



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 040614

Introduced May 27, 2004

Councilmember O'Neill

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing The Pennsylvania Horticultural Society to construct and maintain a Welcome to Fox Chase sign in the Fox Chase Traffic Island located between Hasbrook Street and Oxford Avenue, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to The Pennsylvania Horticultural Society ("PHS"), notwithstanding any other provision of law to the contrary, to construct and maintain a sign, approximately four feet wide and five feet high, stating "Welcome to Fox Chase," with graphics of its choosing, in the Fox Chase Traffic Island located between Hasbrook Street and Oxford Avenue.

SECTION 2. The construction, use, and maintenance of the sign shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections, the Department of Streets and the Art Commission.

SECTION 3. Before exercising any rights and privileges under this Ordinance, PHS shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that PHS shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, PHS shall remove the sign without cost or expense to the City when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;

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- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the sign or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that PHS self-assumes liabilities and obligations normally covered by Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) 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, or in lieu thereof, submit documentation in form and content acceptable to the City that PHS is self-insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;
- (f) insure that all construction contractors for the sign carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the Law Department;
- (g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the Fox Chase Traffic Island.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to PHS construct and maintain the sign described in Section 1 shall expire without any further action by the City of Philadelphia if PHS has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.