

CITY OF COLUMBIA CITY

City Council

1840 Second Street - PO Box 189 - Columbia City, Oregon 97018

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APPLICATION FOR PORTABLE BASKETBALL HOOP IN ROW PERMIT

APPLICANT _____ PHONE _____

MAILING ADDRESS _____

PROPERTY OWNER _____ PHONE _____

MAILING ADDRESS _____

DESCRIBE DESIRED LOCATION FOR HOOP PLACEMENT: _____

ADJACENT PROPERTY MAP AND TAX LOT NUMBER _____

ATTACH ALL OF THE FOLLOWING ITEMS TO THE APPLICATION:

- A SITE PLAN SHOWING THE REQUESTED PLACEMENT LOCATION
- A COPY OF PROOF OF CURRENT LIABILITY INSURANCE
- \$20.00 FEE (one-time - no fee is required for annual renewal)

An approved permit is subject to all of the regulations outlined on the back of this form and any special conditions noted below.

I, the undersigned, agree to indemnify, defend and hold the City, its elected officials, officers, employees and agents harmless against any claim, suit or action made against the City, its elected officials, officers, employees and agents as a result of any person's failure to satisfy any obligation imposed by the regulations applicable to this permit. I understand that the City retains the right to revoke the privileges allowed under this permit at any time, without cause, upon giving 30-days written notice to the permit holder.

SIGNATURE (applicant) _____ DATE _____

OFFICE USE ONLY

Date Filed _____ Fee paid _____ Receipt No. _____

If Applicant is not the property owner, Utility Account verified or proof of Rental Agreement provided _____

Council Action _____ Date _____ Signature _____

Special conditions associated with the issuance of this permit: _____

Permit expires: _____

City of Columbia City, Oregon
Regulations applicable to Portable Basketball Hoops placed in City Right-of-Way
Ordinance No. 14-685-O

Section 26. Portable basketball hoops:

A) Permit required: No portable basketball hoop shall be placed within any part of the street right-of-way without first obtaining a Portable Basketball Hoop Permit. The City Council may, at its sole discretion, approve the issuance of a Portable Basketball Hoop Permit to permit the placement of a portable basketball hoop within the right-of-way. The owner or lessee of the adjacent or abutting real property shall complete an application for a Portable Basketball Hoop Permit, which shall include an agreement signed by the owner or lessee stating that they will hold the City harmless from all liability as outlined in Subsection D, Item 2 of this Section. The application shall be accompanied by a fee of \$20.00, the owner or lessee's proof of current liability insurance, and a site plan showing the requested placement location. If approved, the permit shall become renewable annually on the first day of January. Renewal applications shall be processed at no charge and shall be accompanied by the owner or lessee's proof of current liability insurance.

B) Permissible locations and use:

1) Portable basketball hoops shall not be placed within or upon any sidewalk.

2) Portable basketball hoops shall be placed at least five feet from manholes, catch basins, traffic signs, fire hydrants, light poles, mail boxes, and above ground electrical transformers, telephone boxes, and cable boxes.

3) Portable basketball hoops shall be placed in a manner that does not impede the flow of motor vehicle traffic.

4) All players utilizing a portable basketball hoop shall yield to the flow of motor vehicle traffic.

C) Adjacent or abutting landowner's or lessee's maintenance duties and liabilities: When a permit is issued for a portable basketball hoop under this ordinance, the owner or lessee of the adjacent or abutting real property shall be responsible for maintaining the portable basketball hoop in accordance with the following standards:

1) Reflectors or reflective tape shall be placed upon both sides of the portable basketball hoop in visible locations.

2) Portable basketball hoops shall be maintained in a stable condition with adequate weight distribution to prevent tipping.

3) A hoop ring shall be at least 10 feet above the surface of the street, measured vertically from the surface of the street.

4) Owners and lessee's of a portable basketball hoop shall properly, safely and reasonably maintain, inspect, repair, use and supervise its use and shall be responsible for compliance with the requirements of this ordinance. Damage to the portable basketball hoop which occurs during the lawful, no negligent use of the public right-of-way shall be the responsibility of the hoop owner.

5) A person who is injured or whose property is damaged by reason of an act or omission constituting a violation of this section shall have a cause of action for any and all damages sustained, including punitive damages, against a person or persons referred to in this section, whose acts or omissions result in a violation of this section. The person or persons who actually cause such injury or damage by reason of their negligence, wrongful or intentional misconduct shall also be liable.

D) City immunity from liability:

1) No recourse whatsoever shall be had or available against the City, its elected officials, officers, employees or agents for damage, injury or loss to any person or property arising directly or indirectly out of the negligent otherwise wrongful construction, maintenance, inspection, repair, use or supervision of use of any portable basketball hoop placed in the public right-of-way or for any act or omission in violation of this ordinance.

2) In consideration for the City allowing a person owning, possessing, occupying or having control of real property that abuts or is adjacent the public right-of-way to maintain, inspect, repair, use or supervise the use of a portable basketball hoop placed in the public right-of-way, such person shall indemnify, defend and hold the City, its elected officials, officers, employees and agents harmless against any claim, suit or action made against the City, its elected officials, officers, employees and agents as a result of any person's failure to satisfy any obligation imposed by this ordinance.

E) City revocation: Nothing contained herein shall be construed as a permanent conveyance, grant or transfer of a property interest or permanent private right in any public right-of-way. The City retains the right to revoke the privilege allowed under a Portable Basketball Hoop Permit at any time, without cause, upon giving 30-days written notice to the permit holder.