

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 12.01.001 (DEFINITIONS) OF ARTICLE 12.01 (GENERAL PROVISIONS) OF CHAPTER 12 (TRAFFIC AND VEHICLES) OF THE TOWN OF PROSPER'S CODE OF ORDINANCES; AMENDING SECTION 12.05.002 (PARKING REQUIREMENTS) OF DIVISION 1 (GENERALLY) OF ARTICLE 12.05 (PARKING, STOPPING, AND STANDING) OF CHAPTER 12 (TRAFFIC AND VEHICLES) OF THE TOWN OF PROSPER'S CODE OF ORDINANCES; RESTRICTING THE PARKING OF CERTAIN VEHICLES IN RESIDENTIAL AREA AND PROVIDING CORRESPONDING DEFINITIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; 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 Council of the Town of Prosper, Texas ("Town Council") has investigated into and determined that it would be advantageous and beneficial to the citizens and inhabitants of the Town of Prosper, Texas ("Prosper") to amend Section 12.01.001 (Definitions) of Article 12.01 (General Provisions) of Chapter 12 (Traffic and Vehicles) of the Town of Prosper's Code of Ordinances;

WHEREAS, the Town Council has investigated into and determined that it would be advantageous and beneficial to the citizens and inhabitants of Prosper to amend Section 12.05.002 (Parking Requirements) of Division 1 (Generally) of Article 12.05 (Parking, Stopping, and Standing) of Chapter 12 (Traffic and Vehicles) of the Town of Prosper's Code of Ordinances; and

WHEREAS, the Town Council has investigated into and determined that it would be advantageous and beneficial to restrict the parking of certain vehicles in residential areas as set forth below.

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amending Section 12.01.001 (Definitions) of Article 12.01 (General Provisions) of Chapter 12 (Traffic and Vehicles) of the Town of Prosper's Code of Ordinances. Section 12.01.001 (Definitions) of Article 12.01 (General Provisions) of Chapter 12 (Traffic and Vehicles) of the Town of Prosper's Code of Ordinances is amended to read as follow:

“Sec. 12.01.001 Definitions

In this Chapter:

ALLEY. Any narrow street used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street and having no legal or official name other than “alley.”

BUS. Every motor vehicle designed for carrying more than ten (10) passengers and used for the commercial transportation of persons.

CAMPER-TRAILER. A folding or collapsible vehicular structure, without its own power, designed as temporary living quarters for travel, camping, recreation, and vacation use which is licensed and registered for highway use.

COMMERCIAL MOTOR VEHICLE. Any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, or pickup truck, but including any other type truck, tractor, trailer, semitrailer, pole trailer or any combination thereof which has a gross registered carrying capacity of more than 4,000 pounds.

CURRB. The lateral lines of a roadway, whether constructed above grade or not, which are not intended for vehicular travel.

DIVIDED ROADWAY OR HIGHWAY. A roadway or highway divided into two roadways by leaving an intervening space or by a physical barrier, or clearly indicated dividing section between the two roadways.

HORSE or STOCK TRAILER. A vehicular structure without its own motive power designed primarily for the transportation of horses or stock which, in combination with the towing vehicle, is currently licensed and registered for highway use.

IMPROVED OR PAVED SURFACE. A surface that consists of materials other than dirt or grass such as, but not limited to, concrete, asphalt, rock, paverstone, etc. and must be attached to the ground surface.

LOADING ZONE. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

MEDIAN STRIP. That area or portion of a divided street, road, or highway within the town separating the two roadways of said street, road, or highway and shall be held to include the curb, if any, at the outer edge of said area.

MOBILE HOME. Living quarters equipped or used for sleeping and eating which may be moved from one location to another over a public street by being pulled behind a motor vehicle.

MOTOR HOME. A vehicular unit built on or as part of a self propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation use, and is licensed and registered for highway use. Conversion vans are exempted.

OPERATOR. Any person in control of a vehicle, including a railroad train or vehicle being towed.

PARKING BAN. Certain hours during the day at which times standing, parking, or stopping of a vehicle is prohibited along the curb of designated streets as indicated by signs authorized by the traffic administrator.

PARK AND PARKING. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers.

PUBLIC VIEW. Vehicular unit that is visible at any time of the year from a public place or public right of way.

RESIDENTIAL AREA. Any tract of land that is used for residential purposes and/or the portion of a street and/or right-of-way directly abutting said tract of land.

SCHOOL TRAFFIC ZONE. An area of a public street or highway within the town and in the vicinity of a public or private school and upon which children of school age walk or cross at certain times of the day on school days.

SCREENED FROM PUBLIC VIEW. Fully concealed from public view.

TRAFFIC ADMINISTRATOR. The person, or his authorized representative, designated by the town council to exercise the powers and duties conferred upon him by this chapter as well as by the laws of the state vesting powers in local traffic authorities.

TRAILER. Horse or Stock Trailer, Utility Trailer, Camper-Trailer, and/or Watercraft Trailer.

TRAVEL TRAILER. A rigid structure, without its own motive power, designed as a temporary dwelling for travel, camping recreation and vacation use, which is licensed and registered for highway use and which when equipped for the road has a body width of not more than eight feet.

TRUCK CAMPER. A portable structure, without its own motive power, designed to be mounted on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use, and which in combination with the carrying vehicle is licensed and registered for highway use.

UTILITY TRAILER. A vehicular structure without its own motive power designed and/or used for the transportation of all manner of vehicles, livestock, goods and materials and is currently licensed or registered for highway use.

VEHICLE or MOTOR VEHICLE. A self-propelled device that can be 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, 18-wheeler and/or motorcycle.

WATERCRAFT. A boat or any device used or capable of being used for navigation on water.

WATERCRAFT TRAILER. A vehicular structure without its own motive power, specifically designed to transport watercraft for recreation and vacation use and which is currently licensed and registered for highway use.”

SECTION 3. Amending Section 12.05.002 (Parking Requirements) of Division 1 (Generally) of Article 12.05 (Parking, Stopping, and Standing) of Chapter 12 (Traffic and Vehicles) of the Town of Prosper’s Code of Ordinances. Section 12.05.002 (Parking Requirements) of Division 1 (Generally) of Article 12.05 (Parking, Stopping, and Standing) of Chapter 12 (Traffic and Vehicles) of the Town of Prosper’s Code of Ordinances is amended to read as follows:

“Sec. 12.05.002 Parking requirements.

- (a) It shall be unlawful for any person to stop, stand or park a vehicle at any place prohibited by the applicable laws of the state.
- (b) It shall be unlawful for any person to stop, stand or park any vehicle at any time upon any public street, alley, public place or fire lane when signs are erected or curbs painted giving notice that parking there is prohibited.
- (c) It shall be unlawful for any person to park any motor vehicle upon any public street, alley, or public property of any nature in the town for the purpose of greasing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency. With the exception of it being allowable to have one vehicle for sale on the street in front of a person’s home if parked properly, it shall be unlawful for any person to sell or exhibit property of any nature upon any public street, alley, or public property of any nature in the Town.
- (d) It shall be unlawful for any person to park a motor vehicle in or upon any median strip as that term is defined herein.
- (e) It shall be unlawful for any person to park a motor vehicle in front of a public or private driveway or within three feet of the curved portion of any such driveway

without the effective consent of the owner of the property on which the driveway is located.

(f) It shall be unlawful for a person to park a motor vehicle on a street in a residential area if the passenger-side wheels of such vehicle are not parallel to and within eighteen (18) inches of the curb or edge of pavement.

(g) It shall be unlawful for a person to park a motor vehicle in such a manner that fails to maintain a minimum unobstructed pavement width of fourteen feet (14') on the street where the motor vehicle is parked.

(h) It shall be unlawful for any person to habitually park a motor vehicle on the portion of a street abutting or adjacent to a single family residential lot, unless the owner or operator of the motor vehicle is an owner and/or occupant of the residence located on that single family residential lot. For purposes of this regulation, the term "habitually park" means to park more than seven (7) days in any given thirty (30) day period.

(i) It shall be unlawful for a person to park a semi-truck cab, bus, watercraft, and/or commercial motor vehicle on the street in a residential area, except for purposes of loading or unloading passengers, freight, or merchandise.

(j) In a residential area, it shall be unlawful for any person to park any of the following between a lot's front building line and the edge of pavement of the street unless parked on a paved or improved surface:

Motor vehicle, truck camper in combination with its carrying vehicle, watercraft loaded on a watercraft trailer, watercraft, collapsible camper-trailer, trailer, motor home, or farming equipment.

(k) It shall be unlawful for a person to park any vehicle, trailer, watercraft, farming equipment mobile home, or motor home on a private drive or driveway in such a manner that it extends onto the sidewalk or into the street.

(l) It shall be unlawful for a person to park a trailer, truck camper, motor home, or watercraft loaded on a watercraft trailer on the street for more than seventy-two (72) consecutive hours.

(m) It shall be unlawful for a person to perform repair work, dismantling or assembly of motor vehicles, trailers, watercraft or other machinery or in any driveway in a residential area to the extent such work takes more than seventy-two (72) consecutive hours to complete.

(n) It shall be unlawful for a person to park and/or store a motor vehicle, truck camper, trailer, or watercraft being occupied or used for living or sleeping. Non-paying guests of the residents of a household are exempted for periods not to exceed seven (7) days in any thirty (30) day period.

- (o) It shall be unlawful for a person to park, stand, or store a motor vehicle, trailer, or watercraft in such manner as to create a dangerous or unsafe condition. Parking, standing, and/or storing any motor vehicle, trailer, or watercraft, in such a fashion that such may tip or roll shall be considered a dangerous and unsafe condition.”

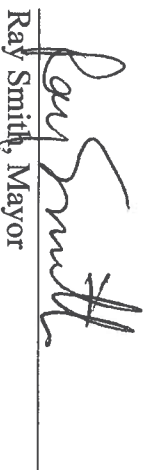
SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. 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 or invalid.

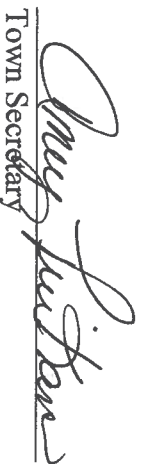
SECTION 6. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Five Hundred (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY VOTE OF 6-0 BY THE TOWN COUNCIL
OF THE TOWN OF PROSPER, TEXAS** on this 12th day of April, 2011.


Ray Smith, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**


Town Secretary

DATE OF PUBLICATION: 4/20/11, Prosper Press