

## Legislation Details (With Text)

**File #:** 030341      **Version:** 0      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 5/8/2003      **In control:** Committee on Streets and Services

**On agenda:**      **Final action:** 6/5/2003

**Title:** Granting permission to Johnny Mañanas Restaurant located at 4201 Ridge Avenue, Philadelphia, PA 19129, to operate and maintain an open-air sidewalk cafe on the northeast corner of Ridge and Midvale avenues, under certain terms and conditions.

**Sponsors:** Councilmember Nutter

**Indexes:** ENCROACHMENT, SIDEWALK SALES

**Code sections:**

**Attachments:** 1. CertifiedCopy03034100.pdf

Date	Ver.	Action By	Action	Result	Tally
7/31/2003	0	MAYOR	SIGNED		
6/5/2003	0	CITY COUNCIL	READ		
6/5/2003	0	CITY COUNCIL	PASSED	Pass	14:0
5/29/2003	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
5/29/2003	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
5/29/2003	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S SECOND READING CALENDAR		
5/28/2003	0	Committee on Streets and Services	HEARING NOTICES SENT		
5/28/2003	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
5/28/2003	0	Committee on Streets and Services	HEARING HELD		
5/8/2003	0	CITY COUNCIL	Referred		
5/8/2003	0	CITY COUNCIL	Introduced	Pass	

Granting permission to Johnny Mañanas Restaurant located at 4201 Ridge Avenue, Philadelphia, PA 19129, to operate and maintain an open-air sidewalk cafe on the northeast corner of Ridge and Midvale avenues, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Johnny Mañanas Restaurant located at 4201 Ridge Avenue, Philadelphia, PA 19129, to operate and maintain an open-air sidewalk cafe with ten (10) tables approximately three feet (3') square with chairs, encroaching approximately six feet (6') on the east footway of Midvale avenue, leaving a minimum of fourteen feet (14') unobstructed footway for pedestrians. The ten (10) tables that will accommodate twenty (20) occupants will be on the Midvale avenue face of the building and no rails will be used.

The first table is located approximately twenty-three feet (23') north of the north curb line of Ridge avenue and the last table approximately fifty-one feet (51') north of the north curb line of Ridge avenue.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Johnny Mañanas Restaurant 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, Johnny Mañanas Restaurant 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 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-air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Johnny Mañanas Restaurant 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 footway of Midvale avenue 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; and

(h) submit documentation in a form acceptable to the Law Department from the owners of the property located at 4201 Ridge Avenue, Philadelphia, PA 19129, that they have no objection to Johnny Mañanas Restaurant operating and maintaining an open-air sidewalk café on said property.

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 Johnny Mañanas Restaurant to maintain and operate an open-air sidewalk café on the east footway of Midvale avenue shall expire without any further action by the City of Philadelphia if Johnny Mañanas Restaurant 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.