

Chapter 139

INSURANCE

ARTICLE I Fire Loss Claims

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[HISTORY: Adopted by the Borough Council of the Borough of Linesville as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Fire Loss Claims

[Adopted 3-11-1996 by Ord. No. 268]

§ 139-1. Designation of officer.

The Secretary/Treasurer of the Borough of Linesville or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

§ 139-2. Terms of insurance company payment.

No insurance company, association or exchange 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 Linesville (hereinafter the "municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurance company, association or exchange is furnished by the municipal 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 1992,¹ as amended by Act 93 of 1994, and the provisions of this article.

§ 139-3. Payment procedure.

Where pursuant to Section 508(b)(1)(i) of Act 98 of 1992, as amended by Act 93 of 1994, the municipal secretary/treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the treasurer's certificate, no municipality has certified any amount as total costs incurred by the municipality for the removal, repair or securing of a building or other structure on the property, the insurance company, association or exchange shall pay the claim of the named insured, in accordance with the policy terms, unless the loss agreed upon between the named

1. Editor's Note: See 40 P.S. § 638(b), (c) and (d).

- (4) To the extent that interest is earned on proceeds held by the municipality pursuant to this section, and not returned to the named insured, such interest shall belong to the municipality. 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.

- F. Nothing in this section shall be construed to limit the ability of the municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the municipality 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.

§ 139-4. Payment to Borough for delinquent taxes.

Where pursuant to Section 508(b)(1)(ii) of Act 98 of 1992, as amended by Act 93 of 1994, the municipal secretary/treasurer issues a certificate showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate, and also showing, as of the date of the secretary/treasurer's certificate, the amount of the total costs, if any, certified by the municipality to the secretary/treasurer that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property, then upon receipt thereof, the insurance company, association or exchange shall return the bill to the secretary/treasurer and transfer to the treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The amount received by the municipality shall be applied or credited to payment of the items shown in the bill.

§ 139-5. Fees.

The Linesville Borough Council may by resolution adopt procedures and regulations to implement Act 98 of 1992, as amended by Act 93 of 1994, and this article and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to said Act and this article, including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts, and compensation to the municipality for labor, administrative time and any other reasonable cost incurred in actions taken under this article.

§ 139-6. Violations and penalties.²

Any person who shall violate the provisions of this article shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).