BOROUGH OF BROOKHAVEN
COUNTY OF DELAWARE
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE No. 2026-_____

AN ORDINANCE OF THE BOROUGH OF BROOKHAVEN, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA TO AMEND SECTION 1280.14 "BASKETBALL BACKBOARDS AND POLES" OF THE CODE OF THE BOROUGH OF BROOKHAVEN TO UPDATE REGULATIONS REGARDING WHERE BASKETBALL BACKBOARDS AND POLES MAY BE ERECTED

WHEREAS, the Borough of Brookhaven is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and

WHEREAS, the Legislature of the Commonwealth vests the Borough of Brookhaven with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufactures; and

WHEREAS, the Municipalities Planning Code grants to Boroughs the authority to regulate the location and types of uses on properties, and

WHEREAS, the Borough Council has determined that the regulations of Section 1280.14 should be updated to clarify the manner and location of the use of basketball backboards and poles.

NOW THEREFORE, BE IT ORDAINED, by the Borough of Brookhaven Council that:

SECTION 1: Chapter 1280 "Provisions Applicable to All Districts", Section 1280.14 "Basketball Backboards and Poles", of the Code of the Borough of Brookhaven is hereby **amended** to **read** as follows:

1280.14 BASKETBALL BACKBOARDS AND POLES

(a) No person shall erect or maintain any permanent basketball backboard or pole, if the basketball backboard or pole is closer than five feet from an adjoining property line or closer than 15 feet from the street curb line.

(b) All temporary basketball backboards or poles shall

1. Not be placed in a manner that obstructs the flow of traffic or pedestrian traffic on the sidewalk

2. Not be placed in the roadway

3. Not be placed within 15' of any intersection

4. Be permanently labeled with the name and address of the owner.

5. Must be removed in inclement weather (snow, high winds, rain storm, etc)

(c) Any such permanent basketball backboard or pole which, prior to January 1, 2026 was closer than 15 feet to the street curb line, shall be considered a pre-existing nonconforming use and as such will be allowed to continue to exist. The preexisting nonconforming status of any such basketball backboard or pole will cease when the property is transferred from the present owner or if the basketball backboard or pole is taken down for a period of one year or more. Any time prior to September 1, 1988, will not be counted for the purpose of computing this one-year period.

(d) Any such basketball backboard or pole that is located within 15 feet of the street curb line can only be used for playing or practicing basketball from 7:00 am to dusk.

(e) The owner of the ground on which the basketball pole or backboard is erected shall ensure that the playing times specified in subsection (d) hereof are enforced. If such playing times are violated, the owner of the property on which the basketball pole or backboard is erected is subject to the sanctions of this section.

(f) The playing or practicing of basketball at any such basketball backboard or pole located within 15 feet of the street curb line shall be limited to residents of

the property on which the basketball backboard or pole is located and the invited guests of such residents. The owner of the property on which the basketball backboard or pole is located shall enforce this subsection and is subject to the sanctions of this section for any violation hereof.

Further, any individuals playing or practicing basketball in violation of this section shall be subject to the sanctions of this section including disorderly conduct, damage to property or vehicles etc.

(g) All basketball backboards and poles within the Borough, regardless of location, shall be subject to inspection by appropriate Borough officials to ensure their safe condition. Any basketball backboard or pole found to be in an unsafe condition shall be repaired or removed by the property owner. The property owner shall be given 30 days of notice to correct the unsafe condition or to appeal to Borough Council the finding that the basketball pole or backboard is unsafe.

(h) All individuals playing or practicing basketball at any basketball backboard or pole within the Borough shall be subject to the Borough's noise control regulations and all other statutes and ordinances concerning their behavior.

(i) DEFINITIONS – for purposes of this Section, the following words shall have the following meanings.

TEMPORARY BASKETBALL BACKBOARDS OR POLES: A portable or non-permanently affixed structure consisting of a backboard, rim, net, and/or supporting pole or appurtenances that are used to facilitate the playing of basketball, which is not anchored to a permanent foundation and is capable of being moved, stored, or removed without alteration to the underlying surface or surrounding structure.

PERMANENT BASKETBALL BACKBOARDS OR POLES: A structure consisting of a backboard, rim, net, and/or supporting pole or appurtenances that are used to facilitate the playing of basketball which is affixed to a permanent foundation or building.

ROADWAY: When used in this section, Roadway shall be defined as the paved surface from curb to curb.

SECTION 2: Other Ordinances.

Nothing in this Ordinance shall be interpreted to relieve any individual from compliance with all other ordinances, resolutions, laws and regulations of the Borough, of the County of Delaware, the Commonwealth of Pennsylvania or the United States.

SECTION 3. Repealer.

All ordinances, resolutions and parts of ordinances and resolutions inconsistent herewith, are hereby repealed.

SECTION 4. Severability.

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

SECTION 5. Adoption.

This ordinance shall be effective immediately

ENACTED AND ORDAINED this ___ day of _____, 2026.

BOROUGH OF BROOKHAVEN:

_____
Dan Burke,
Council President

APPROVED this ___ day of _____, 2026.

_____
Marino Giancroce
Mayor of Brookhaven Borough

Attest: _____
John J. Wilwert Jr.,
Borough Secretary