

City of Philadelphia



(Bill No. 020352)

AN ORDINANCE

Granting permission to Pigalle LLC, t/a Pigalle Restaurant located at 702-704 North Second Street, Philadelphia, PA 19123, to operate and maintain an open air sidewalk cafe on the west footway of North Second street adjacent to 702-704 North Second street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Pigalle LLC, t/a Pigalle Restaurant located at 702-704 North Second Street, Philadelphia, PA 19123, to operate and maintain an open air sidewalk cafe with three (3) tables encroaching approximately two feet (2') on the west footway of North Second street adjacent to the property 702-704 North Second street, leaving approximately eight feet (8') unobstructed footway.

The tables are located from a point approximately thirty-three feet (33') north of the north curb line of Fairmount avenue to a point approximately forty-nine feet (49') north of the north curb line of Fairmount avenue.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Pigalle LLC must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commission. 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, Pigalle LLC shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor, 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 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, Pigalle LLC will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the three (3) tables for the open air sidewalk cafe encroach on the west footway of North Second street no more than the dimensions listed in Section 1;

(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;

(g) remove the open air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department; and

(h) submit documentation in a form acceptable to the City Solicitor from the owners of the property 702-704 North Second Street, Philadelphia, PA 19123, have no objection to Pigalle LLC, t/a Pigalle Restaurant operating and maintaining an open air sidewalk café adjacent to the property 702-704 North Second Street, Philadelphia, PA 19123.

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 Pigalle LLC, t/a Pigalle Restaurant to maintain and operate an open air sidewalk café on the west footway of North Second street adjacent to the property 702-704 North Second street shall expire without any further action by the City of Philadelphia if Pigalle LLC 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 13, 2002. The Bill was Signed by the Mayor on September 6, 2002.



Marie B. Hauser
Chief Clerk of the City Council