

**OPERATION OF GOLF CARTS,  
OFF-HIGHWAY VEHICLES, AND MOTORCYCLES POLICY  
for  
FRIO COMMUNITIES IMPROVEMENT ASSOCIATION, INC.**

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THE STATE OF TEXAS       §  
  §  
COUNTY OF REAL       §

I, Darcie Mosier, Secretary of Frio Communities Improvement Association, Inc. (the "**Association**"), do hereby certify that at a meeting of the Board of Directors of the Association (the "**Board**") duly called and held on the 5 day of June, 2024, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Operation of Golf Carts, Off-Highway Vehicles, and Motorcycles Policy was duly approved by a majority vote of the members of the Board:

**RECITALS:**

1. The property encumbered by this Operation of Golf Carts, Off-Highway Vehicles, and Motorcycle Policy is that property restricted by the Reservations, Restrictions, Covenants and Easements Pertaining to Twin Forks Estates Subdivision Situated in Real County were recorded in Vol. 33, Pages 35-38 of the Deed Records of Real County, Texas, as same has been or may be amended or supplemented from time to time ("**Declaration**"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.

2. Section 551.403 and Section 551A.055 of the Texas Transportation Code (the "**Code**") give owners and residents certain statutory rights to operate golf carts without a license plate and unregistered off-highway vehicles in certain master planned communities.

3. Twin Forks Estates is a master planned community that is a residential subdivision under Section 209.002(9) of the Texas Property Code located in Real County, Texas.

4. Article II, Section D of the By-Laws of the Frio Communities Improvement Association, Inc., were recorded in Vol. 49, Page 95 et seq. of the Deed Records of Real County, Texas, as same has or may be amended from time to time, gives the Board authority to make and amend rules and regulations regarding the conduct of Owners.

5. The Board of Directors of the Association ("**Board**") desires to adopt an operation of golf carts, off-highway vehicles, and motorcycles policy incorporating certain provisions of

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*Page 1 of 5*

Sections 551.403, 551A.052, and 551A.055 of the Code even though the Association's streets are private.

6. The Board also desires to establish rules and regulations for the use of golf carts, off-highway vehicles, and motorcycles within the Twin Forks Estates subdivision and the conduct of drivers and passengers of such vehicles.

7. This Operation of Golf Carts, Off-Highway Vehicles, and Motorcycles Policy replaces and supersedes any previously recorded or implemented policy that addresses the subjects contained herein, if any, adopted by the Association.

### POLICY:

It is the policy of the Association to allow golf carts, as well as off-highway vehicles and motorcycles as defined herein, to be operated in the Twin Forks Estates subdivision subject to the following rules and regulations:

1. **Definitions.** The following terms, as used herein, shall have the following definitions or meanings.
  - a. "driver" or "operator" means a person who drives or has physical control of a golf cart, off-highway vehicle, or motorcycle, and such terms may be used interchangeably;
  - b. "golf cart" means a motor vehicle designed by the manufacturer primarily for use on a golf course;
  - c. "off-highway vehicle" means any wheeled vehicle, whether powered by gasoline or electricity, which is designed for off-highway use and includes, without limitation, All-Terrain Vehicles (ATVs), Recreational Off-Highway Vehicles (ROVs), Utility Vehicles (UTVs), and Sand Rails as defined in Section 551A.001 of the Code; and
  - d. "motorcycle" means a motor vehicle, other than a tractor or moped, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground as defined in Section 541.201(9) of the Code, and such term, as used herein, shall include dirt bikes.
2. **Speed.** No golf cart, off-highway vehicle, or motorcycle shall be operated at a speed in excess of twenty (20) miles per hour.

3. **Equipment.** Golf carts, off-highway vehicles, and motorcycles must have functioning headlamp(s), taillamp(s), and reflector(s); and, golf carts and off-highway vehicles must also have a parking brake and mirrors.
4. **Safety Apparel.** The driver and passenger(s), if any, of any off-highway vehicle or motorcycle are encouraged to wear safety helmets, eye protection, and seat belts (if equipped).
5. **Parking.** No golf cart, off-highway vehicle, or motorcycle shall be parked or stored on any street or rights-of-way.
6. **Conduct.** Golf carts, off-highway vehicles, and motorcycles must be operated in accordance with the following:
  - a. A person operating a golf cart, off-highway vehicle, or motorcycle must yield the right-of-way to a pedestrian.
  - b. The driver and passengers, if any, in a golf cart or off-highway vehicle must be seated at all times during which the golf cart or off-highway vehicle is in motion.
  - c. No person should sit in the driver's lap when a golf cart, off-highway vehicle, or motorcycle is in motion.
  - d. The number of seated passengers on a golf cart, off-highway vehicle, or motorcycle may not exceed the number of passengers for which the golf cart, off-highway vehicle, or motorcycle was designed.
  - e. The driver and passengers, if any, must keep their arms and legs within the golf cart, off-highway vehicle, or motorcycle, meaning within the width and length of the golf cart, off-highway vehicle, or motorcycle.
  - f. No person shall operate a golf cart, off-highway vehicle, or motorcycle while under the influence of alcohol or drugs.
  - g. Any operator of a golf cart or off-highway vehicle who is under the age of sixteen (16) must be accompanied by or under the supervision of a parent, legal guardian, or individual responsible for the minor who is eighteen (18) years of age or older.
  - h. Unlicensed motorcycle operators must be accompanied by a licensed operator who is eighteen (18) years of age or older.
  - i. No person shall operate a motorcycle that does not have a valid registration and/or license plate as required by applicable law.





