

Basketball Hoop Ordinance

The intent of this chapter is to provide a mechanism by which to permit basketball poles, backboards and hoops existing as of March 1, 1994, to encroach on the city right-of-way, provided the adjoining property owner complies with the procedures and minimum requirements set forth in this chapter.

§ 99.5.02 APPLICATION FOR PERMIT; FEE

A. Prior to the issuance of a permit, a written application therefore, signed by the property owner, shall be filed with the City Engineer upon forms prescribed by the city.

B. The form for application for a permit to maintain a basketball pole, backboard and hoop on the city right-of-way shall include an affidavit to be sworn to by the property owner/applicant before a notary public of this state. It shall set forth, at a minimum, the following pertinent information:

(1) The name of the property owner;

(2) The address of the residential property for which the application for the permit is made;

(3) A sketch of the placement of the basketball pole, backboard and hoop; and

(4) An affidavit of the property owner acknowledging that if a permit is granted in accordance with this chapter, the property owner agrees to indemnify, hold harmless and defend the city, its trustees, elected and appointed officials, agents, servants and employees from and against any and all actions, claims, suits, causes of action, proceedings, penalties, liabilities and judgments for damages, or equitable relief of any nature whatsoever, sustained by the city, or any third party, whatsoever, arising out of or in connection with the placement of, existence of, or use of the basketball pole, backboard and hoop herein permitted, for all costs, losses and expenses, including, but not limited to, damages to persons or property, judgments and attorneys' fees arising out of or in connection to the placement of, existence of or use of the basketball pole, backboard and hoop permitted herein, and that the property owner agrees to comply with all of the terms and conditions set forth in this chapter.

C. All applications for permits shall be accompanied by the full amount of the fees chargeable for the permit.

D. Upon receipt of a completed application by the city, the City Engineer shall review the application and determine initially whether or not the applicant's residential property satisfies the minimum requirements set forth in § 99.5.03. If the minimum requirements are not satisfied, the application will be returned to the applicant with a letter stating that the application is being returned due to the residential property not meeting the minimum requirements of this chapter. If the minimum requirements are satisfied, the notification and hearing requirements set forth in subdivision (E) below will be followed.

E. Immediately following receipt of notice from the City Engineer that the application has not been returned to the applicant in accordance with subdivision (D) above, the city, at the cost of the applicant, shall cause an inspection of the applicant's residential property and the location of the basketball pole, backboard and hoop.

F. Upon receipt of an application, the City Engineer, at the applicant's expense, shall notify by certified mail, the surrounding property owners located within 200 feet of the property, that an

application is pending for the issuance of a permit under this chapter. Notice shall also be sent to all departments of the city for review and comment.

(1) The notification shall set forth the name of the applicant, the street address of the residential property for which the permit is sought, and the location of the basketball pole, backboard and hoop.

(2) Following the notice, if any objections are received from any of the surrounding residential property owners or from a city department objecting to the application, the City Manager or a designee shall evaluate the objections.

(3) The city shall presume all objections are objective and valid and the burden shall be on the applicant to demonstrate sufficient grounds for granting the permit.

(4) In reviewing objections, the City Manager or a designee shall consider the effect of the use on existing and future dwellings in the vicinity, the site, the traffic safety and the general health and safety of the community.

(5) In the event the applicant has satisfied his burden of proof and the objections are found invalid, the city shall continue processing the application.

(6) In the event the applicant has failed to satisfy the burden of proof and valid objections do exist, the application shall be denied. In which case the applicant shall be entitled to appeal the denial to the City Commission. Such appeal shall be made in writing within ten days of notification that the application is denied. The decision of the City Commission shall be binding on the applicant.

§ 99.5.03 MINIMUM REQUIREMENTS; GUIDELINES

A. An application for a permit under this chapter shall not be granted for any residential property which: (1) Abuts an arterial or collector street (as defined in the city's Comprehensive Plan); only local streets and cul de sacs will be permitted; and

(2) Where the distance from the edge of the roadway pavement to the property line is less than 14 feet; AND

B. An application for a permit under this chapter shall not be granted for any residential property unless the property owner/applicant agrees that within two years from the date the permit is issued the following requirements will be fully complied with or the permit will be revoked by the city and the property owner/applicant will be responsible for the removal of any portion of the basketball pole, backboard and hoop which encroaches on city property within 30 days of revocation.

(1) Where the distance from the edge of the roadway pavement to the closest edge of the basketball pole, backboard or hoop is located less than four feet; and

(2) Where the basketball pole, backboard and hoop is located less than 100 feet from the centerline of an intersecting street; provided, however, that if a stop sign exists for the intersecting street, this distance may be reduced to 75 feet; and

(3) Where the face of the backboard is parallel with or at any angle less than 45 degrees to the centerline of the road.

§ 99.5.04 DURATION OF PERMIT

The permit granted pursuant to this chapter shall be valid for as long as the property owner/applicant owns the adjoining property for which the permit was issued. The permit granted herein is non-transferable and non-assignable.

REQUIREMENTS TO OBTAIN A PERMIT TO MAINTAIN A BASKETBALL POLE, BACKBOARD AND HOOP ON CITY RIGHT-OF-WAY

1. Completed and signed permit application form.
2. A sketch of the placement of the basketball pole, backboard and hoop.
3. Signed and notarized affidavit(s) of the property owner(s) where basketball pole, backboard and hoop is located.
4. No Objections Form signed by ALL surrounding property owners located within 200 feet of the submit property.
5. Inspection report and photographs of the residential property and the location of the basketball pole, backboard and hoop.
6. Permit fee in the amount of \$32.28.

A Permit may NOT be granted for the following reasons:

- 1.The residential property is located on an arterial or collector street.
- 2.The distance from the edge of roadway pavement to the residential property line is less than fourteen (14') feet.
- 3.The distance from the edge of roadway pavement to the closest edge of the basketball pole, backboard or hoop is less than four (4') feet.
- 4.The face of the backboard is parallel with or at any angle less than 45 degrees to the centerline of the road.
- 5.The pole is located less than one hundred (100') feet (75' with stop sign) from the centerline of an intersecting street.
- 6.Concerns with pedestrian and vehicular traffic safety.