

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING ARTICLE 12.08, "TRUCK ROUTES," OF CHAPTER 12, "TRAFFIC," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER BY REPEALING EXISTING SECTION 12.08.006, "PROHIBITION OF COMMERCIAL MOTOR VEHICLES ON CERTAIN STREET SEGMENTS," AND RENUMBERING CURRENT SECTION 12.08.007, "PENALTY PROVISION," TO SECTION 12.08.006, "PENALTY PROVISION"; MAKING FINDINGS; 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, on or about May 28, 2024, the Town adopted Ordinance No. 2024-39, relative to the prohibition of commercial vehicles on certain street segments; and

WHEREAS, subsequent to the Town's adoption of Ordinance No. 2024-39, there has been confusion by law enforcement personnel about the enforcement of the Town's "no truck routes" ordinance, as codified in Section 12.08.003, and the enforcement of Section 12.08.006; and

WHEREAS, in an effort to both clarify and simplify the Town's "no truck routes" ordinance, the Town has determined that it is in the best interest of the Town and its residents to repeal existing Section 12.08.006 to eliminate any confusion and/or ambiguity.

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Existing Section 12.08.006, "Prohibition of Commercial Motor Vehicles on Certain Street Segments," is hereby repealed in its entirety.

SECTION 3

Existing 12.08.007, "Penalty Provision," of Article 12.08, "Truck Routes," of Chapter 12, "Traffic," of the Code of Ordinances of the Town of Prosper, Texas, is hereby redesignated as Section 12.08.006, "Penalty Provision."

SECTION 4

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict.

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

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 JANUARY, 2025.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney