

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 ADDING A NEW SECTION 12.08.006, "PROHIBITION OF COMMERCIAL MOTOR VEHICLES ON CERTAIN STREET SEGMENTS," AND RENUMBERING CURRENT SECTION 12.08.006, "PENALTY PROVISION," TO SECTION 12.08.007, "PENALTY PROVISION"; MAKING FINDINGS; 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 large 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, the Town also is concerned that the weight of commercial motor vehicles on certain street segments in the Town that are in substandard condition has had and will continue to have a deleterious effect upon such street sections, resulting in additional degradation of those street sections, specifically in those instances where the commercial motor vehicles originate in the Town and therefore there often is a higher volume of such traffic on a substandard street segment; and

WHEREAS, while the effects of overweight commercial motor vehicles on pavement residual life depends on different factors such as type of traffic, load distribution, vehicle wheel and suspension and also on type of pavement and its condition, thickness, unevenness, and cracking, among other issues, it is clear that overweight commercial motor vehicles reduce the safety of all road users if it results in degradation of the road surface that is not compensated by more frequent maintenance; and

WHEREAS, Section 621.303 of the Texas Transportation Code provides, in part, that a municipality "may regulate the movement and operation on a public road . . . the overweight, [or] oversize" of a vehicle; and

WHEREAS, the Town Council strongly believes that the following weight restrictions on the below-referenced street section(s), pursuant to Section 621.303 of the Texas Transportation Code, as amended, will clearly enhance public safety, decrease noise in highly populated residential areas adjacent and nearby, limit the continued degradation of existing Town roadways, and is 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 12.08.006, "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 12.08.007, "Penalty Provision."

SECTION 3

From and after the effective date of this Ordinance, there is hereby added to Article 12.08, "Truck Routes," of Chapter 12, "Traffic," of the Code of Ordinances of the Town of Prosper, Texas, a new Section 12.08.006, "Prohibition of Commercial Motor Vehicles on Certain Street Segments," to read as follows:

"Sec. 12.08.006 Prohibition of Commercial Motor Vehicles on Certain Street Segments

(a) Pursuant to authority granted by Section 621.303 of the Texas Transportation Code, as amended, and notwithstanding any other provision in this chapter, it shall be unlawful to operate any commercial motor vehicle on the following street segment(s):

Street Segments	
Street Name	Limits
Prosper Trail	Dallas North Tollway to Custer Road

(b) Signs indicating the "No Commercial Motor Vehicles Allowed" provided herein shall be placed or caused to be placed by the Director of Engineering, or his/her designee, at the most advantageous points to be conspicuous to approaching vehicular traffic. The signs shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as otherwise approved. The signs shall in no way be obstructed from view and shall comply with applicable state laws.

(c) It is a defense to prosecution if the operator of a commercial motor vehicle has obtained a permit for an overweight vehicle pursuant to Chapter 623 of the Texas Transportation Code, as amended."

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 MAY, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney