

# City of Philadelphia



(Bill No. 040368)

## AN ORDINANCE

Granting permission to Well Grounded, A Comfortable Coffee, Inc., located at 3720-3724 Midvale Avenue, Philadelphia, PA 19129, to operate and maintain an open air sidewalk cafe on the east sidewalk of Midvale Avenue north of Ridge Avenue, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to Well Grounded, A Comfortable Coffee, Inc., tenant of the property 3720-3724 Midvale Avenue, Philadelphia, PA 19129, to operate and maintain an open air sidewalk cafe with three (3) tables approximately four feet (4') by two feet (2') and one (1) table approximately two feet (2') square with chairs encroaching a maximum of approximately six feet (6') into the east footway of Midvale Avenue, leaving a minimum of approximately fourteen feet (14') clear footway for pedestrians.

The first table is located approximately one hundred and sixty-six feet (166') north of the north curb line of Ridge Avenue and the last table approximately two hundred and sixteen feet (216') north of the north curb line of Ridge Avenue, no rails will be used.

SECTION 2. Before exercising any rights or privileges under this ordinance, Well Grounded, A Comfortable Coffee, Inc. must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commission. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, Well Grounded, A Comfortable Coffee, Inc. shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department, which shall:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this ordinance and the aforementioned agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the open air sidewalk cafe;

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(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) agree in writing that when, at the determination of the City of Philadelphia, the open sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Well Grounded, A Comfortable Coffee, Inc. will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the four tables to accommodate 14 occupants are no more than the dimensions listed in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(f) carry public liability and property damage insurance co-naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(g) remove the open air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions, as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Well Grounded, A Comfortable Coffee, Inc., to maintain and operate an open air sidewalk café on the east sidewalk of Midvale Avenue north of Ridge Avenue shall expire without any further action by the City of Philadelphia if Well Grounded, A Comfortable Coffee, Inc., has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this ordinance becomes law.

SECTION 5. This ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the cost thereof, is paid into the City Treasury within sixty (60) days after this ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.



Patricia Rafferty  
Chief Clerk of the City Council