

BOROUGH OF BELLEVUE

ORDINANCE NO. 94 - 17

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, PURSUANT TO ACT 98 OF 1992 PROVIDING THAT IN CERTAIN FIRE LOSSES THE INSURANCE COMPANY, ASSOCIATION OR EXCHANGE SHALL TRANSFER INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE BOROUGH OF BELLEVUE AS A PORTION OF THE INSURANCE PROCEEDS TO BE HELD AS SECURITY AGAINST THE TOTAL COST OF REMOVING, REPAIRING, OR SECURING THE DAMAGED BUILDING, PROVIDING FOR FEES, PROVIDING FOR PENALTIES FOR VIOLATION AND SETTING FORTH PROCEDURES AND REQUIREMENTS PERTAINING TO SUCH INSURANCE PROCEEDS AND TO THE IMPLEMENTATION OF ACT 98 OF 1992 IN THE BOROUGH OF BELLEVUE.

WHEREAS, the Commonwealth of Pennsylvania has enacted Act 98 of 1992 effective on September 7, 1992, amending the Insurance Company Law of 1921 to provide procedures for the payment of certain fire loss claims; and

WHEREAS, it is the purpose of said legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration; and

WHEREAS, the Borough of Bellevue desires to adopt an ordinance pursuant to Section 508 of the Insurance Company Law of

1921 to provide for the payment of proceeds from certain fire loss claims to the Borough.

NOW, THEREFORE, THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE HEREBY ORDAINS:

SECTION 1. The Director of Administrative Services is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

SECTION 2. No insurance company, association or exchange (hereinafter the "Insuring Agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Bellevue where the amount recoverable for the fire loss to the structure under all policies exceeds Five Thousand Dollars (\$5,000), unless the Insuring Agent is furnished by the Borough Treasurer with a municipal certificate pursuant to Section 508(B) of Act 98 of 1992 and unless there is compliance with Section 508(C) and (D) of Act 98 of 1992 and the provisions of this Ordinance.

SECTION 3. Where pursuant to Section 508(B)(1)(i) of Act 98 of 1992, the Borough Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the Insuring Agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the Insuring Agent equals or exceeds 60 percent (60%) of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

(1) The Insuring Agent shall transfer from the insurance proceeds to the designated officer of the Borough of Bellevue in the aggregate of \$1,000 for each \$20,000 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is \$20,000 or less, the amount transferred to the Borough of Bellevue shall be \$1,000; or

(2) If at the time of a proof of loss agreed to between the named insured and the Insuring Agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the Insuring Agent shall transfer to the Borough of

Bellevue from the insurance proceeds the amount specified in the estimate.

(3) The transfer of proceeds shall be on pro rate basis by all companies, associations or exchanges insuring the building or other structure.

(4) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Borough of Bellevue in excess of the estimate to the named insured, if the Borough of Bellevue has not commenced to remove, repair or secure the building or other structure.

(5) Upon receipt of proceeds under this section, the Borough of Bellevue shall do the following:

(a) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the

building or structure which are incurred by the Borough, such costs shall include without limitation, any engineering, legal or administrative costs incurred by the Borough of Bellevue in connection with such removal, repair or securing of the building or any proceeds related thereto; and

(b) It is the obligation of the Insuring Agent when transferring the proceeds to provide the Borough of Bellevue with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Borough of Bellevue and notify the named insured that the procedures under this subsection shall be followed; and

(c) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Borough and the required proof of such completion received by the designated officer, and if the Borough of Bellevue has not incurred any costs for repairs, removal

or securing, the fund shall be returned to the named insured. If the Borough of Bellevue has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Borough of Bellevue shall transfer the remaining funds to the named insured; and

(d) To the extent that interest is earned on proceeds held by the Borough of Bellevue pursuant to this Section, and not returned to the named insured, such interest shall belong to the Borough of Bellevue. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

(6) Nothing in this section shall be construed to limit the ability of the Borough of Bellevue to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Borough of Bellevue and the named insured from entering into an agreement that permits the transfer of funds to the named insured of some other

reasonable disposition of the damaged property has been negotiated.

SECTION 4. The Town Council of the Borough of Bellevue may by resolution adopt procedures and regulations to implement Act 98 of 1992 and this Ordinance and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this Ordinance; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

SECTION 5. Any owner of property, any named insured or any Insuring Agent who violates this Ordinance shall be subject to a penalty of up to One Thousand Dollars (\$1,000) per violation.

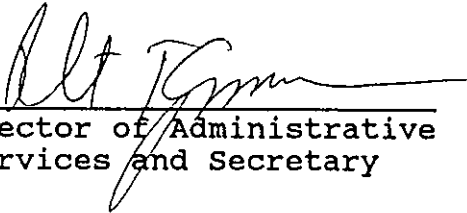
SECTION 6. The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

SECTION 7. Any ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.


SECTION 8. This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 4th day of October, 1994.

ATTEST:

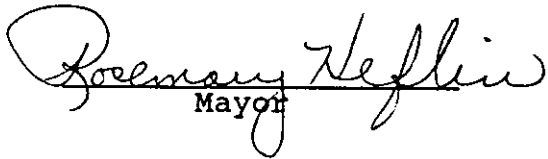


Director of Administrative
Services and Secretary



President of Council

EXAMINED AND APPROVED this 4th day of October, 1994.



Mayor