

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 12.08.002, "DEFINITIONS," OF ARTICLE 12.08, "TRUCK ROUTES," OF CHAPTER 12, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER BY AMENDING THE DEFINITION OF COMMERCIAL MOTOR VEHICLE; REPEALING 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 AND REPLACING IT WITH A NEW SECTION 12.08.003, "APPROVED AND PROHIBITED TRUCK ROUTES; EXEMPTIONS"; MAKING FINDINGS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR 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 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, there have arisen questions relative to the loading and unloading of goods in the Town by commercial motor vehicles and said commercial motor vehicles' use of the shortest reasonable route to a truck route, and it is the intent of this Ordinance to provide clarification of the provisions in Section 12.08.003 of the Town's Code of Ordinances as a consequence; and

WHEREAS, the Town Council strongly believes that the following regulations relative to commercial motor vehicle traffic will enhance public safety, limit noise and associated concerns, and be in the best interests of the residents of the Town as well as the traveling public, and hereby so declares.

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 Section 12.08.002, "Definitions," 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. 12.08.002 Definitions

* * *

Commercial Motor Vehicle. Any motor vehicle having a weight of more than 26,000 pound gross vehicle weight rating (GVWR), including the load carried, also including but not limited to, any vehicle carrying hazardous materials or solid waste. Commercial Motor Vehicles shall not include vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles, motor homes, recreational vehicles or vehicles used exclusively to transport personal possessions or family members for nonbusiness purposes.

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SECTION 3

Existing 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 repealed in its entirety and replaced with a new Section 12.08.003 to read as follows:

“Sec. 12.08.003 Approved and Prohibited Truck Routes/Exemptions

(a) For purposes of this article, it shall be lawful to operate a commercial motor vehicle on any of the following roads or streets located in the Town, and the following roads or streets are hereby designated truck routes:

Street Segments	
Street Name	Limits
Frontier Parkway	Dallas North Tollway to Preston Road (SH 289)
University Drive (US 380)	FM 1385 to Custer Road (FM 2478)
FM 1385	University Drive (US 380) to Parvin Road
Dallas North Tollway	University Drive (US 380) to Frontier Parkway
Preston Road (SH 289)	University Drive (US 380) to Frontier Parkway
Custer Road (FM 2478)	University Drive (US 380) to Frontier Parkway

(b) *Commercial motor vehicle traffic originating outside the Town*

- (1) Any commercial motor vehicle entering the Town for a destination in the Town shall proceed only over a truck route and shall deviate only at the intersection with the Town road or street nearest to the destination. Upon leaving the destination, a commercial motor vehicle shall return to the truck route by the shortest possible route.
- (2) Any commercial motor vehicle entering the Town for multiple destinations in the Town shall proceed only over a truck route and shall deviate only at the intersection of the Town road or street nearest to the first destination. Upon leaving the first destination, a commercial motor vehicle shall proceed to other destinations by the shortest possible route. Upon leaving the last destination, a commercial motor vehicle shall return to the truck route by the shortest possible route.

(c) *Commercial motor vehicle traffic originating inside the Town*

- (1) Any commercial motor vehicle, on a trip originating in the Town, and traveling in the Town for a destination outside the Town, shall proceed:
 - (A) only over a truck route, if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is located on or adjacent to a truck route; or
 - (B) if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is not located on or adjacent to a truck route, then by the shortest possible route over Town roads or streets, to a truck route to exit the Town.
- (2) Any commercial motor vehicle on a trip originating in the Town, and traveling in the Town for any destination in the Town, shall proceed:
 - (A) only over a truck route, if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is located on or adjacent to a truck route; or
 - (B) if the business enterprise that operates or otherwise utilizes the commercial motor vehicle is not located on or adjacent to a truck route, then by the shortest possible route over Town roads or streets, to a truck route and shall deviate only at the intersection with the Town road or street nearest to the destination.
- (d) For purposes of subsections (b) and (c), the operator of a commercial motor vehicle shall have in his immediate possession evidence of the local destination(s) and point of origin.
- (e) The provisions of this section shall not apply to:
 - (1) Emergency vehicles operating in response to any emergency call;
 - (2) An owner and/or operator of a commercial motor vehicle driving to and from his residence;
 - (3) Commercial motor vehicles owned and/or operated by and/or on behalf of a governmental entity, a public utility and/or any contractor or materialman, while engaged in the repair, maintenance or construction of roads, streets and/or highways, and/or road, street and/or highway improvements and/or utilities within the Town;
 - (4) Commercial motor vehicles owned and/or operated by and/or on behalf of a governmental entity while engaging in and/or performing official, authorized government-related business; and
 - (5) Commercial motor vehicles operating upon a Town or state officially designated detour, including permitted oversized loads.

- (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)
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
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

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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 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 5

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 6

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 7

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 28TH DAY OF NOVEMBER, 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney