

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SUBSECTION (F) OF SECTION 12.08.003, "APPROVED AND PROHIBITED TRUCK ROUTES; EXEMPTIONS," OF ARTICLE 12.08, "TRUCK ROUTES," OF CHAPTER 12, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ADDING COIT ROAD TO THE LISTING OF STREETS AND ROADWAYS LISTED THEREIN; MAKING FINDINGS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; 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 previously has expressed serious concerns about the safety of its residents and the traveling public due to the truck and other commercial vehicle traffic on certain street segments within the Town, and wishes to provide additional safety for its residents and the traveling public; and

WHEREAS, on or about November 28, 2023, the Town adopted Ordinance No. 2023-79, which provided, in subsection (f) of Section 12.08.003, a listing of streets and roadways, or portions thereof, where commercial motor vehicles were prohibited; and

WHEREAS, Coit Road was inadvertently excluded from the listing of streets and roadways contained in Subsection (f) of Section 12.08.003, and it is the intent of this Ordinance to include Coit Road in said listing in Subsection (f) of Section 12.08.003.

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

Existing Subsection (f) of Section 12.08.003, "Unlawful Acts/Exemptions," of Article 12.08, "Truck Routes," of Chapter 12, "Traffic," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"Sec. 12.08.003 Approved and Prohibited Truck Routes/Exemptions

* * *

- (f) It shall be unlawful to operate a commercial motor vehicle on the following roads or streets located in the Town:

Street Segments	
Street Name	Limits
Prosper Trail	Teel Parkway to Custer Road (FM 2478)
Coit Road	University Drive (US 380) to Frontier Parkway (FM 1461)
First Street	Gee Road to Custer Road (FM 2478)
Prairie Drive	Teel Parkway to Mahard Parkway
Gee Road	University Drive (US 380) to FM 1385
Windsong Parkway	University Drive (US 380) to First Street
Teel Parkway	University Drive (US 380) to Parvin Road
Legacy Drive	University Drive (US 380) to Frontier Parkway (FM 1461)
Coleman Street	Lovers Lane to Preston Road (SH 289)
Lovers Lane	Richland Boulevard to Coleman Street
La Cima Boulevard	University Drive (US 380) to First Street

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 of Prosper 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

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6

This Ordinance shall become effective after its passage and publication, as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 9TH DAY OF JULY, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney