# Legislation Details (With Text)

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| **File #:** | 240282 | **Version:** 1 | **Name:** | | |
| **Type:** | Bill | | **Status:** | ENACTED | |
| **File created:** | 4/11/2024 | | **In control:** | Committee on Streets and Services | |
| **On agenda:** | | | **Final action:** | 5/23/2024 | |

**Title:** Granting permission to Germantown Jewish Centre to demarcate the boundaries of a Germantown eruv district, to construct and maintain a clear nylon cord and/or plastic tubes and other ancillary facilities including a maximum of ten poles along, over, and in certain public rights- of-way and City streets, and/or to attach such demarcation facilities to existing facilities owned by other entities authorized by other City ordinances, subject to such owner's consent; all under certain terms and conditions.

**Sponsors:** Councilmember Bass, Councilmember Landau

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. Bill No. 24028200, 2. Bill No. 24028201, As Amended, 3. CertifiedCopy24028201

| Date | Ver. | Action By | Action | Result | Tally |
|---|---|---|---|---|---|
| 6/5/2024 | 1 | MAYOR | SIGNED | | |
| 5/23/2024 | 1 | CITY COUNCIL | READ AND PASSED | Pass | 17:0 |
| 5/16/2024 | 1 | CITY COUNCIL | SUSPEND THE RULES OF THE COUNCIL | | |
| 5/16/2024 | 1 | CITY COUNCIL | ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR | | |
| 5/16/2024 | 1 | CITY COUNCIL | READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR | | |
| 5/10/2024 | 0 | Committee on Streets and Services | HEARING NOTICES SENT | | |
| 5/10/2024 | 0 | Committee on Streets and Services | HEARING HELD | | |
| 5/10/2024 | 0 | Committee on Streets and Services | AMENDED | | |
| 5/10/2024 | 0 | Committee on Streets and Services | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED | | |
| 4/11/2024 | 0 | CITY COUNCIL | Introduced and Referred | | |

Granting permission to Germantown Jewish Centre to demarcate the boundaries of a Germantown eruv district, to construct and maintain a clear nylon cord and/or plastic tubes and other ancillary facilities including a maximum of ten poles along, over, and in certain public rights- of-way and City streets, and/or to attach such demarcation facilities to existing facilities owned by other entities authorized by other City ordinances, subject to such owner's consent; all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Germantown Jewish Centre, a Pennsylvania non- profit corporation, registered to do business in Pennsylvania (hereinafter "GJC"), and its successors, assigns, and

agents, subject to the terms and conditions hereinafter set forth, to construct, maintain, operate, replace, and remove a clear nylon cord or string and other ancillary facilities (including plastic tubes ("lechis"), a maximum of ten poles, and other facilities as may be approved by the Department of Streets) for demarcation of the boundaries of an eruv district ("Eruv Boundaries"), along, in, and over the public rights-of-way of the City of Philadelphia identified below, and/or to place such demarcation facilities within and/or attached to the existing facilities owned by other entities authorized by other City ordinances, subject to such owner's consent. GJC is not authorized by this Ordinance to transmit, receive and distribute energy or telecommunications or to provide to subscribers within the City "cable service," as defined at 47 U.S.C. § 522(6), or "video programming" as defined at 47 U.S.C. § 522(20) as an open video system operator pursuant to 47 U.S.C. § 573(a) or otherwise.

(a) The Eruv Boundaries will make maximum use of existing physical features which can be used for demarcation of an eruv for the Germantown area consistent with Jewish religious law, including currently installed utility lines, existing walls and fences, and riverbanks and other embankments. In certain areas, such existing boundaries will be supplemented by a clear nylon cord to connect such existing features and create a continuous boundary, and in some areas, lechis may be mounted on utility poles, subject to the owner's consent, to create the proper form of boundary line prescribed by Jewish religious law; a maximum of ten new poles and a few extensions of existing fence posts may also be erected. The specific boundaries are delineated as follows:

| | **From** | **To** |
|---|---|---|
| McCallum Street | McCallum Street Bridge (northwest p | McCallum Street and Mermaid Lane |
| Mermaid Lane | McCallum Street and Mermaid Lane | Mermaid Lane and Cherokee Street |
| Cherokee Street | Mermaid Lane and Cherokee Street | Cherokee Street and Springfield Avenue |
| Springfield Avenue (west of Germantown Avenue) | Cherokee Street and Springfield Aver | Springfield Avenue and Germantown Avenue |
| Springfield Avenue (east of Germantown Avenue) | Springfield Avenue and Germantown | Springfield Avenue and Winston Road |
| Winston Road | Springfield Avenue and Winston Roa | Winston Road and Willow Grove Avenue |
| Willow Grove Avenue | Winston Road and Willow Grove Av | Willow Grove Avenue and Stenton Avenue |
| Stenton Avenue | Willow Grove Avenue and Stenton A | Stenton Avenue and Upsal Street |
| Upsal Street | Stenton Avenue and Upsal Street | Upsal Street and Anderson Street |
| Anderson Street | Upsal Street and Anderson Street | Anderson Street and Washington Lane |
| Washington Lane | Anderson Street and Washington Lan | Washington Lane and Green Street |
| Green Street | Washington Lane and Green Street | Green Street and Walnut Lane |


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| | | |
|---|---|---|
| Walnut Lane | Green Street and Walnut Lane | Walnut Lane at Walnut Lane Bridge |
| Walnut Lane Bridge | Walnut Lane at Walnut Lane Bridge | West Pylon of Walnut Lane Bridge at the west bank of Monoshone Creek |
| West Bank of Monoshone Creek | West Pylon of Walnut Lane Bridge at | West bank of Monoshone Creek and Wissahickon Avenue |
| Wissahickon Avenue | West bank of Monoshone Creek and | Stone wall along the southwest side of Wissahickon Avenue |
| Wissahickon Avenue, continued | Stone wall along the southwest side o | Wissahickon Avenue and Lincoln Drive |
| Lincoln Drive | Wissahickon Avenue and Lincoln Dr | Embankment along Lincoln Drive |
| Lincoln Drive embankment | Embankment alon | Lincoln Drive at Monoshone Creek Bridge, at road to Rittenhouse Town |
| North bank of Monoshone Creek | North bank of Mo | Monoshone Creek and Wissahickon Creek, at Forbidden Drive Entrance |
| Wissahickon Creek | Monoshone Creek Creek, at Forbidde | Following east bank of Wissahickon Creek to Cresheim Creek |
| Cresheim Creek | East bank of Wiss Cresheim Creek | Cresheim Creek at Devil's Pool Sewer viaduct |
| Northwest bank of Cresheim Creek | Northwest Bank o | McCallum Street Bridge at northwest pylon |

To the extent approved by the Department of Streets, GJC is authorized to install, construct, maintain, operate, replace and remove a clear nylon cord or string and other ancillary facilities, including lechis, several new extensions of existing fence posts, and a maximum of ten new poles, and other facilities as may be approved by the Department of Streets (collectively, the "Demarcation System"), along, in, and over the public rights-of-way listed above.

(b) Before entering into the Agreement provided in Section 5 below, GJC must submit proof of authorization from the governmental body responsible for maintaining any highway bridge crossing over a railroad right-of-way, private property or over another public right-of-way if the Demarcation System listed in this Section is constructed on or attached to any such bridges.

(c) The said Demarcation System shall be constructed in accordance with the requirements and under the supervision of the Department of Streets, without interference with any existing surface or subsurface structures, and shall be used by GJC and/or its successors and assigns exclusively for the purposes set forth in this Section and in accordance with all ordinances of the City of Philadelphia and regulations of the Committee of Highway Supervisors governing the construction, maintenance, and operation of structures, equipment, facilities and or appurtenances placed within the public rights-of-way.

(d) The permission granted by this Ordinance is conditioned upon the approval of the Department of Streets as to the construction and installation of GJC facilities at any location along the specified route and is not a guaranty

that GJC facilities can be placed at any particular location along that route. No City department, agency, board, or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that GJC must by law obtain prior to construction or occupancy of existing facilities in the public right-of-way.

(e) All Demarcation System facilities constructed pursuant to this Ordinance within a railroad right-of-way that includes an alteration to a rail/highway crossing, which includes such crossings as they are defined under state law, must have, in addition to the approvals set forth in this Ordinance, the appropriate approval of the Pennsylvania Public Utility Commission.

SECTION 3. The permission granted by this Ordinance shall include permission to deviate from the route described in Section 1 by no more than three (3) City blocks, said blocks to be demarcated by major City streets and not by intervening pathways or alleyways. Before any such deviations are made, GJC shall first obtain the approval of the Department of Streets. This Section shall govern all deviations from the route approved in Section 1, including those deviations which serve as replacement and alternative rights-of-way in relocating GJC facilities pursuant to Section 2 of this Ordinance. All deviations which extend more than three (3) City blocks from the approved route shall require additional authorization from City Council.