- j. No golf cart, off-highway vehicle, or motorcycle shall be operated on Association walking trails or easements, except authorized utility companies or persons conducting business on behalf of Association after Board approval.
- k. Golf carts, off-highway vehicles and motorcycles may be operated in Cathedral, Pioneer and Riparian Parks within parameters indicated by posted signage.
- 7. **Responsibility.** All Owners and Residents are responsible for their own conduct, actions, and safety, as well as that of their family members, guests and invitees, while operating and/or using any golf cart, off-highway vehicle, or motorcycle in the Twin Forks Estates subdivision.
- 8. **Indemnity.** EACH OWNER OF A LOT WITHIN THE SUBDIVISION AND RESIDENT ACKNOWLEDGES AND UNDERSTANDS THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, AND EMPLOYEES, ARE NOT INSURERS AND THAT EACH OWNER AND RESIDENT PURSUANT TO THIS POLICY ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO DWELLINGS AND IMPROVEMENTS AND TO THE CONTENTS OF DWELLINGS AND IMPROVEMENTS RELATED TO OR ARISING OUT OF THE USE AND/OR OPERATION OF A GOLF CART, OFF-HIGHWAY VEHICLE, OR MOTORCYCLE WITHIN THE SUBDIVISION, AND FURTHER ACKNOWLEDGES THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, AND EMPLOYEES, HAVE MADE NO REPRESENTATIONS OR WARRANTIES NOR HAS ANY OWNER OR RESIDENT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, RELATIVE TO THE USE AND/OR OPERATION OF ANY GOLF CART, OFF-HIGHWAY VEHICLE, OR MOTORCYCLE WITHIN THE SUBDIVISION OR THE SAFETY OR CONDITION OF ANY PRIVATE ROAD, TRAIL, OR OTHER COMMON AREA UPON WHICH A GOLF CART, OFF-HIGHWAY VEHICLE, OR MOTORCYCLE MAY BE OPERATED.

OWNERS OF LOTS WITHIN THE SUBDIVISION AND RESIDENTS HEREBY AGREE TO INDEMNIFY, PROTECT, HOLD HARMLESS, AND DEFEND (ON DEMAND) THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND COMMITTEE MEMBERS FROM AND AGAINST ALL CLAIMS (INCLUDING WITHOUT LIMITATION CLAIMS BROUGHT BY AN OWNER OR RESIDENT) IF SUCH CLAIMS ARISE OUT OF OR RELATE TO THE USE OR OPERATION OF A GOLF CART, OFF-HIGHWAY VEHICLE, OR MOTORCYCLE GOVERNED BY THIS POLICY. THIS COVENANT TO INDEMNIFY, HOLD HARMLESS, AND DEFEND INCLUDES (WITHOUT LIMITATION) CLAIMS CAUSED, OR ALLEGED TO BE CAUSED, IN WHOLE OR IN PART BY THE INDEMNIFIED PARTIES' OWN NEGLIGENCE, REGARDLESS OF WHETHER SUCH NEGLIGENCE IS THE SOLE, JOINT, COMPARATIVE OR CONTRIBUTORY CAUSE OF ANY CLAIM.



9. **Remedies.** The Association may impose fines in accordance with the Association's Governing Documents Enforcement and Fine Policy for violations of this Policy.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Operation of Golf Carts, Off-Highway Vehicles, and Motorcycles Policy in the community was approved by the vote of the Board of Directors of the Association as set forth above and now appears in the books and records of the Association.

TO CERTIFY which witness my hand this 5 day of June, 2024.

FRIO COMMUNITIES IMPROVEMENT ASSOCIATION,  
INC.

By: Darcie Mosier  
Printed: Darcie Mosier  
Its: Secretary

THE STATE OF TEXAS     §  
  §  
COUNTY OF REAL       §

BEFORE ME, the undersigned notary public, on this 5 day of June, 2024, personally appeared Darcie Mosier, Secretary of Frio Communities Improvement Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.

Lendon Danny Palmer Jr  
Notary Public in and for the State of Texas

