

Legislation Text

File #: 080497, **Version:** 0

Granting permission to Massimo Criniti, owner of Criniti Restaurante Italiano, to construct, own and maintain an open-air sidewalk café located on the east sidewalk of S. Broad Street north of Moyemensing Avenue, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Massimo Criniti, 3231 South Smedley Street, Philadelphia, Pa. 19145, owner of the property Criniti Restaurante Italiano, 2611 South Broad Street, Philadelphia, PA 19145, to construct, own and maintain an open-air sidewalk café located on the east sidewalk of S. Broad Street north of Moyemensing Avenue as follows:

Sidewalk Café

Thirteen tables approximately thirty two inches (32”) square with chairs encroaching a maximum of approximately seven feet (7’) into the east footway of Broad Street, leaving a minimum of eleven feet (11’) clear for pedestrians. The first table is located approximately twenty-three feet (23’) north of the north curblineline of Moyamensing Avenue and the last table approximately one hundred-ten feet (110’) north of the north curblineline of Moyamensing Avenue.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Massimo Criniti 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, Massimo Criniti 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 sidewalk café;
- (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, sidewalk café necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Massimo Criniti will absorb all costs and expenses for the performance of such work at no cost to the City;
- (e) insure that the thirteen (13) tables for the sidewalk cafe encroach on the east footway of Broad

Street and the north curblineline of Moyamensing 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; and

(g) remove the sidewalk café 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 Massimo Criniti for the operation and maintenance of a sidewalk cafe shall expire without any further action by the City of Philadelphia if Massimo Criniti 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.