



## ORDINANCE NO. 5993

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) TITLE 8, BY THE CREATION OF CHAPTER 8.09 PORTABLE BASKETBALL HOOPS.

WHEREAS, the City of Albany is adding AMC Chapter 8.09, Portable Basketball Hoops, to provide lawful recreation throughout city neighborhoods; and

WHEREAS, not all properties have space for such activities; and

WHEREAS, positive recreational activity has been shown to reduce crimes, improve health, and increase community involvement.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Amending AMC Title 8, Community Livability. AMC Title 8 is hereby amended to add AMC Chapter 8.09 titled Portable Basketball Hoops:

### Section:

#### **8.09.010 Definitions.**

#### **8.09.020 Permanent basketball hoop.**

#### **8.09.030 Permissible location and use.**

#### **8.09.040 Owner's or lessee's maintenance duties and liabilities.**

#### **8.09.050 Incompatible areas.**

#### **8.09.060 Derelict or abandoned portable basketball hoops.**

#### **8.09.070 Penalties.**

#### **8.09.080 City immunity from liability.**

#### **8.09.090 City revocation.**

#### **8.09.010 Definitions.**

As used in this chapter, the following terms shall have the meaning indicated:

“Permanent basketball hoop” means any unit that consists of a backboard and rim attached to a building, in-ground pole, or any other fixed and stationary structure.

“Planter strip” means a strip of public right-of-way between roadway and sidewalk.

“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 easy transportation.

#### **8.09.020 Permanent basketball hoop.**

It is unlawful for any person to install a permanent basketball hoop on public property.

#### **8.09.030 Permissible location and use.**

- (1) Portable basketball hoops shall not be placed within or upon any street, sidewalk, or bike lane.
- (2) Portable basketball hoops shall be placed on the owner's property if the driveway is of suitable size and slope.

(a) A driveway having a slope 3.58 degrees (0.75:12) or less and an area of at least 400 square feet is considered suitable for playing basketball.

(3) If a portable basketball hoop cannot be installed along the driveway under subsection (2) of this section, it may be placed within the planter strip along the frontage of the hoop owner's property and the following standards shall apply:

- (a) The portable basketball hoop shall be in a residential planning district;
- (b) The portable basketball hoop shall be freestanding;
- (c) The portable basketball hoop shall be at least five feet from manholes, catch basins, traffic signs or traffic control devices, fire hydrants, utility poles, utility meters, mailboxes, trees, above-ground electrical transformers, telephone boxes, cable boxes, and any other utility boxes;

(d) The portable basketball hoop shall be placed in a manner that does not impede the flow of motor vehicle traffic;

(e) All players utilizing a portable basketball hoop shall yield to the flow of street traffic (motor vehicle or bicycle);

(f) A hoop backboard shall not extend more than one foot beyond the face of the roadway curb;

(g) A hoop ring shall be at least 10 feet above the surface of the property, when not in use, measured vertically from the surface of the ground;

(h) The portable basketball hoop shall be at least 50 feet from the nearest lateral street curb line which intersects at 90 degrees, except if located on a cul-de-sac, the hoop shall be at least 50 feet from the nearest lateral street curb line of the intersection;

(i) The portable basketball hoop shall provide an unobstructed view of at least 100 feet as measured 10 feet out from the face of the curb and five feet high along the public roadway in both directions. There shall be no obstructions resulting from curves in such roadway, elevation changes, landscaping or other fixtures located alongside such roadway, except if on a cul-de-sac, the hoop shall have an unobstructed view of at least 50 feet;

(j) The City or its agents may relocate portable basketball hoops installed in a manner that violates the standards set forth in this section. The City or its agents shall not be liable for any damages resulting from the relocation of improperly installed basketball hoops.

#### **8.09.040 Owner's or lessee's maintenance duties and liabilities.**

When placing a portable basketball hoop under this chapter, the owner or lessee of the adjacent or abutting real property shall be responsible for maintaining the portable basketball hoop in accordance with the following standards:

- (1) Reflectors or reflective tape shall be placed upon both sides of the portable basketball hoop in visible locations.
- (2) Portable basketball hoops shall be maintained in a stable condition with adequate weight distribution to prevent tipping.
- (3) Owners and lessees of a portable basketball hoop shall properly, safely, and reasonably maintain, inspect, repair, use, and supervise its use and shall be responsible for compliance with the requirements of this chapter. Damage to the portable basketball hoop shall be the responsibility of the hoop owner.
- (4) A person who is injured or whose property is damaged by reason of an act or omission constituting a violation of this section shall have a cause of action for damages sustained, including punitive damages, against a person or persons referred to in this section, whose acts or omissions result in a violation of this section. The person or persons who cause such injury or damage by reason of their negligence, wrongful, or intentional misconduct shall also be liable.

#### **8.09.050 Incompatible areas.**

The safety and functionality of the streets and their users shall take precedent above all uses of the streets.

- (1) If it is found that placement of a portable basketball hoop creates a safety concern or impedes vehicular use of a congested road, the portable basketball hoop may be ordered removed.
- (2) If the owner refuses to move the portable basketball hoop or an owner cannot be found, the city may remove and dispose of the basketball hoop.

#### **8.09.060 Derelict or abandoned portable basketball hoops.**

(1) All portable basketball hoops that have broken backboards, rims, or other major components that render them unusable or unsafe shall be removed from public right-of-way.

(2) Any portable basketball hoop that has been abandoned or for which an owner cannot be identified, can be removed and disposed of by the city.

#### **8.09.070 Penalties.**

Any person violating any of the provisions of this chapter is subject to those penalties set forth in AMC [1.04.010](#).

**8.09.080 City immunity from liability.**

(1) No recourse whatsoever shall be had or made available against the City, its elected officials, officers, employees or agents for damages, injury, or loss to any person or property arising directly or indirectly out of the negligent or otherwise wrongful construction, maintenance, inspection, repair, use, or supervision of use of any portable basketball hoop or for any act or omission in violation of this chapter.

(2) In consideration for the City allowing a person owning, possessing, occupying, or having control of real property that abuts or is adjacent to the public right-of-way to maintain, inspect, repair, use, or supervise the use of a portable basketball hoop, such person shall indemnify, defend and hold the City, its elected officials, officers, employees and agents harmless against any claim, suit, or action made against the City, its elected officials, officers, employees, and agents as a result of any person's failure to satisfy any obligation imposed by this chapter.

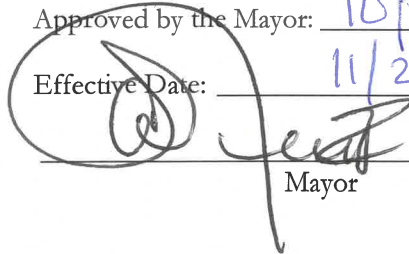
**8.09.090 City revocation.**

Nothing contained herein shall be construed as a permanent conveyance, grant, or transfer of a property interest or permanent private right in any public right-of-way. The City retains the right to revoke the privilege allowed under this chapter at any time and without cause.

Passed by the Council: 10/26/2022

Approved by the Mayor: 10/26/2022

Effective Date: 11/25/2022

  
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Mayor

ATTEST:

Allison R. Luesie

City Clerk

