



City of Philadelphia

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

BILL NO. 030821

Introduced December 4, 2003

Councilmember DiCicco

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

AN ORDINANCE

Granting permission to Robert Bitros, owner of the property 931-933 N. 2nd Street, Philadelphia, PA 19123, to operate and maintain an open air sidewalk cafe on the east sidewalk of N. 2nd Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Robert Bitros, owner of the property 931-933 N. 2nd Street, Philadelphia, PA 19123, to operate and maintain an open air sidewalk cafe with ten (10) tables approximately two feet (2') square with chairs encroaching a maximum of five feet (5') onto the east footway of N. 2nd Street, leaving a minimum of eight feet (8') clear footway for pedestrians.

The first table is located approximately two hundred and fifty-four feet (254') north of the north curb line of Poplar Street and the last table approximately two hundred and seventy-five feet (275') north of the north curb line of Poplar Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Robert Bitros must first obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commission. 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, Robert Bitros 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

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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 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, as may be required;

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

(e) insure that the ten (10) tables for the open air sidewalk cafe encroach on the east sidewalk of N. 2nd Street 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;

(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.

SECTION 4. The permission granted to Robert Bitros to maintain and operate an open air sidewalk café on the east sidewalk of N. 2nd Street shall expire without any further action by the City of Philadelphia if Robert Bitros 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.