

City of Philadelphia



(Bill No. 070453)

AN ORDINANCE

Granting permission to Alia Banna and Jerry Roseman, owners of the property 852 S. 2nd Street, Philadelphia, PA 19147, to operate and maintain an open air sidewalk cafe on the west footway of S. 2nd Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Alia Banna and Jerry Roseman, 209 Catharine Street, Philadelphia, PA 19147, owner of the property 852 S. 2nd Street, Philadelphia, PA 19147, to operate and maintain an open air sidewalk cafe with eight (8) tables approximately eighteen inch (18”) diameter with chairs encroaching a maximum of four feet (4’-0”) onto the west footway of S. 2nd Street, leaving a minimum of eight feet (8’-0”) clear footway for pedestrians. The first table is located approximately twenty-seven feet (27’) north of the north curb line of Christian Street and the last table approximately forty-five feet (45’) north of the north curb line of Christian Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Alia Banna and Jerry Roseman 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, Alia Banna and Jerry Roseman 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;

(d) agree in writing that when, at the determination of the City of

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Philadelphia, the open air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Alia Banna and Jerry Roseman will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the eight (8) tables for the open air sidewalk cafe encroach no more than the maximum of approximately four feet (4'-0") onto the west footway of S. 2nd Street adjacent to 852 S. 2nd Street;

(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; and

(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 Alia Banna and Jerry Roseman to maintain and operate an open air sidewalk café on the west footway of S. 2nd Street shall expire without any further action by the City of Philadelphia if Alia Banna and Jerry Roseman 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 14, 2007. The Bill was Signed by the Mayor on September 20, 2007.



Patricia Rafferty
Chief Clerk of the City Council