

# City of Philadelphia



(Bill No. 040502)

## AN ORDINANCE

Granting permission to Christy Garrett, owner of the property 201 N. 36th Street, Philadelphia, PA 19104, to operate and maintain an open air sidewalk cafe on the northeast corner of N. 36th and Race Streets, under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to Christy Garrett, owner of the property 201 N. 36th Street, Philadelphia, PA 19104, to operate and maintain an open air sidewalk cafe with nine (9) tables approximately twenty inches (20") square with chairs encroaching a maximum of two feet six inches (2'-6") onto the north footway of Race Street, leaving a minimum of ten feet six inches (10'-6") of clear footway for pedestrians.

The first table is located approximately twenty-two feet (22') east of the east curb line of N.36th Street, and the last table is approximately eighty-one feet (81') east of the east curb line of N. 36th Street.

**SECTION 2.** Before exercising any rights or privileges under this ordinance, Christy Garrett 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, Christy Garrett 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;

(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;

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(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, Christy Garrett will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the nine (9) tables for the open air sidewalk cafe encroach on the northeast corner of N. 36th and Race Streets 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 Christy Garrett to maintain and operate an open air sidewalk café on the northeast corner of N. 36th and Race Streets shall expire without any further action by the City of Philadelphia if Christy Garrett 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) 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