

City of Philadelphia



(Bill No. 030685)

AN ORDINANCE

Granting permission to Sally Ferry, owner of Sprig's Restaurant, tenant of the property located at 3749-51 Midvale Avenue, to operate and maintain an open air sidewalk cafe on the west footway of Midvale Avenue, north of Ridge Avenue, adjacent to 3749-51 Midvale Avenue, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Sally Ferry, 3439 Cresson Street, Philadelphia, PA 19129, owner of Sprig's Restaurant, tenant of the property located at 3749-51 Midvale Avenue, to operate and maintain an open air sidewalk cafe with eight (8) tables approximately two feet (2') square, encroaching a maximum of approximately eight feet (8') into the west footway adjacent to 3749-51 Midvale Avenue, leaving a minimum of approximately twelve feet (12') unobstructed footway for pedestrians. The first table to be located approximately ninety feet (90') north of the north curb line of Ridge Avenue, the last table to be located approximately one hundred and sixteen feet (116') north of the north curb line of Ridge Avenue.

SECTION 2. Before exercising any rights or privileges under this ordinance, Sally Ferry 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, Sally Ferry 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 from 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;

City of Philadelphia

BILL NO. 030685 continued

Certified Copy

(d) submit documentation in a form acceptable to the City Solicitor that the owner of the property located at 3749-51 Midvale Avenue has no objection to Sally Ferry operating and maintaining an open air sidewalk café on the footways adjacent thereto;

(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, Sally Ferry will absorb all costs and expenses for the performance of such work at no cost to the City;

(f) insure that the eight (8) tables for the open air sidewalk cafe encroach no more than a maximum of approximately eight feet (8') onto the west footway adjacent to 3749-51 Midvale Avenue;

(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 City Solicitor; and

(h) 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 Sally Ferry to maintain and operate an open air sidewalk cafe on the west footway of Midvale Avenue, adjacent to the property 3749-51 Midvale Avenue, shall expire without any further action by the City of Philadelphia if Sally Ferry has not entered into the Agreement and satisfied all requirements of the Agreement 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. 030685 continued

Certified Copy

City of Philadelphia

BILL NO. 030685 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 4, 2003. The Bill was Signed by the Mayor on December 18, 2003.



Patricia Rafferty
Chief Clerk of the City Council