

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 1.09.008, "BICYCLE AND ELECTRIC BICYCLE RIDING AND SKATING IN PARKS AND ON BIKE TRAILS," OF ARTICLE 1.09, "PARKS AND RECREATION," OF CHAPTER 1, "GENERAL PROVISIONS," TO PROVIDE FOR A SPEED LIMIT FOR ELECTRIC BICYCLES IN PARKS AND ON BIKE TRAILS; AMENDING CHAPTER 12, "TRAFFIC AND VEHICLES," BY ADDING A NEW ARTICLE 12.10, "REGULATIONS SPECIFIC TO ELECTRIC BICYCLES, POCKET BIKES OR MINI MOTORBIKES"; 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 earlier this year 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 require Town-issued permits for any electric bicycles used or operated in the Town on any public property; and

WHEREAS, the Town Council finds it necessary to provide for additional regulations related to the operation of electric bicycles, all in an effort to further enhance public safety; and

WHEREAS, for the safety of those individuals who ride electric bicycles in the Town, safety requires that such individuals do not traverse the Town with noise-impeding devices, such as earbuds, headphones, ear plugs or similar devices; 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 permits for 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 1.09.008, "Bicycle Riding and Skating In Parks and on Bike Trails," of Article 1.09, "Parks and Recreation," of Chapter 1, "General Provisions," of the Town's Code of Ordinances is hereby amended to read as follows:

“§ 1.09.008. Bicycle and Electric Bicycle Riding and Skating in Parks and on Bike Trails.

- (a) Bicycle and electric bicycle riding and skating shall include peddled and bicycles of one, two or more wheels, whether electric or not, push type or motorized scooters, roller skates, in-line skates, in-shoe skates, skateboards, or any similar vehicle or apparatus. Bicycle and electric bicycle riding and skating shall be governed by safe riding/skating practices and consideration for use of parks by others. Where special parking provisions have been made for bicycles, parking for electric bicycles is permissible, and parking for bicycles and electric bicycles shall be limited to that area. Bicycle and electric bicycle riding and skating shall be prohibited in playgrounds, flowerbeds, pedestrian-only sidewalks, open space areas of parks, tennis courts, athletic courts, athletic fields, picnic pavilions and/or any other areas designated by the town.
- (b) The maximum speed of an electric bicycle in any area where the operation of an electric bicycle is permitted in any Town park or bike trail is 10 miles per hour, unless otherwise restricted.

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SECTION 3

From and after the effective date of this Ordinance, Chapter 12, “Traffic and Vehicles,” of the Town’s Code of Ordinances is hereby amended by adding a new Article 12.10, “Regulations Specific to Electric Bicycles,” to read as follows:

**“ARTICLE 12.10
REGULATIONS SPECIFIC TO ELECTRIC BICYCLES, POCKET BIKES OR
MINIMOTORBIKES**

§ 12.10.001. Electric Bicycle Permit Required.

- (a) No person shall operate, or cause to be operated, an electric bicycle on any public street, roadway, parking area or other authorized Town property, including but not limited to a bike trail, unless a valid permit has been issued by the Town.
- (b) Application for a permit authorizing the operation of an electric bicycle shall be made in person by the operator of said electric bicycle. The application shall be made in writing to the Town’s Police Department on the designated electric bicycle permitting form. An application shall include the following:
 - (1) The name, address, telephone number, and state driver license number, if any, of the electric bicycle operator;
 - (2) The street address where the electric bicycle will be kept, including the particular suite or apartment number, if applicable;
 - (3) The year, make, model, color, and serial number or identification number of the electric bicycle;
 - (4) The person(s), designated by the chief of police, who inspected the electric bicycle,

including certification on the application by said inspector that the electric bicycle complies with the requirements of this section before the issuance of a permit; and

- (5) No fee shall be required for the issuance of a permit, as referenced herein.
- (c) Application for a permit and electric bicycle inspection may be completed at the Town's Police Department on any business day from the hours of 9:00 a.m. to 4:00 p.m., by the chief of police, or his designee;
- (d) The permit emblem shall be permanently affixed on the left side of the electric bicycle frame, by the inspector, in such a manner that is clearly visible. The permit emblem must not be damaged, altered, obstructed, or otherwise made illegible;
- (e) The permit emblem shall only be placed upon the electric bicycle for which it was issued;
- (f) A permit issued to an electric bicycle shall become invalid if the electric bicycle is altered in a manner that fails to comply with any requirement of this section;
- (g) The permit holder shall notify the chief of police within ten (10) business days should the electric bicycle's operator transfer ownership or the address of the electric bicycle storage location change;
- (h) Lost or stolen permit emblems are the responsibility of the operator. A police report must be filed in the event of a lost or stolen permit emblem. If no record of previous application for permit can be found, the Police Department may direct the reporting party to reapply before a replacement permit emblem is issued;
- (i) Any person who operates an electric bicycle and fails to comply with this section will be subject to all applicable state laws, in addition to being in violation of this section;
- (j) A permit may be revoked at any time by the chief of police, or his designee, if there is any evidence that the permit holder cannot safely operate the electric bicycle in compliance with this section.

§ 12.10.002. Safety Regulations for Electric Bicycles.

- (a) No person shall wear any headphones, earbuds, ear plugs or other noise reduction devices while operating an electric bicycle.
- (b) No person shall operate an electric bicycle and carry a passenger on such electric bicycle unless the electric bicycle is specifically designed for a passenger with additional seating, or the passenger is a child riding in a properly attached child safety seat.
- (c) No person shall operate an electric bicycle after dusk without the electric bicycle being equipped with a front white light visible from 500 feet away, and red rear reflector visible from 300 feet away or a lamp visible from 500 feet away.
- (d) No person under the age of fifteen (15) years shall operate a Class 3 electric bicycle.
- (e) No person under the age of sixteen (16) shall operate an electric bicycle without wearing a helmet that is properly-fitted; is not structurally damaged; and conforms to current

standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

§ 12.10.003. Operation of Electric Bicycles in Parks and Other Town Facilities.

The operation of an electric bicycle in a Town park, bike trail or in outdoor areas and facilities shall be subject to the provisions of Article 1.09 of Chapter 1 of this Code of Ordinances.

§ 12.10.004. Preemption by State Law.

In the event that any provision in this Article is preempted by state law, state law shall apply.

§ 12.10.005. Penalties.

- (a) Any person violating this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount of no less than \$250.00.
- (b) Any person violating this Article shall be deemed guilty of a misdemeanor, and upon conviction of a second offenses within one (1) year of a first conviction for a violation of this Article, shall be fined in an amount of no less than \$500.00.

§ 12.10.005. Pocket Bikes or Mini Motorbikes.

The operation of pocket bikes or Mini Motorbikes is governed by Chapter 551 of the Texas Transportation Code, as amended, and the provisions of this Article shall not apply to pocket bikes or mini motorbikes.”

SECTION 4

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 5

This Ordinance shall become effective from and after its adoption and publication as required by law; however, enforcement of any provision of Section 3 of this Ordinance shall not be effective until December 1, 2025.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 28TH DAY OF OCTOBER, 2025.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney