

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 388**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG PURSUANT TO ACT 98 OF 1992, AS AMENDED AND NOW CODIFIED IN 40 P.S. § 368, PROVIDING THAT IN CERTAIN FIRE LOSSES THE INSURANCE COMPANY, ASSOCIATION OR EXCHANGE SHALL TRANSFER INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE MUNICIPALITY 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, AS AWARDED IN ORWIGSBURG BOROUGH.

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, Act 98 of 1992 was amended in 1994 and is now codified in 40 P.S. § 638; 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 Orwigsburg Borough 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 Municipality;

Be it **ENACTED AND ORDAINED** by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1.00

The Borough Manager or such other official designated by Borough Council is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

SECTION 2.00

(a) No Insurer shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500) unless the insurance company, association of exchange is furnished with a certificate pursuant to subsection (b) of this section and unless there is compliance with the procedures set forth in subsections (c) and (d) of this section.

(b)(1) The Borough Treasurer shall, upon the written request of the named insured specifying the tax description of the property, name and address of the Insurer and the date agreed upon by the Insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the Insurer either of the following within fourteen (14) working days of the request:

(i) a certificate or, at the discretion of the Borough, a verbal notification which shall be confirmed in writing by the insurer to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the treasurer's certificate or verbal notification, 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; or

(ii) a certificate and bill 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 treasurer's certificate, the amount of the total costs, if any, certified to the treasurer that have been incurred by the Borough for the removal, repair or securing of a building or other structure on the property. For the purposes of this subclause, the Borough shall certify to the treasurer the total amount, if any, of such costs, a tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the Borough under applicable law.

(2)(i) Upon the receipt of a certificate pursuant to clause (1)(i) of this subsection, the Insurer shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the company, association or exchange equals or exceeds sixty per centum (60%) of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the Insurer, the insured property owner and the Borough shall follow the procedures set forth in subsections (c) and (d) of this section.

(ii) Upon the receipt of a certificate and bill pursuant to clause (1)(ii) of this subsection, the Insurer shall return the bill to the 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 Borough shall receive the amount and apply or credit it to payment of the items shown in the bill.

(c) When the loss agreed to between the named insured and the Insurer equals or exceeds sixty per centum (60%) of the aggregate limits of liability on all fire policies covering the building or other structure, the Insurer shall transfer from the insurance proceeds to the designated office of the Borough in the aggregate two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) and each fraction of that amount of claim, or, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the Insurer shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by the Insurer insuring the building or other structure. Policy proceeds remaining after the transfer to the Borough shall be disbursed in accordance with the policy terms. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured if the Borough has not commenced to remove, repair or secure the building or other structure.

(d) Upon receipt of proceeds by the Borough as authorized by this section, the designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Borough. When transferring the funds as required in subsection (c) of this section, the Insurer shall provide the Borough with the name and address of the named insured, whereupon the Borough shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this subsection shall be followed. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the designated officer if the Borough has not incurred any costs for repairs, removal or securing. If the Borough 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 shall transfer the remaining funds to the named insured. Nothing in this section shall be construed to limit the ability of the Borough to recover any deficiency. Further, nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(e) Proof of payment by the insurer of proceeds under a policy in accordance with subsection (c) of this section is conclusive evidence of the discharge of its obligation to

the insured under the policy to the extent of the payment and of compliance by the Insurer with subsection (c) of this section

(f) Nothing in this section shall be construed to make and Insurer liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this section or to make the Borough or public official an insured under a policy of insurance or to create and obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this section.

(g) An Insurer making payments of policy proceeds under this section for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment, including all rights of subrogation and of assignment.

SECTION 3.00

The Borough Council may by resolution adopt procedures and regulations to implement Act 98 of 1992, as amended, and this Ordinance, and may by resolution, fix reasonable fees to be charged for municipal activities of certificates and bills, performance of inspections and opening separate fund accounts.

SECTION 4.00

Upon adoption, the Borough Secretary shall forward a certified copy of this Ordinance to the Commonwealth of Pennsylvania, Department of Community & Economic Development or such other state agency designated for filing purposes

SECTION 5.00

The term "borough" as used in this Ordinance shall mean the Borough of Orwigsburg. The term "insurer" shall mean insurance company, association or exchange.

SECTION 6.00

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

SECTION 7.00


All Ordinances or parts of Ordinances, including prior Ordinance No. 320, which is superseded hereby, conflicting with any of the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

SECTION 8.00

This Ordinance shall become effective immediately after adoption.

DULY ENACTED AND ORDAINED this 13th day of June, 2007, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.


BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

By: 
CHARLES J. STERNER
COUNCIL PRESIDENT

ATTEST:


SHERRY M. EDWARDS
BOROUGH SECRETARY

EXAMINED and APPROVED this 13th day of June, 2007.


AUSTIN SCANDIBER
MAYOR OF ORWIGSBURG

GOVERNOR'S CENTER FOR LOCAL GOVERNMENT SERVICES

Home	Fire Escrow	VFRA	Governor's Awards	ACT 164 Tax Collector Information
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FIRE INSURANCE ESCROW LIST

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Municipality	Name & Title	Address	Address 2	City State Zip	Phone	Effective Date	Escrow	Certificate
Ashland Boro	EDWARD J. WALLACE - SECRETARY	501 CHESTNUT STREET		ASHLAND, PA 17921	(570) 875-2411	6/12/1996	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ashland Boro	Lisa Davidson - Township Manager	10 East Elm Street		Sheppton, PA 18248	570-384-0739	9/2/2015	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ashland Boro	Peggy Pritchard - Township Secretary	95 Municipal Road		Orwigsburg, PA 17961	570-622-0767	9/7/2015	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Auburn Boro	BRENDA J. FESSLER - SECRETARY	P.O. BOX 89		AUBURN, PA 17922	(570) 754-7395	5/6/1998	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Blythe Twp	Terri Conville - Secretary	Box 91		Cumbola, PA 17930	(570) 277-6677	8/4/1993	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Butler Twp	Kate Staudenmeier - Secretary	211 Broad Street		Ashland, PA 17921	(570) 875-4137	4/30/1997	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cass Twp	Evelyn J. Bergan - Secretary	1209 Valley Road		Pottsville, PA 17901	(570) 544-5370	9/29/2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Coaldale Boro	Louise Lill - Secretary	Third Street and Howard Avenue PO Box 116		Coaldale, PA 18218	(570) 645-6310	3/9/1993	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Cressona Boro	Sandra Brennan - Secretary	68 Sout Sillyman Street		Cressona, PA 17929	(570) 385-2933	7/7/2003	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Deer Lake Boro	Charles Hafer - Secretary	308 Lake Front Drive		Orwigsburg, PA 17961	(610) 562-4142	6/8/2004	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
East Union Twp	Lisa Davidson - Manager	10 East Elm Street		Sheppton, PA 18248	(570) 384-0739	9/2/2015	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Foster Twp	Janet Mitchell - Secretary	1540 Sunbury Roas		Pottsville, PA 17901	570-544-4137	2/3/2010	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Frackville Boro	Brenda Deeter - Secretary	42 South Center Street		Frackville, PA 17931	(570) 874-3860	2/12/2010	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Girardville Boro	MARY AMBROSE - SECRETARY	P.O. BOX 5		GIRARDVILLE, PA 17935	(570) 276-1635	10/8/1998	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Gordon Boro	Paul Snyder - Secretary	P.O. Box 33		Gordon, PA 17936	(570) 875-4909	4/5/1993	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hegins Twp	Cathy Moyer - Secretary	P.O> Box 630 421 South Gap Street		Valley View, PA 17983	(570) 682-9133	4/3/1995	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hubley Twp		Box 3		Sacramento, PA 17968	(570) 682-3709	12/2/1996	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kline Twp	Carla Alucci - Secretary	30 Fifth Street		Kelayres, PA 18231	570-929-2195	9/9/2013	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mahanoy City Boro	DOROTHY M. LEWIS - SECRETARY	239 EAST PINE STREET		MAHANAY CITY, PA 17948	(570) 773-2150	11/11/1992	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mcadoo Boro	Diane Minneci - Secretary	23 North Hancock Street		McAdoo, PA 18237	(570) 929-1182	7/23/2007	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Middleport Boro	SHIRLEY SHELLHAMER - SECRETARY	WASHINGTON S TREET		MIDDLEPORT, PA 17953	(570) 277-0626	3/4/1997	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Minersville Boro	JANE MARKOVICH - MANAGER	2 EAST SUNBURY STREET		MINERSVILLE, PA 17954	(570) 544-2149	1/12/1993	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
North Manheim Twp	Systems Design Engineering - Code Enforcement Officer	303 Manheim Road		Pottsville, PA 17901	(570) 385-2778	2/22/2012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Orwigsburg Boro	Robert A. Williams - Borough Manager	209 North Warren St.		Orwigsburg, PA 17961	570-366-3103	6/13/2007	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pine Grove Boro	Melissa A. Dyer - Secretary/Treasurer	One Snyder Avenue		Pine Grove, PA 17963	570-345-3555	11/9/2006	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Port Carbon Boro		P. O BOX 71		PORT CARBON, PA 17965	(570) 622-2255	6/8/1999	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Porter Twp	WILLIAM SCHAEFFER - SECRETARY	P.O. BOX 88		MUIR, PA 17957		4/20/1998	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>