



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 030822

Introduced December 4, 2003

Councilmember DiCicco

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Granting permission to 900 S. Front Street, LLC, owner of the property 900 S. Front Street, Philadelphia, PA 19147, to operate and maintain an open air sidewalk cafe on the southwest corner of Front and Christian Streets, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to 900 S. Front Street, LLC, owner of the property 900 S. Front Street, Philadelphia, PA 19147, to operate and maintain an open air sidewalk cafe with two (2) tables approximately two feet (2') diameter with chairs encroaching a maximum of five feet (5') onto the south footway of Christian Street, leaving a minimum of ten feet (10') clear footway for pedestrians. The first table is located approximately thirty-two feet (32') west of the west curb line of Front Street and the last table approximately thirty-seven feet (37') west of the west curb line of Front Street.

Two (2) tables approximately two feet (2') diameter with chairs encroaching a maximum of five feet (5') onto the west footway of Front Street, leaving a minimum of eight feet six inches (8'-6") clear footway for pedestrians. The first table is located approximately twenty-five feet (25') south of the south curb line of Christian Street and the last table approximately thirty-two feet (32') south of the south curb line of Christian Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, 900 S. Front Street, 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, 900 S. Front Street, LLC shall enter into an

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agreement (“Agreement”) with the appropriate City department(s), in a form satisfactory to the Law Department, 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 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 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;

(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, 900 S. Front Street, LLC will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the four (4) tables for the open air sidewalk cafe encroach on the southwest corner of Front and Christian Streets 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;

(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 Law Department;

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

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 900 S. Front Street, LLC to maintain and operate an open air sidewalk café on the southwest corner of Front and Christian Streets shall expire without any further action by the City of Philadelphia if 900 S. Front Street, 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.

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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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