

City of Philadelphia



(Bill No. 010270)

AN ORDINANCE

Granting permission to Nathan Ross and Samuel Lynagh, owners of New Wave Café, located at 782-784 South Third street, to operate and maintain an open air sidewalk cafe on the west footway of South Third street adjacent to 782-784 South Third street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Nathan Ross, 285 Kerrwood Drive, Wayne Pennsylvania, and Samuel Lynagh, 615 Christian street, Philadelphia, owners of New Wave Café, located at 782-784 South Third street, to operate and maintain an open air sidewalk cafe with four (4) tables encroaching a maximum of approximately three feet, ten inches (3'-10") on the west footway of South Third street adjacent to 782-784 South Third street, leaving a minimum of approximately eight feet (8') unobstructed footway.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Nathan Ross and Samuel Lynagh, as owners of the New Wave Café 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, Nathan Ross and Samuel Lynagh 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;

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(d) 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, Nathan Ross and Samuel Lynagh 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 no more than a maximum of approximately three feet, ten inches (3'-10") onto the west footway of South Third street adjacent to the property 782-784 South 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 Nathan Ross and Samuel Lynagh as owners of the New Wave Café to maintain and operate an open air sidewalk café on the west footway of South Third street adjacent to the property 782-784 South Third street shall expire without any further action by the City of Philadelphia if Nathan Ross and Samuel Lynagh have 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 May 31, 2001. The Bill was Signed by the Mayor on June 14, 2001.



Marie B. Hauser
Chief Clerk of the City Council