

City of Philadelphia



(Bill No. 070187)

AN ORDINANCE

Granting Permission to Ilker Ugar, owner of Divan Turkish Kitchen and owner of the property 918 S. 22nd Street, Philadelphia, PA 19146, to operate and maintain an open air sidewalk café on the southwest corner of S. 22nd and Carpenter Streets, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Ilker Ugar, 1278 First Avenue, Apartment 12, New York, NY 10021, owner of Divan Turkish Kitchen and owner of the property 918 S. 22nd Street, Philadelphia, PA 19146, to operate and maintain an open air sidewalk café, with a total of thirteen (13) tables, approximately two feet (2'-0") square each, to accommodate twenty-six (26) occupants, on the north sidewalk of Carpenter Street.

Five (5) tables and chairs will be placed adjacent to the building. The first table is located approximately twenty-one feet (21'-0") west of the west curb line of S. 22nd Street and the last table approximately seventy-seven feet (77'-0") west of the west curb line of S. 22nd Street. The tables are located approximately nine feet six inches (9'-6") north of the north curb line of Carpenter Street.

Eight (8) tables and chairs will be placed approximately eighteen inches (0'-18") north of the north curb line of Carpenter Street. The first table is located approximately fifteen feet (15'-0") west of the west curb line of S. 22nd Street and the last table approximately seventy seven feet (77'-0") west of the west curb line of S. 22nd Street. The minimum clear footway between the tables placed along the curb line and those along the building face is approximately six feet (6'-0").

Pursuant to The Philadelphia Code at Section 9-208, owner acknowledges that use of the eight (8) tables and chairs placed along the north curb line of Carpenter Street is only permitted after 7:00 p.m.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Ilker Ugar must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies, or commissions. 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, Ilker Ugar shall enter into an agreement ("Agreement") with the

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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 café;

(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 air sidewalk café necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Ilker Ugar will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) 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; and

(f) remove the open air sidewalk café 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 Ilker Ugar to maintain and operate an open air sidewalk café on the southwest corner of S. 22nd Street and Carpenter Street shall expire without any further action by the City of Philadelphia if Ilker Ugar 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 May 3, 2007. The Bill was Signed by the Mayor on May 24, 2007.



Patricia Rafferty
Chief Clerk of the City Council