

City of Philadelphia



(Bill No. 010196)

AN ORDINANCE

Granting permission to Herman Hinton, owner of the newsstand located on the north footway of Fairmount avenue near the northwest corner of Nineteenth street and Fairmount avenue, to construct, use and maintain overhead electrical and telecommunication lines from existing utility poles over and across the public right-of-way for the purpose of supplying electrical and phone service to his newsstand, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Herman Hinton, 878 North Uber Street, Philadelphia, Pennsylvania 19130, owner of the newsstand located on the north footway of Fairmount avenue approximately thirty-seven feet (37') west of the west curb line of Nineteenth street, to construct, use and maintain overhead electrical and overhead telecommunication lines from existing utility poles over and across the public right-of-way for the purposes of supplying electrical service and phone service to his newsstand.

(a) The overhead electrical line and appurtenances will be installed from the existing PECO Energy Pole #31498, located along the north curb of Fairmount avenue approximately eighty-four feet (84') west of the west curb line of Nineteenth street, to the newsstand.

(b) The overhead telecommunication line and appurtenances will be installed from the existing PECO Energy Pole #10475, located along the west curb of Nineteenth street approximately fifteen feet (15') north of the north curb line of Fairmount avenue, to the newsstand.

(c) The minimum vertical clearance of the overhead electric line and overhead telecommunication line must be eight feet, six inches (8'-6") above the footways.

(d) The construction and maintenance of the said overhead electrical and overhead telecommunication lines and appurtenances shall be in accordance with the rules and regulations of the City of Philadelphia and specifically those of the Department of Licenses and Inspections, Department of Streets, and Department of Public Property.

(e) No City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Herman Hinton must by law obtain prior to construction over the public right-of-way, it being the express

City of Philadelphia

BILL NO. 010196 continued

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intent of this Ordinance not to supersede any other provision of law governing issuance of such permits, licenses or approvals.

(f) This Ordinance specifically does not grant Herman Hinton permission to install or use any machine or device outside the exterior wall of the newsstand, and the permission granted by this Ordinance is expressly conditioned on the newsstand maintaining at all times a clear footway on the west footway of Fairmount avenue as determined by the City pursuant to The Philadelphia Code and/or regulations.

SECTION 2. Before exercising any rights and privileges under this Ordinance, Herman Hinton, shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that Herman Hinton shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount and in a form satisfactory to the City Solicitor to insure compliance with all terms and conditions of this Ordinance and of the Agreement and to protect and to indemnify the City from all claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the overhead electrical and overhead telecommunication wires and appurtenances authorized by Section 1;

(b) secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the City or other governmental entity as may be required by law;

(c) provide proof that PECO Energy Company has approved the location, design and connection of the overhead electrical line and appurtenances from PECO Utility Pole #31498 located on the north curb line of Fairmount avenue to the newsstand;

(d) provide proof that the telecommunication provider has approved the location, design and connection of the overhead telecommunication line and appurtenances from PECO Utility Pole #10475 located on the west curb line of Nineteenth street to the newsstand;

(e) assume the cost of all changes and adjustments to, and relocation and abandonment of, all utilities and structures wherever located as may be necessary by reason of the installation of the overhead electrical line and overhead telecommunication line and related appurtenances; and

(f) 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 City Solicitor;

City of Philadelphia

BILL NO. 010196 continued

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SECTION 3. The City Solicitor shall include in the Agreement such other terms and provisions as shall be deemed necessary to protect the interest of the City of Philadelphia.

SECTION 4. The permission granted to Herman Hinton to construct, use and maintain overhead electrical and telecommunication lines and appurtenances over the public right-of-way shall expire without any further action by the City of Philadelphia if Herman Hinton has not entered into the Agreement and satisfied all requirements that are listed in Section 2 of this Ordinance 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), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 010196 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 26, 2001. The Bill was Signed by the Mayor on May 9, 2001.



Marie B. Hauser
Chief Clerk of the City Council