

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE 1.11, "DOWNTOWN PROSPER ENTERTAINMENT DISTRICT"; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; 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, it is the desire of the Town Council that Downtown Prosper play and continue to play a vital role in the cultural and social life of the Town, capitalizing on the Town's long history, location and the unique role of Downtown Prosper in the events that regularly occur in the Town; and

WHEREAS, Prosper, as a community that celebrates its culture, dining opportunities and arts, is and has been supportive of more entertainment events in Downtown Prosper; and

WHEREAS, it is the intent of this Ordinance to define the boundaries of Downtown Prosper as well as to provide for public and private collaboration in promoting entertainment, cultural, dining and arts opportunities in Downtown Prosper; and

WHEREAS, the Town Council has determined it is in the best interests of the Town's residents to establish a Downtown Prosper Entertainment District.

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

From and after the effective date of this Ordinance, Chapter 1, "General Provisions," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by adding a new Article 1.11, "Downtown Prosper Entertainment District," to read as follows:

"ARTICLE 1.11. DOWNTOWN PROSPER ENTERTAINMENT DISTRICT

Sec. 1.11.001 Creation of Downtown Prosper Entertainment District; Boundaries of the Downtown Prosper Entertainment District

There is hereby created a Downtown Prosper Entertainment District. Its boundaries shall be as follows: That area of the Town located between First Street and Fifth Street, and between McKinley Street and Coleman Street.

Sec. 1.11.002 Purpose of the Downtown Prosper Entertainment District.

The purpose of the Downtown Prosper Entertainment District to provide an entertainment area in Downtown Prosper that plays a vital role in the cultural and social life of the Town, capitalizing on the Town's long history, location and the unique role of Downtown Prosper in the events that regularly occur in the Town, as well as a showcasing Prosper as a community that celebrates its culture, dining opportunities and arts, and is supportive of more entertainment events in Downtown Prosper, including but not limited to interpretive, educational and recreational events.

Sec. 1.11.003 Authority of the Town.

The Town in its sole discretion may solicit grants and donations for the development of the Downtown Prosper Entertainment District; and may participate in or provide incentives to persons or entities to enhance the cultural, entertainment and arts events and opportunities in the Downtown Prosper Entertainment District.

Sec. 1.11.004 Special Events in the Downtown Prosper Entertainment District.

(a) During a special event being held in the Downtown Prosper Entertainment District, open containers may not be carried into or carried within and about said District unless such alcoholic beverage is sold and dispensed by the holder of a valid, appropriate Texas Alcoholic Beverage Commission alcoholic beverage permit during a Town-permitted special event within said District.

(b) During a special event being held in the Downtown Prosper Entertainment District, any alcoholic beverages that are consumed within said District must have been sold and dispensed by the holder of a valid, appropriate Texas Alcoholic Beverage Commission alcoholic beverage permit during a Town-permitted special event within said District.

(c) The Downtown Prosper Entertainment District shall be depicted on a map which shall be maintained and available in the Town Secretary's office and shall be made a part of this section by reference as if shown in its entirety.

(d) Any special event may be permitted for alcoholic beverages if such special event is held in conjunction with a Town-sponsored or co-sponsored event that allows alcoholic beverages to be dispensed and consumed.

Sec. 1.11.005 Waiver of Certain Distance Regulations for Special Events in the Downtown Prosper Entertainment District.

Notwithstanding any provision of Article 4.02 of Chapter 4 of this Code, or the Town's Zoning Ordinance, all as amended, Town-permitted special events within the Downtown Prosper Entertainment District shall not be required to meet or comply with setback standards or distance requirements for the sale or purchase of alcoholic beverages.

Sec. 1.11.006 Effect of Other Laws.

Nothing herein shall permit or otherwise authorize a violation of any applicable state law."

SECTION 3

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

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 13TH DAY OF AUGUST, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney