

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A DEFINITION OF "ELECTRIC BICYCLE" TO SECTION 12.01.001, "DEFINITIONS," OF ARTICLE 12.01,"GENERAL PROVISIONS," OF CHAPTER 12, "TRAFFIC AND VEHICLES"; AMENDING THE DEFINITION OF "VEHICLE OR MOTOR VEHICLE" CONTAINED IN SECTION 12.01.001, "DEFINITIONS," OF ARTICLE 12.01, "GENERAL PROVISIONS," OF CHAPTER 12, "TRAFFIC AND VEHICLES" TO INCLUDE AN ELECTRIC BICYCLE AS A "VEHICLE OR MOTOR VEHICLE"; MAKING FINDINGS; PROVIDING 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 has determined that electric bicycles have proliferated in the Town and on numerous occasions electric bicycles have been used in such a manner as to seriously damage parks and/or parkland in the Town; and

WHEREAS, it is the desire of the Town Council to define and include electric bicycles as a "vehicle or motor vehicle" so that their use falls under the provisions of existing Town ordinances that regulate the operation of vehicles in the Town; and

WHEREAS, the Town Council of the Town of Prosper, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to provide for such regulation of electric bicycles.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Section 12.01.001, "Definitions," of Article 12.01,"General Provisions," of Chapter 12, "Traffic and Vehicles," of the Town's Code of Ordinances is hereby amended by adding a definition of "Electric Bicycle," to read as follows:

"§ 12.01.001. Definitions.

In this chapter:

Electric bicycle. Any bicycle that is equipped with fully operable pedals; an electric motor of fewer than 750 watts; and with a top assisted speed of 28 miles per hour or less. Pursuant to Chapter 664 of the Texas Transportation Code, as amended, an electric bicycle may be classified as either a Class 1 electric bicycle, a Class 2 electric bicycle, or a Class 3 electric bicycle. A “Class 1 electric bicycle” means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of 20 miles per hour or less. A “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used to propel the bicycle without the pedaling of the rider and with a top assisted speed of 20 miles per hour or less. A “Class 3 electric bicycle” means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of more than 20 but less than 28 miles per hour. For purposes of this definition, “top assisted speed” means the speed at which the bicycle’s motor ceases propelling the bicycle or assisting the rider. A label or decal on an electric bicycle identifying it as a Class 1, Class 2 or Class 3 electric bicycle shall be prima facie evidence of same.

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SECTION 3

From and after the effective date of this Ordinance, Section 12.01.001, “Definitions,” of Article 12.01, “General Provisions,” of Chapter 12, “Traffic and Vehicles,” of the Town’s Code of Ordinances is hereby amended by amending the definition of “Vehicle or motor vehicle,” to read as follows:

“§ 12.01.001. Definitions.

In this chapter:

* * *

Vehicle or motor vehicle. A device that can be used or is intended to be used to transport or draw persons and/or property on a highway or street, including but not limited to a car, truck, trailer, truck-tractor, semitruck, tractor-trailer, electric bicycle or motorcycle.

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SECTION 4

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount as provided in § 1.01.009 of the Town of Prosper’s Code of Ordinances for each offense, and each day shall constitute a separate offense.

SECTION 5

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

SECTION 6

This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF APRIL, 2025.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney