

ORDINANCE NO. 2013- 398

BOROUGH OF HARMONY
BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE PURSUANT TO ACT 93 OF 1994 PROVIDING THAT IN CERTAIN FIRE LOSSES THE INSURANCE COMPANY, ASSOCIATION, OR EXCHANGE SHALL TRANSFER A PORTION OF INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE BOROUGH TO BE HELD AS SECURITY AGAINST THE TOTAL COST OF REMOVING, REPAIRING, OR SECURING THE DAMAGED BUILDING(S) OR THE PAYMENT OF OUTSTANDING TAXES, ASSESSMENTS, PENALTIES, CHARGES, AND COSTS RELATED TO 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 93 IN THE BOROUGH OF HARMONY

WHEREAS, the Commonwealth of Pennsylvania has enacted Act 93 of 1994 effective on January 11, 1995 amending Act 98 of 1992 and the Insurance Company Law of 1921 to provide for the payment of certain fire loss claims, charges and costs; and

WHEREAS, the Borough of Harmony deems it to be in the best interests of its citizens to provide for the repairing, securing, or removing of buildings damages as a result of fire as well as for the payment of outstanding taxes, assessments, penalties, charges, and costs related to the damaged buildings; and

WHEREAS, the Borough of Harmony further deems it to be in the best interests of its citizens to place the financial burden of such repairing, securing, or removing of damaged buildings and payment of outstanding taxes, assessments, penalties, charges and costs related to the damaged buildings upon the rightful owner(s) of said buildings; and

WHEREAS, Act 93 of 1994 provides a mechanism for achieving the aforementioned goals.

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Harmony, the following be and is hereby adopted as an ordinance of the Borough of Harmony.

SECTION 1: 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 Harmony (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds Seven Thousand Five Hundred Dollars (\$7,500.00), unless the Named Insured or Insuring Agent is furnished by the Borough Manager with a municipal certificate pursuant to Act 93 of 1994 and the provisions of this Ordinance.

SECTION 2: (1) The Insuring Agent shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate of \$2,000.00 for each \$15,000.00 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claims is \$15,000.00 or less the amount transferred to the Borough shall be \$2,000.00; (2) The designated officer of the Borough shall apply the amounts from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges, and costs as shown on the bill and credit such payment of items.

SECTION 3: The Borough of Harmony may by resolution adopt procedures and regulations to implement Act 98 of 1992 as amended by Act 93 of 1994 and this Ordinance and may be resolution fix reasonable fees to be charged for Borough activities or services provided pursuant to Act 98 of 1992 as amended by Act 93 of 1994 and this Ordinance; including but not limited to issuance of certificates and bills, performance of inspections and opening of separate fund accounts.

SECTION 4: Any owner of property, and Named Insured, or any Insuring Agent who violates this Ordinance shall be subject to a penalty of up to \$1,000.00 per violation.

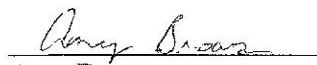
SECTION 5: The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

SECTION 6: That all Ordinances and parts thereof conflicting herewith be and the same are hereby repealed.

SECTION 7: This Ordinance shall become effective immediately upon enactment and approval and shall become effective as provided by the laws of the Commonwealth of Pennsylvania and remains in force until modified, amended or rescinded by the Borough of Harmony, Butler County, Pennsylvania.

**ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF HARMONY
THIS 7TH DAY OF MAY, 2013.**

ATTEST




Amy Brown
Secretary

BOROUGH OF HARMONY

By: 

James Hulings
Council President

**EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____,
2013.**



Cathy Rape
Mayor