



From: Stephanie O'Hara, MTAS Legal Consultant
Date: October 5, 2022
Re: Regulation of portable basketball hoops in roadway

In regards to your question of whether any Tennessee Code provision prohibits portable basketball hoops in the roadway, I do not find any Tennessee Code provision that prohibits basketball goals on streets. However, the town's charter authorizes the municipality to regulate encroachments upon public streets and secure the health of the inhabitants:

Section 20. The town council shall have, by ordinance, the following powers and duties:

...

(9) To prevent or punish by pecuniary penalties or otherwise all breaches of the peace, noise, or disturbance, disorderly assemblage in any alley or street, house or place in the town by day or by night; to prevent and remove all encroachments into and upon all streets, sidewalks, and alleys established by law or ordinance.

...

(16) To make regulations to secure the health of the inhabitants and to prevent and remove nuisances.

Under the police powers authorized in most municipal charters, the Tennessee Supreme Court provided that: "very broad powers of regulation, and wide discretion, in the exercise of the police power, are held to be vested in municipalities touching the use of its streets." Steil v. City of Chattanooga, 152 S.W.2d 624, 626 (1941).

Here is some sample language adopted by other cities by ordinance:

16-___. Basketball goals alongside or within public rights-of-way.

(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/Town of _____ 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 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).

Please let me know if you have any questions. As always, I suggest that the town attorney's review and advice be sought on this issue prior to the town proceeding.