

City of Philadelphia



(Bill No. 020382)

AN ORDINANCE

Authorizing Lois Hartzell, owner of the property 607 North Second Street, Philadelphia, PA 19123, to construct, own and maintain a cantilevered balcony projecting over the east footway of Second street from the second story of the property, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Lois Hartzell, 19 Shipley Place, Philadelphia, PA 19152, owner of the property 607 North Second Street, Philadelphia, PA 19123 to construct, own and maintain a cantilevered balcony projecting over the east footway of Second street from the second story of 607 North Second street. The balcony is thirteen feet (13') long, and projects five feet, six inches (5'6") over the footway. The centerline of the balcony is seventy-three feet (73') north of the north curb line of Green street and will have a minimum vertical clearance of seventeen feet (17') above the footway.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Lois Hartzell 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, Lois Hartzell shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Lois Hartzell 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, ownership and maintenance of the cantilevered balcony extending from the second story;

(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;

City of Philadelphia

BILL NO. 020382 continued

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(d) insure that the cantilevered balcony from the second story encroaches over the public right-of-way no more than the dimensions set forth 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;

(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; and

(f) remove the cantilevered balcony from the second story encroaching over the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

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

SECTION 4. The permission granted to Lois Hartzell to construct, own and maintain a cantilevered balcony from the second story of the building 607 North Second street over the east footway of Second street shall expire without any further action by the City of Philadelphia if Lois Hartzell 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.

City of Philadelphia

BILL NO. 020382 continued

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City of Philadelphia

BILL NO. 020382 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 17, 2002. The Bill was Signed by the Mayor on October 29, 2002.



Marie B. Hauser
Chief Clerk of the City Council