

City of Philadelphia



(Bill No. 010637)

AN ORDINANCE

Granting permission to Aspen Street Corporation, owner of Rembrandt's, to operate and maintain an open air sidewalk cafe on the north footway of Aspen street adjacent to 741-43 North Twenty-third street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Aspen Street Corporation, 741 North Twenty-third street, Philadelphia, PA 19130, owner of Rembrandt's, located at 741-43 North Twenty-third street, to operate and maintain an open air sidewalk cafe with ten (10) tables encroaching a maximum of approximately four feet (4') on the north footway of Aspen street adjacent to 741-43 North Twenty-third street, leaving a minimum of approximately eight feet (8') unobstructed footway. The tables will be spaced from approximately six feet (6') east of the east curb line of Twenty-third street to approximately ninety-seven feet (97') east of the east curb line of Twenty-third street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Aspen Street Corporation 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, Aspen Street Corporation shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor that 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 City Solicitor 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;

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

(e) insure that the ten (10) tables for the open air sidewalk cafe encroach no more than a maximum of approximately four feet (4') onto the north footway of Aspen street adjacent to the property 741-43 North Twenty-third 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 City Solicitor; 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 City Solicitor shall include in the Agreement such other terms and conditions, as he shall deem necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Aspen Street Corporation to maintain and operate an open air sidewalk cafe on the north footway of Aspen street adjacent to the property 741-43 North Twenty-third street shall expire without any further action by the City of Philadelphia if Aspen Street Corporation 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), 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 April 4, 2002. The Bill was Signed by the Mayor on April 17, 2002.



Marie B. Hauser
Chief Clerk of the City Council