

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A DEFINITION OF "ELECTRIC BICYCLE" TO SECTION 1.09.001, "DEFINITIONS," OF ARTICLE 1.09, "PARKS AND RECREATION," OF CHAPTER 1, "GENERAL PROVISIONS"; AMENDING SECTION 1.09.008, "BICYCLE RIDING AND SKATING IN PARKS AND ON BIKE TRAILS," AND SUBSECTION (5) OF SECTION 1.09.023, "OUTDOOR AREAS AND FACILITIES," BOTH CONTAINED IN ARTICLE 1.09, "PARKS AND RECREATION," OF CHAPTER 1, "GENERAL PROVISIONS," TO INCLUDE THE OPERATION OF ELECTRIC BICYCLES; MAKING FINDINGS; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, the Town has determined that electric bicycles have proliferated in the Town and on numerous occasions electric bicycles have been used in such a manner as to seriously damage parks and/or parkland in the Town; and

WHEREAS, it is the desire of the Town Council to define and prohibit the operation of electric bicycles in parks, to the extent referenced in this Ordinance; and

WHEREAS, the Town Council of the Town of Prosper, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to provide for such regulation of electric bicycles.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Section 1.09.001, "Definitions," of Article 1.09, "Parks and Recreation," of Chapter 1, "General Provisions," of the Town's Code of Ordinances is hereby amended by adding a definition of "Electric Bicycle," to read as follows:

"§ 1.09.001. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given below:

* * *

Electric bicycle. Any bicycle that is equipped with fully operable pedals; an electric motor of fewer than 750 watts; and with a top assisted speed of 28 miles per hour or less. Pursuant to Chapter 664 of the Texas Transportation Code, as amended, an electric bicycle may be classified as either a Class 1 electric bicycle, a Class 2 electric bicycle, or a Class 3 electric bicycle. A “Class 1 electric bicycle” means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of 20 miles per hour or less. A “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used to propel the bicycle without the pedaling of the rider and with a top assisted speed of 20 miles per hour or less. A “Class 3 electric bicycle” means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of more than 20 but less than 28 miles per hour. For purposes of this definition, “top assisted speed” means the speed at which the bicycle’s motor ceases propelling the bicycle or assisting the rider. A label or decal on an electric bicycle identifying it as a Class 1, Class 2 or Class 3 electric bicycle shall be prima facie evidence of same.

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SECTION 3

From and after the effective date of this Ordinance, Section 1.09.008, “Bicycle Riding and Skating In Parks and on Bike Trails,” of Article 1.09, “Parks and Recreation,” of Chapter 1, “General Provisions,” of the Town’s Code of Ordinances is hereby amended to read as follows:

“§ 1.09.008. Bicycle and Electric Bicycle Riding and Skating in Parks and on Bike Trails.

Bicycle and electric bicycle riding and skating shall include peddled and bicycles of one, two or more wheels, whether electric or not, push type or motorized scooters, roller skates, in-line skates, in-shoe skates, skate boards, or any similar vehicle or apparatus. Bicycle and electric bicycle riding and skating shall be governed by safe riding/skating practices and consideration for use of parks by others. Where special parking provisions have been made for bicycles, parking for electric bicycles is permissible, and parking for bicycles and electric bicycles shall be limited to that area. Bicycle and electric bicycle riding and skating shall be prohibited in playgrounds, flowerbeds, pedestrian-only sidewalks, open space areas of parks, tennis courts, athletic courts, athletic fields, picnic pavilions and/or any other areas designated by the town.

* * *

SECTION 4

From and after the effective date of this Ordinance, Subsection (5) of Section 1.09.023, “Outdoor Areas and Facilities,” of Article 1.09, “Parks and Recreation,” of Chapter 1, “General Provisions,” of the Town’s Code of Ordinances is hereby amended to read as follows:

“§ 1.09.023. Outdoor Areas and Facilities.

It shall be unlawful for any person or persons to do any of the acts specified below, except as otherwise provided, in all outdoor areas and facilities owned, leased, or otherwise controlled by the Town:

* * *

- (5) To use in-line skates, skates, skateboards, bicycles, electric bicycles, motorized or nonmotorized vehicles and any other type of recreational or nonrecreational product that may destroy the surfaces of tennis courts or any other type of painted concrete or laminate surfaces.

* * *

SECTION 5

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount as provided in § 1.01.009 of the Town of Prosper's Code of Ordinances for each offense, and each day shall constitute a separate offense.

SECTION 6

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7

This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 22ND DAY OF JULY, 2025.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney