



Legislation Details (With Text)

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Title: Granting permission to Nathan Ross and Samuel Lynagh, owners of New Wave Café, located at 782-784 South Third street, to operate and maintain an open air sidewalk cafe on the north footway of Catharine street adjacent to 782-784 South Third street, under certain terms and conditions.

Sponsors: Councilmember DiCicco

Indexes: ENCROACHMENT

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Attachments: 1. CertifiedCopy06039100.pdf

Date	Ver.	Action By	Action	Result	Tally
6/15/2006	0	MAYOR	SIGNED		
6/1/2006	0	CITY COUNCIL	READ		
6/1/2006	0	CITY COUNCIL	PASSED	Pass	15:0
5/25/2006	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
5/25/2006	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
5/25/2006	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
5/23/2006	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
5/23/2006	0	Committee on Streets and Services	HEARING HELD		
5/23/2006	0	Committee on Streets and Services	HEARING NOTICES SENT		
5/11/2006	0	CITY COUNCIL	Referred		
5/11/2006	0	CITY COUNCIL	Introduced	Pass	

Granting permission to Nathan Ross and Samuel Lynagh, owners of New Wave Café, located at 782-784 South Third street, to operate and maintain an open air sidewalk cafe on the north footway of Catharine street adjacent to 782-784 South Third street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Nathan Ross, 285 Kerrwood Drive, Wayne Pennsylvania, and Samuel Lynagh, 615 Christian street, Philadelphia, owners of New Wave Café, located at 782-784 South Third street, to operate and maintain an open air sidewalk cafe with six (6) tables encroaching a maximum of approximately four feet (4') on the north footway of Catharine street adjacent to 782-784 South Third street, leaving a minimum of approximately eight feet (8') unobstructed footway.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Nathan Ross and Samuel

Lynagh, as owners of the New Wave Café 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, Nathan Ross and Samuel Lynagh shall enter into an agreement (“Agreement”) with the appropriate City department(s), in a form satisfactory to the City Solicitor, that 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 City Solicitor 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 from 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 air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Nathan Ross and Samuel Lynagh will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the six (6) tables for the open air sidewalk cafe encroach no more than a maximum of approximately four feet (4') onto the north footway of Catharine street adjacent to the property 782-784 South Third street;

(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 City Solicitor; 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 City Solicitor shall include in the Agreement such other terms and conditions, as he shall deem necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Nathan Ross and Samuel Lynagh as owners of the New Wave Café to maintain and operate an open air sidewalk café on the north footway of Catharine street adjacent to the property 782-784 South Third street shall expire without any further action by the City of Philadelphia if Nathan Ross and Samuel Lynagh have 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.