

City of Philadelphia



(Bill No. 010505)

AN ORDINANCE

Authorizing Irvin Bruskin, owner of the property, 2451 South Fifth street, Philadelphia, PA 19148, to construct and maintain a fence for a dumpster enclosure on the east footway of South Fifth street, adjacent to the property, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Irvin Bruskin, owner of the property Bruskin Hardware, 2451 South Fifth street, to construct and maintain a fenced-in area for a dumpster encroaching approximately four feet (4') onto the east footway of Fifth street from a point approximately twenty four feet (24') north of the north curb line of Porter street and approximately eight feet (8') east of the east curb line of Fifth street and extending to a point approximately twenty eight feet (28') north of the north curb line of Porter street, leaving approximately eight feet (8') of unobstructed footway on Fifth street. The fence is to be a cyclone type with colored slats and will be approximately four feet (4') in height.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Irvin Bruskin 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, before exercising any rights or privileges under this Ordinance, Irvin Bruskin shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Irvin Bruskin shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the 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 erection and maintenance of the fence listed in Section 1 of this Ordinance;

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(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) insure that the fence authorized by Section 1 does not exceed the dimensions set forth in Section 1;

(e) 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;

(f) remove the fence authorized by Section 1 from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) remove the fence authorized by Section 1 from the public right-of-way within thirty (30) days after the fence is no longer used for the purpose authorized by the ordinance or existing law.

SECTION 3. The City Solicitor may include in the Agreement such other terms and conditions as the Solicitor deems necessary to protect the interests of the City.

SECTION 4. The permission granted to Irvin Bruskin to construct and maintain a fence for a dumpster enclosure on the east footway of South Fifth street, adjacent to the property 2451 South Fifth street shall expire without any further action by the City of Philadelphia if Irvin Bruskin 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 October 11, 2001. The Bill was Signed by the Mayor on October 25, 2001.



Marie B. Hauser
Chief Clerk of the City Council