the removal of debris from their property. Please remove any debris that you have within 10 days as we cannot block the mowing of the rights of way and common areas. For any questions, comments, or concerns about Montgomery County and FEMA not picking up the debris, please call the Montgomery County Commissioner at (936)539-7840.

### **Golf Carts in Grand Harbor -**

This year in May, the board approved the use of Golf Carts in Grand Harbor and Harbor Side, thus changing the existing restrictions. With the use increasing, please allow us to address a couple of simple rules.

- a. Operators of golf carts must be a minimum, 16 years of age with a valid driver's license.
- b. This does not allow the use of 4- wheelers, dirt bikes and mini-bikes on the streets. They are off-road only.

Please be careful and mindful of vehicles as you drive in the neighborhood.

If you have any questions or comments please contact the POA Office at 936-582-1054 or E-mail to [ghpoa@consolidated.net](mailto:ghpoa@consolidated.net)

4. On a one-time basis, residents who have purchased remote gate controllers (clickers) will be allowed to redeem two of these remote controllers for two RFIDs. Additional RFIDs may be purchased at \$25.00 each.

Residents must fill out a registration form that can be obtained on the GH/HS website or at the POA office. Once a form is filled out, a property owner or resident must appear in person with the vehicle and the proof of ownership at the POA office to receive an RFID or have their EZ Tag programmed into the system. If a resident is not current on maintenance dues or fines, they will not be allowed to redeem their remote controllers. They may purchase RFIDS or have their EZ Tag programmed for \$100 each.

#### GH/HS Vehicle Stickers

New GH/HS stickers will be issued on a periodic basis. Again, the vehicle must be registered as proscribed above and the owner must bring the vehicle to the POA office to receive the sticker. A current sticker must be affixed to the vehicle to be allowed entrance.

#### Golf Cart Stickers

Property Owners living in GH/HS who own a golf cart will be required to register their golf carts. Forms are available in the POA office or on the GH/HS website. These forms must be presented to the POA office in order to receive a sticker for the cart.

## GRAND HARBOR/HARBOR SIDE PROPERTY OWNERS ASSOCIATION

### Vehicle Registration, Security Gate Operation & Remote Access Device Issuance Policies and Procedures

The purpose of this Policy and Procedures Guide is to establish "Acceptable Use" and Administration of the Security Gates operating in Grand Harbor and Harbor Side subdivisions.

The operation of the security gates is to provide a controlled access environment in our residential community, providing accountability for all vehicles in the area at all times.

Individuals who do not live or work as a contractor in our community, and are not visiting a resident, should not be able to access or otherwise use our streets as a thoroughfare to points beyond the subdivision. This attempt to breach the access control system must be treated as trespassing by the POA, with the only exception to this rule being licensed law enforcement/emergency personnel and licensed realtors.

Egress out of our subdivisions is "free egress".

#### Remote Gate Controller Management/Issuance

Remote Frequency Identification Devices (RFID) or EZ Tags will allow a resident in our subdivision unrestricted access to all gates. Due to RF interference, vehicles with EZ Tags must use this as their primary controller device. Issuance of RFIDs and /or programming of existing EZ Tags will be based upon the following:

1. Vehicle Owner is a homeowner or property owner and has provided to the Property Owners Association (POA) the necessary documentation providing ownership of vehicle and is a member in good standing with the POA. A valid photo ID is to be provided. One access device per vehicle will be authorized.
2. Vehicle Owner is a Lessee of a resident or property owner in the subdivision and has provided to the Property Owners Association (POA) a copy of the Lease Agreement. Additionally, documentation providing ownership of vehicle and a valid photo ID is to be provided. One access device per vehicle will be authorized.
3. Vehicle Operator is a licensed driver and a dependent of the property owner in the subdivision. Additionally, documentation providing ownership of vehicle and a valid photo ID is to be provided. One access device per vehicle will be authorized.

## GOLF CARTS

THE POA OFFICE HAS RECEIVED NUMEROUS COMPLAINTS ABOUT CHILDREN DRIVING GOLF CARTS IN THE NEIGHBORHOOD.

WE HAVE REPORTS OF CHILD DRIVERS THAT WERE:

- DRIVING ON THE WRONG SIDE OF THE ROAD.
- DRIVING THROUGH STOP SIGNS.
- NEAR HEAD ON COLLISION WITH AUTOMOBILES.
- GOLF CARTS DRIVING THROUGH YARDS.
- GOLF CARTS TURNED OVER IN DITCHES DRIVEN BY CHILDREN.
- GOLF CARTS WITH CHILDREN SURFING ON THE BACK WITH SKATEBOARDS.
- OVERSTEERING INTO ON-COMING TRAFFIC.
- CHILDREN DRIVING GOLF CARTS AT NIGHT WITHOUT LIGHTS.
- INCIDENT OF CHILDREN DRIVING A GOLF CART REAR ENDED BY ANOTHER CHILD DRIVING MOTOR BIKE RESULTING IN HOSPITALIZATION.

THE POA HAS LOOKED INTO THIS PROBLEM AND HAS IMPLEMENTED A POLICY THAT IS SIMILAR TO OTHER COMMUNITIES SUCH AS APRIL SOUND AND BENTWATER.

GOLF CART OPERATORS MUST BE MINIMUM 16 YEARS OF WITH A VALID DRIVERS LICENSE.

THIS POLICY IS TO PROTECT THE GRAND HARBOR AND HARBOR SIDE PROPERTY OWNERS OF LEGAL LIABILITY AND PROTECT OUR COMMUNITY.

IF SOME ASK:

QUESTION: WHY CAN YOU DRIVE A BOAT OR JET SKI AT THE AGE OF 13 BUT YOU CANNOT DRIVE A GOLF CART IN GRAND HARBOR?

ANSWER: BOAT OR JET SKI DRIVERS MUST ADHERE TO LAWS THAT PERTAIN TO THE WATER OR MARITIME LAW.

THE RULES FOR DRIVERS ARE DIFFERENT SINCE DRIVERS ARE ON ROADS, NOT WATER.

A LICENSED DRIVER FOR A MOTOR VEHICLE TAKES A WRITTEN AND ROAD TEST AND ONCE PASSED, REALIZES THE RESPONSIBILITY, SAFETY AND REQUIREMENTS FOR DRIVING ON ROADS WHETHER PUBLIC OR PRIVATE.

ONCE AGAIN, THIS POLICY IS TO PROTECT THE GRAND HARBOR AND HARBOR SIDE PROPERTY OWNERS OF LEGAL LIABILITY AND PROTECT OUR COMMUNITY.

QUESTION: IF MS. BICKLER ASKS A QUESTION, PLEASE DIRECT TO MS. HORNE.

ANSWER: I WILL DIRECT THAT QUESTION TO SUE HORNE