

City of Philadelphia



(Bill No. 050468)

AN ORDINANCE

Granting permission to Marie Bontigao, owner of Tabula Rasa Café, tenant of the property located at 944 North 2nd Street, Philadelphia, PA, to operate and maintain an open air sidewalk café on the northwest corner of North 2nd Street and Laurel Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Marie Bontigao, B12 Consulting Inc., 59 Greenhill Road, Media, PA 19063, owner of Tabula Rasa Café, tenant of the property located at 944 North 2nd Street, Philadelphia, PA, at the northwest corner of North 2nd Street and Laurel Street, to operate and maintain an open air sidewalk café with two (2) tables to accommodate eight (8) occupants at the North 2nd Street face of the building, and nine (9) tables to accommodate eighteen (18) occupants at the Laurel Street face of the building. The encroachments are as follows:

Two (2) tables approximately thirty-two inches (32") in diameter with chairs encroaching approximately six feet (6') onto the west footway of North 2nd Street, leaving approximately seven feet (7') clear footway for pedestrians. The first table will be located approximately fifteen feet (15') north of the north curb line of Laurel Street and the last table will be located approximately twenty-six feet (26') north of the north curb line of Laurel Street.

Nine (9) tables approximately twenty-four inches (24") square with chairs encroaching approximately three feet (3') onto the north footway of Laurel Street, leaving approximately seven feet (7') clear footway for pedestrians. The first table will be located approximately fifteen feet (15') west of the west curb line of North 2nd Street and the last table will be located approximately sixty-six feet (66') west of the west curb line of North 2nd Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Marie Bontigao 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, Marie Bontigao shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, that shall:

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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 from damages which may arise directly or indirectly as a result of the open air sidewalk café;

c) submit documentation acceptable to the Law Department that the owner of the property located at 944 North 2nd Street, Philadelphia, PA, has no objection to Marie Bontigao operating and maintaining an open air sidewalk café on the footways adjacent to the property 944 North 2nd Street, Philadelphia, PA;

d) 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;

e) agree in writing that when, at the determination of the City of Philadelphia, the open air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Marie Bontigao will absorb all costs and expenses for the performance of such work at no cost to the City;

f) insure that the eleven (11) tables for the open air sidewalk café encroach on the northwest corner of North 2nd Street and Laurel Street 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;

g) 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

h) 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 Marie Bontigao to maintain and operate an open air sidewalk café on the northwest corner of North 2nd Street and Laurel Street, shall expire without any further action by the City of Philadelphia if Marie Bontigao has not entered into the Agreement and satisfied all requirements of the Agreement within one (1) year after this Ordinance becomes law.

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SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs 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 16, 2005. The Bill was Signed by the Mayor on July 8, 2005.



Patricia Rafferty
Chief Clerk of the City Council