



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 250916

Introduced October 23, 2025

Councilmember Jones

**Referred to the
Committee on Commerce & Economic Development**

AN ORDINANCE

Granting permission to Haverford Business Association to install and maintain encroachments in the nature of decorative lighting fixtures, attached to existing facilities owned by the City or other entities, 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 Haverford Business Association (hereinafter "HBA"), and its successors, assigns, and agents, subject to the terms and conditions hereinafter set forth, to install, maintain, operate, replace, and remove decorative lighting fixtures along, in, and over the public rights-of-way of the City of Philadelphia identified below, and/or to place such decorative lighting fixtures within and/or attached to the existing facilities owned by the City or other entities authorized by other City ordinances, subject to such owner's consent.

Encroachment Description

No more than fourteen (14) decorative light fixtures, placed on existing facilities in the right-of-way along the sidewalk frontage of Haverford Avenue, Philadelphia, PA 19151, situated along Haverford Avenue between Woodbine Avenue and City Avenue, as designated by the Philadelphia Office of Property Assessment ("OPA") (the "Encroachments").

SECTION 2. The ownership, operation, use and maintenance of the Encroachments described and listed in Section 1 shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections, the Department of Streets, and the Art Commission, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the description above, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, and where

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applicable, Owner must first obtain or have its contractor(s) obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, including any required license to use City property. 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.

SECTION 4. Before exercising any rights and privileges under this Ordinance, HBA shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in form satisfactory to the City Solicitor, to provide that HBA 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 any item installed or maintained by HBA;
- (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 Encroachments;
- (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 the Encroachments that HBA has authorization to occupy such utility pole or other structure; and
- (g) Remove any or all portions of the Encroachments listed in Section 1 from the public rights-of-way pursuant to applicable City of Philadelphia specifications within sixty (60) days when the Encroachments or a portion of the Encroachments is no longer used for the purpose authorized by the ordinance or existing law.

SECTION 5. The City Solicitor shall include in the Agreement, together with the terms and

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provisions required by Section 4 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, HBA'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 6. The permission granted to HBA and its successors, assigns and agents to construct, maintain, operate, replace and remove the Encroachments 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 HBA has not entered into the Agreement as required by Section 4 and Section 5 within one hundred eighty (180) days after this Ordinance becomes law.

SECTION 7. 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 8. 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.