

City of Citrus Heights Portable Basketball Hoop Policy

Background

Since the City's incorporation in 1997, the General Services Department has received increasingly numerous single and multiple complaints related to portable basketball hoops in the public right-of-way. These complaints are registered by neighbors who are unable to safely drive down the street, from pedestrians or wheel chair users who have to go around the portable hoops, by street sweeping crews who are unable to sweep areas where the stands are set up, or from refuse collection crews confronted with portable hoops obstructing their service path, as well as from concerned members of the general public. This policy has been developed in order to address complaints regarding portable basketball hoops that are placed in the public right-of-way.

Purpose

The intent of this policy is to establish a complaint-based policy to regulate the placement of portable basketball hoops that are encroaching on the public right-of-way.

Policy

Policy Summary: Portable hoops are typically placed in a heavy portable base and can be moved around easily. Fixed hoops are placed behind the sidewalk and generally do not constitute a road hazard or inconvenience. The portable hoops, however, are placed wherever the owner chooses and may become a traffic or pedestrian hazard.

Staff views these portable hoops as being similar to portable street-hockey nets, skateboard ramps, and other paraphernalia which are commonly placed within the right-of-way in residential neighborhoods by the residents. It is staff's opinion that the City need not regulate such portable items by permit issuance, but only respond to complaints if these items constitute a hazard to vehicle or pedestrian traffic, obstruct the path of street sweeping or refuse collection equipment, or constitute an inconvenience to others. An example of an inconvenience to others would be where a portable hoop is placed so as to block another person's driveway or sidewalk path. Another example of an unacceptable location is where placement of the portable basketball hoop stand constitutes an obstruction to the path of street sweeping or refuse collection equipment. If placement of the hoop blocks the sweeping path of the street sweeping equipment, or creates an obstruction to vehicle, pedestrian or wheelchair traffic, the stand must be removed from the right-of-way.

Staff intends to not regulate placement of temporary basketball hoops by permit issuance. Staff intends to respond to residents or City contractors who express displeasure with the placement of a portable hoop by having staff visit the site to determine if the placement of the portable hoop constitutes a hazard to pedestrian or vehicle traffic, or interferes with street-sweeping or other City equipment. If staff determines that the placement is inappropriate, staff will inform the resident that it needs to be relocated out of the City's

right-of-way. In addition, staff will send a registered letter to the residence the hoop is associated with. The letter will inform the resident of the following:

1. The City has received a complaint regarding the placement of their portable basketball hoop.
2. It has been determined that the placement is hazardous and conflicts with the needs of pedestrians, wheel chair traffic, motor vehicle traffic, refuse collection service vehicles, or street sweeping service vehicles.
3. Should the owner choose to continue using a portable hoop, they will need to place it so as to not constitute a hazard or inconvenience, otherwise they risk having their hoop confiscated by the City or its agent. (The authority of the City to confiscate illegal encroachments is provided by Section 1480.5 through Section 1485 of the California Streets and Highways Code, a copy of which is attached.)

This policy is an alternative to a fine-based policy. Inherent within a fine-based policy is the problem of identifying the party responsible to pay the fine. With the suggested policy of notification and possible confiscation, staff feels the potential issues related to responsibility between property owner and resident will be greatly reduced.

The complaints will be processed according to the following schedule:

1. When a complaint is received regarding a portable basketball hoop, a service request will be generated.
2. Staff will investigate the complaint and determine whether or not its placement constitutes a hazard. If it is determined that the placement is hazardous, the resident will be directed to remove the hoop from the right-of-way when the hoop is not in use. A notification letter will be sent to the resident by registered mail. The resident will have 72 hours from receipt of the notification letter to comply with the instructions to remove the hoop from the right-of-way when not in use.
3. Staff will do a follow-up visit within 3 to 7 days of the initial investigation. Upon compliance, the complaint will be closed. If there is not compliance, a second registered letter will be issued. The second letter will require the immediate removal of the portable hoop. If, after a follow up visit to the residence, it is determined that the portable hoop placement is not in compliance, the portable hoop will be subject to confiscation by the City or its agent.
4. Confiscated hoops may be claimed within one week of confiscation. A charge to cover City's cost for removal and storage of the portable hoop will be assessed and payment must be made before the hoop is released to its owner. Portable hoop stands that are not claimed and released within one week of confiscation will be donated to a local charity.

The above represents the City of Citrus Heights policy for addressing complaints related to portable hoops placed in the public right-of-way.