SECTION 4. The permission granted to GJC and its successors and assigns to occupy the public right-of-way and City streets with its Demarcation System shall be and is subject to the terms and conditions of this Ordinance, all other applicable ordinances of the City of Philadelphia, all ordinances of general application currently in existence or subsequently enacted that are related to the City of Philadelphia's management of the public rights-of-way, the right-of-occupancy of the public rights-of-way, and/or the use of property in, under, over, along and/or across the streets, sidewalks, alleyways, easements and rights-of-way within the City of Philadelphia. Such permission is also subject to the terms and conditions of the Agreement provided in Section 5 of this Ordinance and all other applicable agreements, and to GJC's compliance with such terms and conditions, to the extent that such agreements are consistent with the terms and conditions of this Ordinance.

SECTION 5. Before exercising any rights and privileges under this Ordinance, GJC shall enter into an agreement ("Agreement") with the appropriate City department or departments, in form satisfactory to the City Solicitor, to provide that GJC shall, inter alia:

(a) Furnish the City with a bond with corporate surety in an amount required by the Department of Streets and in form satisfactory to the City Solicitor to ensure the compliance with all the terms and conditions of this Ordinance and the Agreement and to protect and to indemnify the City from and against all damages or claims for damages which may arise directly as a result of the construction, maintenance, operation or removal of facilities of GJC;

(b) Secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards, or commissions of the City or other governmental entity as may be required by law;

(c) Assume the costs of all changes and adjustments to, and relocation and abandonment of, all utilities and structures wherever located as may be necessary by reason of the installation of the GJC Demarcation System;

(d) Carry insurance protecting against liability for injury to persons or property of others, naming the City as an additional insured party in such amounts as shall be reasonably satisfactory to the City Solicitor;

(e) Pay all charges, rents, franchise fees or other fees that the City of Philadelphia may now or in the future impose for a licensee's occupation of City property, streets and rights-of-way;

(f) Submit confirmation in a form acceptable to the City Solicitor from the owner of any existing utility pole or other structure used for attachment or installation of Demarcation System facilities that GJC has authorization to occupy such utility pole or other structure; and


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(g) Remove any or all portions of the Demarcation System listed in Section 1 from the public rights-of-way pursuant to applicable City of Philadelphia specifications within sixty (60) days when the Demarcation System or a portion of the Demarcation System is no longer used for the purpose authorized by the ordinance or existing law.

SECTION 6. The City Solicitor shall include in the Agreement, together with the terms and provisions required by Section 5 of this Ordinance and such other terms and provisions as shall be deemed necessary to protect the interest of the City, provisions setting forth, as a condition of the permissions granted by this Ordinance, GJC's representation, warranty, and agreement that it is subject to and will comply fully with (i) the terms and conditions of this Ordinance and all other applicable ordinances of the City of Philadelphia, and (ii) the terms and conditions of all ordinances of general application currently in existence or subsequently enacted that are related to the City of Philadelphia's management of the public rights-of-way, the right-of-occupancy of the public rights-of-way, and/or the use of property in, under, over, along and/or across the streets, sidewalks, alleyways, easements and rights-of-way within the City of Philadelphia.

SECTION 7. The permission granted to GJC and its successors, assigns and agents to construct, maintain, operate, replace and remove the Demarcation System along, in, over and under the public rights-of-way and City streets listed in Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if GJC has not entered into the Agreement as required by Section 5 and Section 6 within one hundred eighty (180) days after this Ordinance becomes law.

SECTION 8. The permission granted to GJC and its successors, assigns, and agents for installation and/or construction of the new facilities along the route identified in this Ordinance shall expire without any further action by the City of Philadelphia as to such portions not constructed two (2) years after the date this Ordinance becomes law unless GJC, its successors, assigns, and agents have substantially completed the construction of the new facilities authorized herein. A change in ownership of the assets of GJC does not, without express written permission of the City of Philadelphia, extend the time for substantially completing the construction of the new facilities authorized herein.

SECTION 9. The City of Philadelphia reserves the right to charge a transfer fee for any agreement transferring the right-of-way license from one entity to another so as to ensure that all costs incurred by the City of Philadelphia related to the transfer are reimbursed. The transferee must pay all costs incurred by the City of Philadelphia associated with such transfer within thirty (30) days of the date the City submits such costs to the transferee or the transferee's authorized agent.

SECTION 10. This Ordinance shall not become effective unless the sum of two hundred dollars ($200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.



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