

Legislation Text

File #: 190085, **Version:** 1

Granting permission to a licensed tour vehicle operator to operate, on the west sidewalk of South Independence Mall West (formerly Sixth street) between Ranstead and Chestnut streets, the location formerly operated by "Ride the Ducks" sightseeing tours, an existing prefabricated metal ticket booth and merchandising kiosk with signage, including an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the public rights-of-way for the purpose of supplying electrical service and telephone service to the ticket booth kiosk, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to a tour vehicle operator, duly licensed pursuant to Section 9-407 of The Philadelphia Code ("Tour Operator"), located on the west sidewalk of South Independence Mall West between Ranstead and Chestnut streets (the location formerly operated by "Ride the Ducks" sightseeing tours) to use and maintain an existing ticket booth kiosk with utility connections, as follows:

(a) Kiosk- The prefabricated metal structure is approximately ten feet (10') long by four feet (4') wide by nine feet three inches (9'-3") high. The centerline of the structure is located approximately eighty-three feet (83') north of the north curbline of Chestnut street. The east side of the structure is offset approximately three feet (3') west of the west curbline of South Independence Mall West. The clear unobstructed footway distance to the west side of the kiosk is thirteen feet (13'); and

(b) Kiosk Signage

North Face: One (1) illuminated "ticket price" box sign approximately thirty-six inches (36") high by thirteen inches (13") wide.

South Face: One (1) illuminated "ticket price" box sign approximately thirty-six inches (36") high by thirteen inches (13") wide.

East Face: One (1) flat logo sign approximately five feet (5') square. Additional lettering will be applied below the sign indicating "See the City", or other similar tour information.

West Face: One (1) illuminated box sign approximately ten feet (10') long by eight inches (8") wide indicating relevant tour information. One (1) flat "Tickets" sign approximately seven feet eight inches (7'-8") long by one foot (1'-0") wide. Two (2) flat "ticket price" signs approximately thirty-six inches (36") high by thirteen inches (13") wide; and

(c) Ticket Sales / Passenger Loading- The intent is to separate and channelize tour patrons from pedestrian traffic via removable "tensa" barriers. These devices are similar to the devices seen in banks. The devices are completely portable and will be removed when the ticket booth is closed. The barrier will begin near the south end of the kiosk and run northward for approximately twenty feet (20'). The clear unobstructed

footway will vary from seven feet five inches (7'-5") to nine feet ten inches (9'-10"). Tour vehicles will be parked in the west curb lane of South Independence Mall West; two (2) spaces adjacent to the kiosk and one (1) space north of Ranstead street; and

(d) Electric Utilities- a two inch (2") diameter PVC conduit with appurtenances, serving as an electric service connection. The conduit starts at an existing PECO manhole located approximately zero feet (0') north of the north curblineline of Chestnut street and twenty feet (20') east of the west curblineline of South Independence Mall West, the conduit proceeds westward for approximately six feet (6') to a point located approximately zero feet (0') north of the north curblineline of Chestnut street and fourteen feet (14') east of the west curblineline of South Independence Mall West. The conduit proceeds northward for approximately eighty-five feet (85') to a point located approximately eighty-five feet (85') north of the north curblineline of Chestnut street and six feet (6') east of the west curblineline of South Independence Mall West. The conduit turns ninety degrees (90°) and proceeds westward for approximately nine feet (9') into the kiosk. The depth of the conduit is approximately two feet (2') below roadway grade; and

(e) Telecommunication Utilities- a two inch (2") diameter PVC conduit and appurtenances, serving as a telephone service connection. The conduit begins at an existing VERIZON manhole located approximately twenty-three feet (23') north of the north curblineline of Chestnut street and four feet (4') east of the west curblineline of South Independence Mall West, the conduit proceeds eastward for approximately seven feet (7') to a point located approximately twenty-three feet (23') north of the north curblineline of Chestnut street and eleven feet (11') east of the west curblineline of South Independence Mall West. The conduit proceeds northward for approximately sixty-one feet (61') to a point located approximately eighty-four feet (84') north of the north curblineline of Chestnut street and five feet (5') east of the west curblineline of South Independence Mall West. The conduit turns ninety degrees (90°) and proceeds westward for approximately eight feet (8') into the kiosk. The depth of the conduit is approximately two feet (2') below roadway grade; and

(f) use and maintenance of the electric conduit, electric service line, telecommunications conduit and telephone service line described in Sections 1(d) and 1(e) shall be in accordance with the laws, rules and regulations of the City of Philadelphia, including those of the Department of Licenses and Inspections, Department of Streets, and Department of Public Property; and

(g) no City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Tour Operator must by law obtain prior to construction in and under the public right-of-way, 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.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Tour Operator shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Tour Operator shall, *inter alia*:

(a) furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the Law Department to insure compliance with all the terms and conditions of this Ordinance and of the Agreement, and to protect and to indemnify the City from all damage or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the kiosk, kiosk signage, "tensa barriers", electrical conduit, electrical service line, the telecommunications conduit and telephone service line authorized in Section 1;

(b) secure all necessary permits, licenses, and approvals from all appropriate departments, agencies,

boards, or commissions of the City or of any other governmental entity as may be required by law;

(c) provide written proof that PECO Energy Company has approved the location design and connection of the electrical conduit and electrical service line to the existing PECO facilities and the kiosk;

(d) provide written proof that Verizon-PA Inc., has approved the location, design and connection of the conduit and telephone service line from the kiosk to existing Verizon facilities;

(e) assume the cost of all changes or adjustments to, or relocation or abandonment of any utilities and structures, wherever they may be located, which are necessitated by the installation of the electrical conduit, electrical service line and telephone service line authorized by Section 1 of this Ordinance;

(f) assume the costs and duties of completely restoring the public rights-of-way of Eighteenth street and Chestnut street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications;

(g) carry public liability and property damage insurance, naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department.

SECTION 3. The Law Department shall include in the Agreement such other terms and provisions as shall be deemed necessary to protect the interest of the City of Philadelphia.

SECTION 4. The permission granted to use and maintain an electrical conduit and service line and a telecommunications conduit and telephone service line shall expire without any further action by the City of Philadelphia if Tour Operator has not entered into the Agreement and satisfied all requirements of the Agreement and the requirements that are listed in Section 2 of this Ordinance within one (1) year after this Ordinance becomes law.

SECTION 5. Bill No. 030344 (approved July 31, 2003) is hereby repealed.

SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.