CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	4-23-13	
RESOLUTION OR ORDINANCE NUMBER	(Information Only)	
AGENDA TITLE	**CPD Staff Report**	
REQUESTING DEPARTMENT	Police Department	
PRESENTER	Anthony Celeste, Chief of Police	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	N/A
	Balance Available	N/A
	New Appropriation Required:	[ ] Yes [ ] No
PURPOSE	The purpose of this staff report is to provide information to the City Commission regarding the issue of basketball games played on a city street.	
BACKGROUND	Concerns have been expressed regarding persons playing basketball on a city street. The City Commission has directed the police department to review these concerns and explore corrective options.	
SPECIAL NOTES		

ANALYSIS	**Risk Analysis** The police department reviewed and analyzed the concern of basketball games being played on city streets. We have focused on three potential negative impacts of this activity. 1) Public Safety – The safety of individuals, children and adults, are the primary concern of the police department. We believe this is an unsafe practice which poses a community risk. 2) Traffic Obstruction – Second to public safety, the pick-up games and basketball hoops pose an infringement to safe vehicular traffic. Several basketball hoops can be found in the city that have been placed on a city street, or placed on the street during play. 3) Blight – Basketball goals placed on a city street, sidewalk, or city right-of-way add to blight and other issues such as parking infringement. **Enforcement Options** The police department has researched current municipal ordinances that may apply. Many variables exist that impact enforcement options, such as where the hoop is placed, if there is a sidewalk present, etc. We found the following; 1) Sufficient municipal ordinances exist that would restrict pedestrians from playing basketball in the street. (STO Sec. 68) 2) Basketball hoops placed on a city street are a traffic hazard and may be removed by the city. 3) Basketball hoops placed on a city right-of-way create a problematic issue that may be difficult to take action on at this time with existing ordinances. **Comparative Study** See Below
PUBLIC INFORMATION PROCESS	

BOARD OR COMMISSION RECOMMENDATION	
STAFF RECOMMENDATION	At this time, the police department does issue verbal warnings to individuals found playing basketball in the roadway. This enforcement action likely reduces this activity, but does not eliminate the practice. Legal grounds to remove basketball hoops near a city street would likely have a larger impact on reducing this practice. The police department recommends enacting an ordinance prohibiting the placement of basketball hoops on or near a city street, in such a position that would allow a basketball game to be played on a city street or sidewalk. The police department will proceed at the direction of the city commission.
REFERENCE DOCUMENTS ATTACHED	

Comparative Study

While researching this issue, I reviewed and compared ordinances and enforcement policies from a number of other jurisdictions. I found that many municipalities do have enforcement policies related to basketball hoops on and near city streets.

Generally, municipalities enforced basketball hoop restrictions with one of two different types of ordinances. Some were enforced by police, some were enforced by code enforcement.

1) Most municipalities had ordinances restricting items being placed on city streets and city right-of-ways. These ordinances sometimes specifically included basketball hoops. Examples Below.
2) Some municipalities had specific ordinances pertaining only to the placement of basketball hoops. Examples Below.

EXAMPLES - City Right-of-Way Ordinance

14.30.070 Permit requirements.

A. It is unlawful for anyone to make private use of any public right-of-way without first having obtained a right-of-way use permit issued by the city or to use any right-of-way without complying with all the provisions of such right-of-way use permit issued by the city; provided, that a right-of-way use permit shall not be required for any use or activity subject to and requiring a permit pursuant to the city's special events policy permit process.

Sec. 32-9. - Obstructing the street and rights-of-way.

Except as otherwise provided by this Code or by other city regulation, it shall be unlawful for any person to leave, or cause to be left, any box, barrel, trash or storage container, or other obstruction in any portion of the street or right-of-way without first obtaining a permit from the city engineer.

EXAMPLE Basketball Hoop Ordinance

Municipal code 16-11-1.3. Basketball goals alongside or within public right-of-ways.

(1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars ($50.00).

DRAFT Basketball Hoop Ordinance

(a) The construction and/or possession of a basketball goal, whether movable or immovable, on a city Street, city alley, public sidewalk, or city right-of-way is hereby prohibited. In addition, the construction and/or possession of a basketball goal, whether movable or immovable, on private property, which is positioned in such a manner that in order to utilize said basketball goal, play may be conducted on city streets or a public sidewalk, is also prohibited.

(b) For the purposes of this section the following definitions shall apply;

(1) *Basketball Goal.* Basketball goal is defined as any basket, hoop, net, board, or any other device elevated from the ground used as a target toward which a ball, or

any other projectile device, is thrown, whether such "goal" is permanently attached to the ground or is movable by any means.

(c) If the basketball goal is deemed to be an immediate traffic hazard, the police department is authorized to immediately remove the hazard from its location in the interest of public safety, and to recoup the cost from the person or business who placed it there. These removal costs will be ordered by the Municipal Court Judge, in addition to the fine and court costs arising out of this action.

(d) Any basketball goal, whether movable or immovable, on city Streets, city alleys, public sidewalks, or city right-of-way is hereby declared a nuisance and the owner shall be provided notice of the violation by posting of such violation on the basketball goal, unless the basketball goal is an immediate traffic hazard. The owner of such device shall have 48 hours to remove the basketball goal unless the basketball goal is an immediate traffic hazard, in which it shall be removed immediately without notice as provided in paragraph (c). After the 48 hour period, the Coffeyville Police Department has the authority to remove and store the nuisance. If the basketball goal is not claimed within 15 days, it shall be disposed of by the police department. Removal costs may be ordered by the Municipal Court Judge, in addition to any fine or court costs that arise out of this action.

(e) Any person convicted of violating this Section shall be assessed a fine in the sum of $50.00.