



City of Philadelphia

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

BILL NO. 070045

Introduced February 1, 2007

**Councilmember Blackwell
for
Council President Verna
(By Request)***

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

AN ORDINANCE

Granting permission to Marilyn T. Stroud, 1543 Dickinson Street, Philadelphia, PA 19146 to operate and maintain an open-air sidewalk café on the northeast corner of S. 16th and Dickinson Streets, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS

SECTION 1. Permission is hereby granted to Marilyn T. Stroud, 1543 Dickinson Street, Philadelphia, PA 19146 to operate and maintain an open-air sidewalk café, with a total of four (4) tables, approximately two feet (2'-0") by three feet (3'-0") each, to accommodate sixteen (16) occupants, for the east sidewalk of S. 16th Street.

Four (4) tables and chairs will be placed adjacent to the building. The first table is located approximately fifty-two feet (52'-0") north of the north curb line of Dickinson Street and the last table approximately seventy-one feet (71'-0") north of the north curb line of Dickinson Street. The tables encroach approximately three feet (3'-0") onto the east sidewalk of S. 16th Street leaving approximately nine feet (9'-0") of clear unobstructed footway. No rails will be used.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Marilyn T. Stroud 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, Marilyn T. Stroud shall enter into an agreement ("Agreement")

*Information on file in Room 402 City Hall

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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 café;

(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-air sidewalk café necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Marilyn T. Stroud will absorb all costs and expenses for the performance of such work at no cost to the City;

(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 Law Department; and

(f) remove the open-air sidewalk café 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.

SECTION 4. The permission granted to Marilyn T. Stroud to maintain and operate an open-air sidewalk café on the northeast corner of S. 16th Street and Dickinson Street shall expire without any further action by the City of Philadelphia if Marilyn T. Stroud 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.