

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION 12.05.039, "PROSPER TRAIL," TO DIVISION 2, "NO-PARKING ZONES," OF ARTICLE 12.05, "PARKING, STOPPING AND STANDING," OF CHAPTER 12, "TRAFFIC AND VEHICLES," RELATIVE TO NO PARKING, STOPPING AND STANDING ALONG THOSE PORTIONS OF PROSPER TRAIL IDENTIFIED HEREIN; 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 traffic parks, stops and stands or otherwise gathers at certain points within the Town, and that no parking, stopping or standing zones are appropriate for those portions of Prosper Trail as identified 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 no parking, stopping or standing along those portions of Prosper Trail as identified in this Ordinance.

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, Division 2, "No-Parking Zones," of Article 12.05, "Parking, Stopping and Standing," of Chapter 12, "Traffic and Vehicles," is hereby amended by adding a new Section 12.05.039, "Prosper Trail," to read as follows:

"§ 12.05.039. Prosper Trail.

(a) Definitions. For purposes of this section, the terms below shall have the following meanings:

Parking or park. To stand, halt or locate an occupied or unoccupied vehicle, other than temporarily while actively loading or unloading passengers or property.

Vehicle. A device that can be used to transport or draw persons and/or property on a highway or street, including but not limited to a car, truck, trailer, truck-tractor or motorcycle.

- (b) No-parking zone and offense established. No parking of a vehicle shall occur along Prosper Trail between the Dallas North Tollway and Custer Road. A person commits an offense by violating any provision of this section.
- (c) Signs. The Town Manager or designee shall be responsible for installing signs and/or markings to properly notify the public of the location of the no-parking zone.
- (d) Enforcement. The no-parking zone provided herein shall in no way be obstructed and no parking shall occur therein. The police chief or authorized representative(s) is authorized to issue citations and/or remove, or cause to be removed, any vehicle obstructing the no-parking zone at the expense of the owner of such vehicle. The Town shall not be responsible or liable for any damage to any vehicle or personal property removed from the no-parking zone pursuant to this section and shall not be responsible for any damage resulting from the failure to exercise the authority granted under this section.”

SECTION 3

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than \$1.00 nor more than \$500.00. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4

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.

SECTION 5

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 6

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 12THh DAY OF NOVEMBER, 2024.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney