File #: 251022-A, **Version:** 2

Amending Section 9-208 of The Philadelphia Code, entitled "Sidewalk Cafés," to revise standards and requirements associated with Sidewalk Cafés, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. 9-208 of The Philadelphia Code is hereby amended to read as follows:

* * *

§ 9-208. Sidewalk Cafés.

* * *

(2) Location. Notwithstanding any provision of Section 9-205, a sidewalk café may be maintained: (i) within the area bounded by the Delaware River, the south houseline of South street, the center line of Third street, the south houseline of Bainbridge street, the Schuylkill River and the north houseline of Fairmount avenue; (ii) on Broad street, between Bainbridge street and the north houseline of Washington avenue; (iii) within the area bounded by the south side of Shurs lane to the north side of Green lane and the east side of Cresson street to the Schuylkill River; (iv) on East Passyunk avenue, both sides, between Broad street and Federal street; (v) on Ninth street, both sides, between Christian street and Federal street; (vi) on Germantown avenue, both sides, from Washington lane to Creshiem Valley road; (vii) on Germantown avenue, both sides, from Creshiem Valley road to Rex avenue; (viii) on Bethlehem pike, both sides, from Germantown avenue to Newtown street; (ix) on Ridge avenue, both sides, from Rochelle avenue to Domino lane; (x) on Frankford avenue, both sides, from Harbison avenue to Sheffield avenue; (xi) on Cottman avenue, both sides, from Erdrick street to Leon street; (xii) on Ryan avenue, both sides, from Frankford avenue to Leon street; (xiii) on Robbins street, both sides, from Frankford avenue to Mulberry street; (xiv) on Sackett street, both sides, from Frankford avenue to Levick street; (xv) within the area bounded by the west side of Frankford avenue, the north side of Levick street, the east side of Hawthorne street and the south side of Hellerman street; (xvi) on Torresdale avenue, both sides, from Knorr street to Tyson avenue; (xvii) on Princeton avenue, both sides, from Marsden street to Tulip street; (xviii) within the area bounded by the east side of Roosevelt boulevard, the south side of Saint Vincent street, the west side of Brous avenue, and the north side of Tyson avenue; (xix) on Cottman avenue, both sides, from Roosevelt boulevard to Brous avenue; [and] (xx) on the south side of Cottman avenue, from to Brous avenue to Barnard avenue; *(xxi) Washington Avenue, both sides, Broad Street to 25th Street; (xxii) Snyder Avenue, both sides, Broad Street to 25th Street; (xxiii) within the geographic boundaries of the Third Council District; (xxiv)Market Street, north side, from 63rd Street to 54th Street; (xxv) Torresdale Avenue, both sides, from Unruh Avenue to Knorr Street; (xxvi) Ridge Avenue, both sides, from South Ferry Road to Calumet Street; (xxvii)Midvale Avenue, both sides, from Ridge Avenue to Conrad Street; (xxviii) Washington Avenue, both sides, from Broad Street to 25th Street;(xxix) Washington Avenue, both sides, from Broad Street to Columbus Boulevard; (xxx) Point Breeze Avenue, both sides, from Federal Street to Moore Street; (xxxi) West Passyunk Avenue, both sides, from Broad Street to 23rd Street;*

(xxxii) Snyder Avenue, both sides, from Broad Street to 25th Street; (xxxiii) Woodland Avenue, both sides, from 58th Street to 68th Street; (xxxiv) within the area bounded by the west houseline of Broad street, the north houseline of Snyder avenue, the east houseline of 12th street, the north houseline of McKean street, the west houseline of 10th street, the south houseline of Moore street, the west houseline of 9th street, and the south houseline of Tasker street; and (xxxv) within the geographic boundaries of the following Special Services and Business Improvement Districts;

(.a) Manayunk Special Services District;

subject to license approval and provided that the conditions of this Section are complied with.

(3) License, Indemnification, and Other Conditions. No person shall erect, construct or maintain a sidewalk café, either where permitted by subsection (2) or where permitted pursuant to special ordinance, unless [he] *such person* has obtained a sidewalk café license from the Department of Licenses and Inspections and the sidewalk café is thereafter operated consistently with the plans submitted with the application for and with all other requirements of such license. No license shall be issued unless:

* * *

(6) Placement Requirements.

* * *

(b) On streets with a confirmed sidewalk width of thirteen (13) feet or less, at least five (5) feet of clear sidewalk space shall be maintained at all times to provide pedestrian [access.] *access and meet accessibility requirements*. On streets with a confirmed sidewalk width of more than thirteen (13) feet, at least one-half the confirmed sidewalk width shall be maintained at all times to provide pedestrian [access.] *access and meet accessibility requirements.*

* * *

(e) The licensee shall be responsible for keeping all visitors, patrons, employees, and café fixtures, *furniture and equipment,* including, without limitation, tables, chairs, and heaters, from occupying or encroaching into the required clear sidewalk space.

* * *

(m) An applicant may occupy on the sidewalk abutting an adjacent property for use as a sidewalk cafe, provided the clear sidewalk space is maintained as otherwise required in this subsection, permission to utilize the sidewalk of the adjacent property is provided at the time of application and maintained as required by rules and regulations of the Department of Streets and Department of Licenses and Inspections, and all other applicable requirements are satisfied.

* * *

(7) Maintenance of Sidewalk Cafés.

powered by Legistar™

* * *

(e) No sidewalk café, located within the following area, shall be operated or maintained between the hours of [12 midnight and 8 a.m.:] *10 p.m and 7 a.m., Sunday through Thursday, and between 11 p.m. and 7 a.m., Friday and Saturday.*

[(.1) the area bounded by the south side of Shurs lane to the north side of Green lane and the east side of Cresson street to the Schuylkill River.]

* * *

(8) Remedies.

* * *

(d) If the owner or operator of the restaurant fails to comply as directed in the notice, or fails to comply with his or her written agreements under subsection (4), the Department of Licenses and Inspections is authorized to abate the violation, including by removing furniture or other property from the sidewalk, by itself or by contract, *storing the removed property,* and restoring the sidewalk to its original condition. The Department of Licenses and Inspections shall be further authorized to charge the costs of such removal, *storage* and restoration, including administrative costs, to the violator and the Law Department may take action to collect such costs by lien or any other method. If removed property is not claimed in writing within thirty (30) days, the City is authorized to dispose of said property.

(e) Penalties. The penalty for violation of this Section or any condition of a license or of a regulation issued pursuant to this Section shall be a fine [not exceeding] of three hundred dollars ($300) per day.

(f) Repeat Offenders. Any person who commits, on more than one occasion, a violation of this Section or any condition of a license or of a regulation issued pursuant to this Section, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of three hundred dollars [($300), or imprisonment for not more than ninety (90) days, or both.] *($300).* A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.

* * *

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

powered by Legistar™