

City of Philadelphia



(Bill No. 030351)

AN ORDINANCE

Granting permission to 801 Last Resort Inc., owner of the property 801-805 North Third Street, Philadelphia, PA 19123 to operate and maintain an open-air sidewalk cafe on the northeast corner of North Third street and Brown street adjacent to 801-805 North Third street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to 801 Last Resort Inc., owner of the property 801-805 North Third Street, Philadelphia, PA 19123, to operate and maintain an open-air sidewalk cafe with five (5) tables encroaching three feet (3') onto the east footway of North Third street and five (5) tables encroaching three feet (3') onto the north footway of Brown street adjacent to the property 801-805 North Third street, leaving a minimum unobstructed footway of eight feet (8') on both streets. The tables will be placed on both the North Third street and Brown street sides of the building and no rails will be used.

1. North Third street:

Five (5) tables approximately twenty-eight inches (28") long by twenty-two inches (22") wide with chairs encroaching a maximum of approximately three feet (3') onto the east footway of North Third street, leaving a minimum of eight feet (8') clear footway for pedestrians.

The first table is located approximately twenty-three feet (23') north of the north curb line of Brown street, and the last table approximately fifty-three feet (53') north of the north curb line of Brown street.

2. Brown street:

Five (5) tables approximately twenty-eight inches (28") long by twenty-two inches (22") wide with chairs encroaching a maximum of approximately three feet (3') onto the north footway of Brown street, leaving a minimum of eight feet (8') clear footway for pedestrians.

The first table is located approximately fifteen feet (15') east of the east curb line of North Third street, and the last table approximately fifty feet (50') east of the east curb line of North Third street.

City of Philadelphia

BILL NO. 030351 continued

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SECTION 2. Before exercising any rights or privileges under this Ordinance, 801 Last Resort, Inc. 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, 801 Last Resort, Inc. shall enter into an 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 of Philadelphia 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;

(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, 801 Last Resort, Inc. will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the five (5) tables encroaching three feet (3’) onto the east footway of North Third street and five (5) tables encroaching three feet (3’) onto the north footway of Brown street encroach 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; 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 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.

City of Philadelphia

BILL NO. 030351 continued

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SECTION 4. The permission granted to 801 Last Resort, Inc. to maintain and operate an open-air sidewalk café on the northeast corner of North Third street and Brown street adjacent to 801-805 North Third street shall expire without any further action by the City of Philadelphia if 801 Last Resort, Inc. 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), is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 030351 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council