



City Of Scio, Oregon



ORDINANCE NO. 625

AN ORDINANCE REGULATING PORTABLE BASKETBALL HOOPS INSIDE THE CITY OF SCIO

Whereas, the City of Scio is charged with protecting the health, safety and general welfare of the Citizens of Scio;

Whereas, Chapter 30 of the Scio Municipal Code grants the City jurisdiction and regulatory control over all public right of ways within the city of Scio;

Whereas, basketball hoops can create a nuisance by interfering with safe pedestrian use of sidewalks, including potential ADA compliance, and interference with vehicular travel creating a danger both to vehicles and players;

Whereas, basketball hoops can create a nuisance by creating noise that disturbs neighbors during certain hours;

WHEREFORE, THE CITY OF SCIO DOES ORDAIN AS FOLLOWS:

Article IV is hereby added to Chapter 30 – Streets, Sidewalks and other Public Places.

Sec. 30-60 Title

This Ordinance shall be known as the Scio Portable Basketball Hoop Ordinance.

Sect. 3061 Definitions.

As used in this chapter, the following terms have the following meanings:

“Portable Basketball Hoop” means any stand-alone unit that consists of a backboard and rim attached to a support pole and a base that is equipped with wheels or other mechanism for transportation or otherwise mobile.

“Public roadway” – means the improved portion of the public right-of-way designed for vehicular travel.

“Sidewalk” means the improved portion of the public right-of-way designed for preferential or exclusive use by pedestrians.

Sec. 30-63 Permit, Permissible Locations and Hours of Use

1. Anyone wishing to place a basketball hoop within a public right of way must sign a written statement of acknowledgement of this ordinance. The initial cost of the permit will be \$50.00 per year. The permit fee will be added and made a part of the yearly fee schedule allowing Council to adjust as necessary. The proceeds from the permit fees will go towards administrative costs associated with the governance of said ordinance. The annual fee will begin the date the permit is obtained. Failure to obtain a permit will result in the removal of the basketball hoop.
2. Portable Basketball Hoop can be erected subject to the following conditions:
 - A. the area is zoned for residential use and is not a state or county road;
 - B. Abutting a public roadway, at least 30 feet from the nearest lateral curb line or boundary line of any intersection of two or more public roadways.
 - C. Portable Basketball Hoops cannot be placed within five feet of any manhole cover or street collection grate or in any manner that inhibits the free and clear movement of traffic.
 - D. Portable Basketball Hoops may only be used between the hours of 7:00 a.m. and dusk year around.
 - E. Any person owning, possessing, occupying or having control of property that abuts the public right-of-way where a portable basketball hoop is placed shall properly, safely and responsibly construct, maintain, inspect, repair, use and supervised the use of the fixture.

Sec. 30-64 City Immunity from Liability

1. No recourse whatsoever shall be had against the City, its council, employees or agents for damage or loss to person or property arising out of the negligent or otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any basketball fixture placed in the public right-of-way or for any act or omission in violation of this ordinance.
2. In consideration for the City allowing a person owning, possessing, occupying or having control of property that abuts the public right-of-way to construct, maintain, inspect, repair, use or supervise the use of a basketball fixture affixed to the public right-of-way, such person shall indemnify, defend and hold the City, its council, employees and agents harmless against any claim, suit or action made against the City, its council, employees and agents as a result of any person's failure to satisfy any obligation imposed by this ordinance.

Sec. 30-64 Removal of Basketball Hoop

Any person owning, possessing, occupying or having control of property that abuts the public right-of-way where a portable basketball hoop is placed in violation of this ordinance shall remove the portable basketball hoop.

Sec. 30-65 Penalty

A. Violation of any provision of this ordinance constitutes a Class A Violation subject to a maximum fine of \$500.

B. Each day that a violation exists constitutes a separate infraction.

C. The penalties imposed by this ordinance are in addition to and not in lieu of any other lawful remedies available to the city, including abatement under Chapter 20 - Nuisances.

This Ordinance was passed on the 22nd day of May, 2023 by the City Council.

Date: August 14, 2023 By: Debbie Nuber
Mayor

Date: August 14, 2023 Attest: Virginia A. Allen
City Manager

APPROVED AS TO FORM

Date: 8/14/23 By: John E. Kennedy
JOHN E. KENNEDY, City Attorney