

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 4.09.001, "DEFINITIONS," OF ARTICLE 4.09, "SPECIAL EVENTS AND TEMPORARY OUTDOOR SEASONAL SALES," OF CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, TO INCLUDE PLACEMENT OF TEMPORARY EVENT SIGNAGE, INCLUDING TEMPORARY PARKING SIGNAGE; AMENDING ARTICLE 4.09, "SPECIAL EVENTS AND TEMPORARY OUTDOOR SEASONAL SALES," OF CHAPTER 4, "BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ADDING A NEW SECTION 4.09.14, "PARKING," TO ADDRESS THE TEMPORARY PARKING OF VEHICLES AT SPECIAL EVENTS; PROVIDING FOR A REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Prosper, Texas ("Town" or "Town Council"), has investigated and determined that the application requirements for special events permits fees be amended to add a new section with provisions regarding traffic and parking within or adjacent to the location where the special event is occurring; and

WHEREAS, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interest of the citizens of the Town to revise the application requirements for certain special events, as herein referenced; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Section 4.09.001, "Definitions," of Article 4.09, Special Events and Temporary Outdoor Seasonal Sales, of Chapter 4, "Business Regulations," is hereby amended to read as follows:

"Sec. 4.09.001 Definitions.

* * *

Special event means an event or gathering that requires a temporary exception to otherwise applicable rules or requirements, including, but not limited to:

- (1) The temporary complete or partial closure of a public street;
- (2) The temporary closure or restriction of access to public property;

- (3) The temporary offer of merchandise, food, or beverages on public property or on private property where not otherwise permitted by the town or the applicable certificate of occupancy;
- (4) The temporary erection of a tent on public property or on private property where not otherwise permitted by the town or the applicable certificate of occupancy;
- (5) The temporary erection of a stage, band shell, portable building, grandstand, or bleachers on public property or on private property where not otherwise permitted by the town or the applicable certificate of occupancy;
- (6) The temporary use, for other than storage, of a trailer or van on public property or on private property where not otherwise permitted by the town or the applicable certificate of occupancy;
- (7) The temporary use of equipment to amplify and transmit sound, which exceeds ambient (background) sound pressure levels at the property lines;
- (8) The placement of portable toilets on public property or on private property where not otherwise permitted by the town or the applicable certificate of occupancy; or
- (9) Activities such as, among others, a carnival, circus, fireworks displays, runs, events not wholly contained on town parks or building sites or PISD; or
- (10) Placement of temporary informational or regulatory signs including, but not limited to, no-parking, directional, or identification signage, special event signs or banners in or over a public right-of-way, or on private property where otherwise prohibited by ordinance.

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SECTION 3

From and after the effective date of this Ordinance, Article 4.09, "Special Events and Temporary Outdoor Seasonal Sales," of Chapter 4, "Business Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by adding a new Section 4.09.014, "Parking at Special Events," to read as follows:

"Sec. 4.09.014 Parking at Special Events.

Notwithstanding any requirement contained in Section 4.09.004 of this Article:

- (1) A complete parking plan must be submitted with each special event application; however, the Town may waive this requirement of a complete parking plan for any special event with an expected total attendance of less than 100.
- (2) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.
- (3) The parking plan must be approved prior to the issuance of a special event permit.

- (4) No parking zones in connection with a special event must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the special event and such signage must be approved by the Town.
- (5) If parking needs for the event are expected to exceed the area(s) owned by or assigned to the host establishment(s), appropriate parking arrangements must be made with affected properties or establishments.
- (6) The chief of police or designee shall have the authority to prohibit or restrict the parking of vehicles along any street or highway or part thereof constituting a part of the route of a parade or in or adjacent to the location of a special event. The chief of police or designee shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (7) Any person or business violating any provision of this section shall be deemed guilty of a misdemeanor and subject to any penalty contained in Section 4.09.012 of this article. Moreover, any violator may have his or her vehicle towed at the violator's expense."

SECTION 3

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5

This Ordinance shall become effective and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the state of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS ____ DAY OF _____, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney