ORDINANCE NUMBER 1405

AN ORDINANCE PROVIDING FOR THE PLACEMENT, REGULATION AND CONTROL OF BASKETBALL HOOPS WITHIN THE CITY OF MILWAUKIE, OREGON; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Milwaukie feels that it is important to regulate uses which may protrude into the public right-of-way. Use of basketball hoops in the public right-of-way is allowed under the following conditions and guidelines:

1. Playing hours shall be limited to 9:30 a.m. to 9:30 p.m.

2. Hoop structure shall be placed in that portion of the right-of-way actually maintained by the installer of the hoop.

3. Hoop structure shall not be placed on any public utility pole.

4. The central post supporting the hoop structure shall not be closer than twenty (20) feet from the adjacent property owner's line, with the exception of an installation where consent has been obtained from the adjacent property owner.

5. Hoops shall not be placed within seventy-five (75) feet from the near side of the traffic lane of the cross street at intersections.

6. No hoops shall be placed on through streets longer than one quarter (1/4) mile long, with the exception of streets that are not through streets.

7. Any exceptions requested or proposed by a potential hoop installer shall be reviewed by the Traffic Safety Commission.

8. All players utilizing the hoops shall yield to the flow of traffic.

Section 2. Abatement by the City. If a hoop is installed in violation of this Ordinance, the City may proceed with summary abatement by having said hoop removed at the expense of the installer of the hoop.

Section 3. Violation of this Ordinance shall constitute a public nuisance, and may be abated as such.

Section 4. Penalties. Violations of this Ordinance shall be considered a misdemeanor. Any person violating any provision of this Ordinance shall be subject to a fine not to exceed $250.

Section 5. Separate Violations.

1. Each day of a violation of a provision of this Ordinance constitutes a separate offense.

2. The abatement of a nuisance is not a penalty for violating this Ordinance, but is an additional remedy. Imposition of a penalty does not relieve the person of the duty to abate the nuisance.

Section 6. Severability. The sections and subsections of this Ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Read the first time this 18th day of September, 1978, and moved to second reading by majority vote of the City Council.

Read the second time and adopted by the City Council this 2nd day of October, 1978.

Signed by the Mayor this 2nd day of October, 1978.

Bill Hupp
BILL HUPP, Mayor

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Recorder

APPROVED AS TO FORM:

Myer Avedovech
Myer Avedovech, City Attorney