

RESOLUTION NUMBER 21383

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ADOPTING A COUNCIL POLICY REGARDING BASKETBALL HOOPS IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, basketball hoops have been installed in the public right-of-way in many locations in Santa Rosa; and

WHEREAS, the City Code requires that an encroachment permit be obtained for any structure or object of any kind placed in the public right-of-way; and

WHEREAS, the City Council considered the issue of basketball hoops in the public right-of-way at a study session on August 18, 1992, and at a Council meeting on September 1, 1992; and

WHEREAS, a majority of the City Council generally agreed that encroachment permits should be issued for basketball hoops in the public right-of-way under certain conditions; and

WHEREAS, the State Attorney General opinion dated March 23, 1994, concluded that a City may authorize its residents to install basketball standards in the public right-of-way between the sidewalks and street curbs of residential neighborhoods so that the backboards face the streets and extend beyond the curbs, provided that the safety and convenience of the traveling public are protected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Santa Rosa, that Council Policy Number 100-09 on the subject "Basketball Hoops in Public Right-of-Way" is adopted.

IN COUNCIL DULY PASSED, this 6th day of July, 1993.

AYES: (5) Mayor Casey; Councilmen Berto, Knight, Pedgrift and Wright

NOES: (0)

ABSENT: (0)

APPROVED:

  
Mayor

ATTEST:

  
Assistant City Clerk

APPROVED AS TO FORM

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City Attorney

EXHIBIT 1

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
BASKETBALL HOOPS IN PUBLIC RIGHT-OF-WAY	100-09	8/14/93	1 of 4

BACKGROUND:

Basketball hoops have been installed by city residents in the public right-of-way. Installation of any structure in the public right-of-way or easement without an encroachment permit is in violation of the City Code. Complaints have been received by the City regarding basketball hoops in the public right-of-way and activities around the basketball hoops.

PURPOSE:

The purpose of this policy is to set forth the criteria under which an encroachment permit may be issued for the installation of basketball hoops within the public right-of-way, to identify the conditions under which basketball hoops may be installed, and to establish procedures for enforcement of this policy.

POLICY:

Encroachment permits shall not be issued for basketball hoops within the public right-of-way except in accordance with the criteria and conditions below. This policy applies to existing as well as proposed basketball hoop installations within the public right-of-way. This policy does not apply to portable basketball hoops that are moved out of the public right-of-way when not in use. Basketball hoops shall not be allowed where prohibited by the conditions, covenants, and restrictions of a development. The criteria by which a request for an encroachment permit to install a basketball hoop in the public right-of-way will be evaluated are as follows:

- A. Basketball hoops shall be considered in cul-de-sacs and on short residential streets accessing less than approximately 40 homes and/or other streets having low traffic volumes.
- B. Basketball hoops shall only be considered for locations with a minimum sight distance of 150 feet for vehicles.
- C. Basketball hoops shall not be allowed on public street light poles, utility poles or other public street furniture.
- D. Applications for an encroachment permit to install a basketball hoop in the public right-of-way shall be accompanied by a written statement from an adult resident from each of the five

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
BASKETBALL HOOPS IN PUBLIC RIGHT-OF-WAY	100-09	8/14/93	2 of 4

homes nearest to the hoop location and along the street on which the hoop will be installed (for example, one home on either side and three homes across the street), that states their approval of the installation.

- E. The encroachment permit application must be accompanied by an insurance certificate for public liability and property damage insurance coverage in the amount of one hundred thousand dollars (\$100,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) aggregate on account of bodily injuries, including death, or on account of property damage and injury to persons. Workers Compensation insurance is required for the installation per State law unless the property owner installs the basketball hoop himself or herself. The encroachment permit shall become invalid upon expiration of insurance, or if the property owner moves. If the hoop remains, the new property owner shall apply for an encroachment permit and provide proof of insurance as described above.
- F. Conditions on encroachment permits issued for basketball hoop installations shall include the following:
- i) A requirement for Underground Service Alert utility markouts prior to installation. This requirement does not apply to portable, above-ground basketball hoops.
  - ii) A restriction on play at the basketball hoop to the hours of 8 am to 9 pm.
  - iii) A requirement for minimum horizontal clearance of 18 inches between the face of curb and the pole, and 4 feet clearance on the sidewalk.
  - iv) A requirement that the hoop not extend beyond the face of the curb into the street or that a minimum vertical clearance of 14 feet between the street and the bottom of the basketball hoop be provided. A hoop that is adjusted to meet this requirement or removed when not in use is acceptable.
  - v) A requirement that the hoop and pole be removed by the property owner at their expense if the City retracts approval of the installation.

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
BASKETBALL HOOPS IN PUBLIC RIGHT-OF-WAY	100-09	8/14/93	3 of 4

- vi) The horizontal and vertical clearance requirements may be waived by the City Council for existing installations where field conditions indicate that less stringent requirements would be appropriate.
- G. The following procedures shall be followed when the City is notified of a basketball hoop installation for which an encroachment permit has not been obtained:
- i) Send letter of information to property owner explaining the City policy. Include an encroachment permit application.
  - ii) If no action is taken by the property owner within four weeks of the date of the letter of information, send second letter (follow-up to letter of information) via certified mail.
  - iii) If property owner does not reply to the second letter, notify Field Services to remove hoop and pole, tag it with the property owner's name and address, and transfer it to the Purchasing Section for storage; notify property owner of the date that the hoop and pole will be removed.
  - iv) When it is necessary for the City to remove a basketball hoop, the property owner will be billed for the labor and materials used for the removal. Property owners may retrieve the basketball hoop by bringing proof of payment for the removal and personal identification to the City Warehouse at the Municipal Services Center-North, 55 Stony Point Road, Santa Rosa, between the hours of 8:00 a.m. and 3:00 p.m. Basketball hoops will be stored until the next City auction after a minimum storage period of 90 days.
- H. The following procedures shall be followed when complaints are received for basketball hoops that do not meet the above criteria or for which the City Council denies a request for an encroachment permit for a basketball hoop installation within the public right-of-way.
- i) Check site in field to verify installation and address.
  - ii) Send notification letter to property owner stating the City policy. Include a map or list of existing publicly accessible basketball hoops near the property.

COUNCIL POLICY			
Subject:	Policy Number	Effective Date	Number of Pages
BASKETBALL HOOPS IN PUBLIC RIGHT-OF-WAY	100-09	8/14/93	4 of 4

- iii) If no action is taken by the property owner within two weeks of the date of the notification letter, send second request letter to property owner via certified mail, with reply card attached.
- iv) If property owner replies that they want to remove and retain basketball hoop, reinspect site three weeks after reply is received. If basketball hoop has not been removed, notify Field Services to remove hoop and pole, tag it with the property owner's name and address, and transfer it to the Purchasing Section for storage; notify property owner of the date that the hoop will be removed.
- v) If property owner replies that they want the City to remove and dispose of the basketball hoop, notify Field Services to remove hoop and pole, tag it with the property owner's name and address, and transfer it to the Purchasing Section for storage.
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- vii) When it is necessary for the City to remove a basketball hoop, the property owner will be billed for the labor and materials used for the removal. Property owners may retrieve the basketball hoop by bringing proof of payment for the removal and personal identification to the City Warehouse at the Municipal Services Center-North, 55 Stony Point Road, Santa Rosa, between the hours of 8:00 a.m. and 3:00 p.m. Basketball hoops will be stored until the next City auction after a minimum storage period of 90 days.

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