

BILL NO: 98-13

ORDINANCE NO. 98-13

**AN ORDINANCE REGULATING THE ERECTION AND USE OF
BASKETBALL HOOPS, AND THE PLAYING OF BASKETBALL
UPON THE ROADWAYS, SIDEWALKS, TRAFFIC WAYS/ALLEYS
WITHIN THE CITY OF JEANNETTE**

WHEREAS, the Council of the City of Jeannette has the ability to regulate the use of public roadways, traffic ways, alleyways and sidewalks within the City of Jeannette; and

WHEREAS, the Council of the City of Jeannette has determined that the construction or erection of permanent and/or temporary basketball hoops within the City's public roadways, traffic ways/alleyways, sidewalks or streets, and the playing of basketball in such roadways, traffic ways, alleyways, sidewalks or streets create a risk of harm to both pedestrian and vehicular traffic and property; and

WHEREAS, it is the intention of the Council of the City of Jeannette to enact an Ordinance regulating the erection and use of both temporary and permanent basketball hoops, and the playing of basketball upon the streets, roadways, sidewalks and traffic ways/alleys within the City of Jeannette.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE, AT A PUBLIC MEETING ON THE 9th DAY OF DECEMBER, 1998, DOES HEREBY ORDAIN AND ENACT THE FOLLOWING:

1. The following definitions are hereby adopted for purposes of use and interpretation in this Ordinance:

- a. Basketball Hoop: A hoop, with or without a backboard, affixed to a pole, standard or any other device, whether temporary or permanent in nature, whose purpose is designed for use in the playing of basketball or other games related thereto;
- b. Pedestrian: A natural person of any age traveling on foot;
- c. Roadway: That portion of a public highway improved, designed or ordinarily used for vehicular traffic;
- d. Sidewalk: That portion of a public street or right-of-way existing between the curb lines and/or the lateral lines of a roadway, and the exterior lines of the public street or right-of-way, either improved or unimproved, which is intended for use by pedestrians;
- e. Traffic Way/Alleyway: The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom;
- f. Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or traffic way/alleyway except devices used exclusively upon rails or tracks.

2. From the date of this Ordinance hereafter, no basketball hoop shall be erected within a City roadway, traffic way/alleyway or sidewalk, or upon a public utility pole.

3. From the date of this Ordinance hereafter, no basketball hoop shall be erected or maintained that would interfere with the free movement of vehicular traffic or pedestrians upon a sidewalk or area designed or laid out to accommodate a sidewalk.

4. From the date of this Ordinance hereafter, no portable basketball poles and/or hoops shall be situate where same would cause play to take place on a roadway, traffic way/alley or sidewalk.

5. From the date of this Ordinance hereafter, it shall be unlawful for any person to play basketball, or any other related game, upon a roadway, traffic way/alley or sidewalk within the City of Jeannette.

6. Any person who maintains, constructs, erects or maintains any basketball hoop, whether fixed or portable within any public roadway, traffic way/alleyway or sidewalk, or within the line of any municipal street or right-of-way therefore, shall be in violation of this Ordinance. Upon determination that such a violation has occurred, the Chief of Police of the City of Jeannette, or any Police Officer designated to act thereunder, shall give notice to the person responsible for the construction and/or maintenance of such basketball hoop that a violation of this Ordinance has occurred. Such notice shall provide said person a reasonable amount of time, not to exceed seven (7) days, to correct the violation by removal of the basketball hoop and/or other structure to which it is affixed. If after the expiration of the time set forth in the aforesaid Notice, the violation still exists, a Summary Citation shall be issued and filed with a District Justice having jurisdiction thereover, and such person responsible for the erection and/or maintenance of the offending structure shall be guilty of a Summary Offense and subject to those fines and penalties set forth hereafter.

7. Any person who plays basketball or any related game within a roadway, traffic way/alley or sidewalk within the City of Jeannette shall be in violation of this Ordinance and subject to those fines and penalties set forth hereafter.

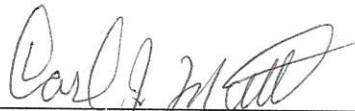
8. Any person, firm or corporation found to be in violation of this Ordinance shall be subject to a Summary Citation and, upon conviction thereof before a District Justice having jurisdiction over same, shall be subject to a fine of not less than \$50.00 nor more than \$300.00 and, in default thereof, shall be sentenced to a period of incarceration not to exceed ten (10) days.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THIS 9th DAY OF DECEMBER, 1998 AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:



Ronald E. Dinsmore, City Clerk



Carl Matt, Mayor/President of Council