

# City of Philadelphia



(Bill No. 040966)

## AN ORDINANCE

Authorizing Sunoco Inc., Philadelphia Refinery to install an aluminum post with siren, related equipment and an aerial electrical service on a traffic island bordered by South 56th Street, Lindbergh Boulevard and Elmwood Avenue, under certain terms and conditions.

**WHEREAS**, Sunoco Inc., Philadelphia Refinery, 3144 Passyunk Avenue, Philadelphia, PA 19145 is responsible for the installation of a Siren Alerting System in the neighborhoods surrounding the refinery; and

**WHEREAS**, Sunoco Inc., Philadelphia Refinery Siren Alerting System is designed to alert residents in the event of the release of hazardous materials from the refinery or for the use of the Philadelphia Fire Dept. to alert citizens in the event of a transportation accident involving the release of toxic materials; and

**WHEREAS**, Sunoco Inc., Philadelphia Refinery has requested permission to construct, own and maintain an aluminum post with siren, related equipment and an aerial electrical service on a traffic island bordered by South 56th Street, Lindbergh Boulevard and Elmwood Avenue; now, therefore,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Sunoco Inc., Philadelphia Refinery, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

An aluminum pole, which is approximately fifty feet (50') high with a siren atop, is set into the ground approximately seven feet (7'). The centerline of the pole is located on Lindbergh Boulevard approximately seventy-one feet (71') west of the tip of the island (formed by Elmwood Avenue meeting Lindbergh Boulevard) and approximately twelve feet (12') north of the north curbline of Lindbergh Boulevard. Mounted on the pole approximately twenty-five feet (25') above grade will be a controller mechanism with battery back-up. Electrical power will be provided by an aerial service connection emanating from a PECO pole located on Elmwood Avenue approximately sixty-three feet (63') west of the tip of the island (formed by Elmwood Avenue meeting Lindbergh Boulevard). The aerial connection will be approximately twenty feet (20') in length and approximately twenty-five feet (25') above grade.

**SECTION 2.** The construction, use and maintenance of the aluminum post with siren, related equipment and an aerial electrical service listed in Section 1 shall be in

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accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections, the Department of Streets and the Art Commission.

**SECTION 3.** Before exercising any rights or privileges under this Ordinance, Sunoco Inc., Philadelphia Refinery must first obtain or have their contractor(s) 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 and privileges under this Ordinance, Sunoco Inc., Philadelphia Refinery shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Sunoco Inc., Philadelphia Refinery shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the aluminum post with siren, related equipment and an aerial electrical service without cost or expense to the City and shall restore the cartway and footways aforesaid at no cost and expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal-sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the aluminum post with siren, related equipment and an aerial electrical service or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Sunoco Inc., Philadelphia Refinery self-assumes liabilities and obligations normally covered by Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may

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be necessary by the reason of the construction of the aluminum post with siren, related equipment and an aerial electrical service;

- (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, or in lieu thereof, submit documentation in form and content acceptable to the City that Sunoco Inc., Philadelphia Refinery is self-insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;
- (f) insure that all construction contractors for the aluminum post with siren, related equipment and an aerial electrical service carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the Law Department; and
- (g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public right-of-way of any effected streets aforesaid.

**SECTION 4.** The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

**SECTION 5.** The permission granted to Sunoco Inc., Philadelphia Refinery to construct, own and maintain the aluminum post with siren, related equipment and an aerial electrical service described in Section 1 shall expire without any further action by the City of Philadelphia if Sunoco Inc., Philadelphia Refinery has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

**SECTION 6.** 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 December 16, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty  
Chief Clerk of the City Council