

City of Philadelphia



(Bill No. 050269)

AN ORDINANCE

Granting permission to Moore College of Art to operate and maintain a vending stand and sidewalk seating alongside its property located at 1916-1934 Race Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Moore College of Art (“Moore”) to operate and maintain no more than fourteen (14) tables approximately thirty-two inches (32”) in diameter, with chairs, in the right-of-way bordering its property in the 1900 block of Race Street, provided such tables and chairs encroach a maximum of two feet six inches (2'-6") from the south house line (row line) of Race Street and leave a minimum of six feet six inches (6'-6") of clear footway for pedestrians.

SECTION 2. Before exercising such encroachment rights Moore shall enter into an agreement with the Streets Department, in a form satisfactory to the Law Department, which shall require Moore to:

(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 encroachment or related uses;

(c) comply with any applicable 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) comply with the following provisions of subsection 9-208(6) of The Philadelphia Code: 9-208(6)(a) and 9-208(6)(c)-(k).

(e) agree in writing that when, at the determination of the City of Philadelphia, the encroachment necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Moore College will absorb all costs and expenses for the performance of such work at no cost to the City;

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(f) insure that the encroachment does not exceed the dimensions listed in Section 1, provided that the Streets Department, in its sole discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practices;

(g) carry public liability and property damage insurance in connection with the encroachment co-naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(h) remove the encroachment within thirty (30) days upon service of lawful written notice from the Streets Department;

(i) comply with such other terms and conditions as the Law Department shall include in the Agreement as shall be deemed necessary or appropriate in the interest of the City.

SECTION 3. The permission granted to Moore in Section 1 shall expire without any further action by the City of Philadelphia if Moore 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 4. Notwithstanding any provision of The Philadelphia Code to the contrary, Moore is authorized to operate a food vending stand located within, or substantially within, the boundary of its property, and to provide take-out food and beverage service, as well as service to the tables and chairs described in Section 1, from such stand.

SECTION 5. The authorization in Section 5 is conditioned upon the following:

(a) Moore shall obtain all applicable licenses and permits from the Health Department for the preparation of food for sale.

(b) Moore shall obtain a license from the Department of Licenses and Inspections upon the payment of a \$250 annual fee, which license shall reflect the name and address of the licensee, that the license is for vending prepared food, the location of the vending stand, the applicable time restrictions on vending, the amount of the license fee, the date of issuance and expiration, the license number and an identifying description of the stand used by the licensee.

(c) The license shall permit vending operations solely between six a.m. and eleven p.m., Monday through Sunday.

(d) The placement of the stand shall permit a minimum of six feet six inches (6'-6") of clear footway for pedestrians.

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(e) The stand shall not be larger than what has been approved by the Departments of Licenses and Inspections and/or Streets as part of the documents submitted in the application for the license.

(f) All food and beverages shall be maintained within the approved vending stand which shall not be placed or stored on the sidewalk.

(g) Minor extensions, such as racks and shelves, are permitted, provided that they do not extend more than ten (10) inches beyond the stand, and the unobstructed pedestrian path is maintained.

(h) Umbrellas and/or canopies shall be at least seven (7) feet above the ground, shall be securely attached to the stand, shall be in good condition and shall be replaced when worn or faded. Tarps and plastic shall not be used to enclose a stand or to shade or protect a stand from the sun, rain or dust.

(i) Wheels and supporting hardware shall be adequate to support the merchandise and allow movement of the stand. Wheels shall be securely attached to the frame. The stand must be easily and quickly moveable in case of any emergency.

(j) The stand shall be maintained in good condition, with no rough edges or projections.

(k) The stand shall meet applicable National Sanitation Foundation (NSF) and Department of Health standards.

(l) Any electrical connection from the stand to an outlet belonging to Moore shall be appropriately weather rated and secured so as to prevent a tripping hazard.

(m) Signs located on the stand shall consist only of the name of the business, if any, and/or list of items for sale and prices.

(n) Moore shall be responsible for maintaining the sidewalk within fifteen feet of the vending stand and the chairs and tables authorized under Section 1 and to ensure that they are cleaned of all trash generated by the vending operation and otherwise. It shall also be Moore's responsibility to regularly hose down the sidewalk in the area occupied by the vending stand. Moore shall immediately clean the sidewalk to remove any food spills.

(o) Moore shall remove, at the end of each day, all trash, litter, garbage and refuse generated by the vending operation. Moore shall not place or deposit any trash, litter, garbage or refuse generated by the vending operation on the sidewalk in any public receptacle. Any trash receptacle belonging to Moore shall not be permitted to overflow onto the public right-of-way or within the property line of the vending operation.

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SECTION 6. Except as specifically provided in this Ordinance, the provisions of Section 9-204 of The Philadelphia Code shall not apply to the vending authorized in this Ordinance and the vending stand permitted in this Ordinance shall not count toward the total number of vendors permitted in such provision of the Code.

SECTION 7. 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 16, 2005. The Bill was Signed by the Mayor on July 8, 2005.



Patricia Rafferty
Chief Clerk of the City Council