

# Chapter 1

## Administration and Government

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**Part 1****Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Borough of West Homestead shall be the "Borough of West Homestead Code of Ordinances."  
(*Ord. 623, 2/14/2006*)

**§1-102. Citation of Code of Ordinances.**

The Borough of West Homestead Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.  
(*Ord. 623, 2/14/2006*)

**§1-103. Arrangement of Code.**

1. This Code is divided into Chapters which are subdivided as follows:
  - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
  - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
  - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
  - A. Subsections, identified by Arabic numerals.
  - B. Paragraphs, identified by capital letters.
  - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
  - D. Clauses, identified by lower case letters enclosed within parentheses.
  - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
  - F. Items, identified by identified by lower case letters followed by a parenthesis.
  - G. Subitems, identified by small Roman numerals.

(*Ord. 623, 2/14/2006*)

**§1-104. Headings.**

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(Ord. 623, 2/14/2006)

### **§1-105. Tenses, Gender and Number.**

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 623, 2/14/2006)

### **§1-106. Construction.**

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Borough of West Homestead, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council of the Borough of West Homestead (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Borough Council that such actions of the Borough Council that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 623, 2/14/2006)

**§1-107. Normal Numbering.**

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.

4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, "§1-101" designates Chapter 1, Part 1, Section 1. Similarly, "§27-305" designates Chapter 27, Part 3, Section 5.

5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
  - A. Paragraph.
    - (1) Subparagraph.
      - (a) Clause.
        - 1) Subclause.
          - a) Item.
            - i. Subitem

(Ord. 623, 2/14/2006)

**§1-108. Special Numbering Problems.**

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, "§5A-101." If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, "§5-5A01." A new Section introduced between existing Sections 5 and 6 would be "§5-105A." When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.

2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.

3. If it becomes necessary to introduce a unit smaller than a Subsection between existing unites, the entire Subsection shall be revised and renumbered.

4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked:

“[Reserved].”

(Ord. 623, 2/14/2006)

### §1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Borough Council.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended (revised) to read as follows . . . .” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended by the addition of the following . . . .” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby repealed in its entirety.”

3. It is the intention of the Borough Council that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Borough Council that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Borough Council hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

### §1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Borough Council.

(Ord. 623, 2/14/2006)

### §1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific

penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinance adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 623, 2/14/2006)



**Part 2****Officers and Employees****A. Compensation****§1-201. Compensation.**

The Borough Council may, from time to time, pursuant to law, fix the salaries, wages or compensation of the Borough employees or officers.

(*Ord. 265, 1/12/1940, §2*)



**B. Group Life Insurance****§1-211. Plan Established.**

The Borough hereby establishes a group life insurance plan to be funded through the purchase of a group life insurance contract from such insurance company as the Council may, from time to time, designate.

*(Ord. 360, 4/11/1960, §1)*

**§1-212. Eligible Officers and Employees.**

1. The following officers and employees, if they are within the proper age limit, shall be eligible to participate in the group life insurance plan established by this Part 2B: Mayor, Councilmen, full time regular street department employees, lady school guards, Borough Secretary, assistant Borough Secretary, Borough Solicitor, and the Borough Engineer.

2. The Borough Council is hereby authorized to designate other employees as eligible to participate in such plan.

*(Ord. 360, 4/11/1960, §§2, 3)*

**§1-213. Authority to Discontinue Plan.**

The Borough Council is hereby authorized to voluntarily discontinue the plan established by this Part 2B.

*(Ord. 360, 4/11/1960, §4)*

**§1-214. Elimination of Classes of Eligible Employees.**

The Borough Council is hereby authorized to eliminate any class or classes of employees listed in §1-212 from participation in the plan established by this Part 2B, as the Council may determine.

*(Ord. 360, 4/11/1960, §4)*

**§1-215. Benefits.**

1. The Borough Council shall have the exclusive authority to determine the benefits under the plan established by this Part 2B and may increase or decrease the benefits of such plan as the Council may determine.

2. The benefits are payable in accordance with the provisions of the contract issued for the plan established by this Part 2B.

*(Ord. 360, 4/11/1960, §§5, 7)*

**§1-216. Cost to be Borne by Borough.**

The entire cost of the plan established by this Part 2B shall be borne by the Borough.

*(Ord 360, 4/11/1960, §6)*

**§1-217. Annual Appropriation for Plan Premiums.**

A sufficient sum shall be appropriated annually in the budget of the Borough for

the payment of the annual premium for the plan established by this Part 2B.  
(*Ord. 360, 4/11/1960, §6*)

**§1-218. Annual Premium Payment Authorized.**

The Borough Council hereby authorizes and directs the Borough Secretary to make regular annual premium payments on the group life insurance contract for the plan established by this Part 2B, as the same may become due.

(*Ord. 360, 4/11/1960, §8*)

**Part 3****Boards and Commissions****A. Planning Commission****§1-301. Creation of Planning Commission.**

1. There is hereby created by the Council of the Borough of West Homestead a Borough Planning Commission which shall have all powers, rights and duties granted to it by the applicable Sections of the Borough Code and the law of Pennsylvania.

2. In accordance with the provisions of the Pennsylvania Borough Code the Commission shall be comprised of five members to be appointed by the Borough Council.

3. Any and all actions which may have been taken by any member previously named, by motion of Council, as regards the Borough Planning Commission, are hereby ratified.

*(Ord. 492, 6/11/1985)*



**B. Regional Planning Commission****§1-311. Creation Approved.**

The creation of a regional planning commission is hereby approved.

*(Ord. 341, 8/8/1955, §1)*

**§1-312. Articles of Agreement Ratified.**

The articles of agreement dated May 20, 1955, and executed by the proper officers of the Borough on the same date, approving the creation and organization of a regional planning commission are hereby confirmed, ratified and approved.

*(Ord. 341, 8/8/1955, §2)*



**Part 4****Fire Department****§1-401. Established as Bureau of Fire Prevention.**

The volunteer fire company of the Borough is hereby established and constituted as the Bureau of Fire Prevention for purposes of the International Fire Code, implemented as part of the Uniform Construction Code by *Ord. 601, 4/13/2004* [Chapter 5, Part 1], which shall be operated under the supervision of the chief of the company, who shall also be chief of such bureau and in his absence by the captains of the company.

(*Ord. 386, 3/15/1968, §II; as amended by Ord. 623, 2/14/2006*)

**§1-402. Recognized as Being Engaged in Service of Borough.**

The West Homestead Volunteer Fire Company, (hereinafter referred to as the "fire company"), a corporation, created, and existing, under, and by virtue of, the laws of the Commonwealth, is, hereby officially recognized as being engaged in the service of the Borough, and of the residents and property owners thereof, in the prevention and control of fires, as well as in the conduct of other activities designed, and intended, to protect life and property from, and against, hazards incidental to, or arising from, disasters, and disorders, of a natural character including, but not being limited to, windstorms and meteorological phenomena, floods and flooding, earthquakes, land subsidence, and building collapses.

(*Ord. 415, 6/13/1972, §1*)

**§1-403. Members Deemed Borough Employees - Purposes.**

In conformity with applicable statutes of the commonwealth, and in particular, in conformity with Title 77, section 22a, Pardon's Pennsylvania Statutes, in which section is defined the liability of employers for the payment of damages to employees for injuries received in the course of employment, all members of the fire company are to be considered "employees" of the Borough for all purposes, and under which volunteer firemen shall, by law, be entitled to receive workmen's compensation benefits.

(*Ord. 415, 6/13/1972, §2*)

**§1-404. Members Deemed Borough Employees - When.**

In clarification of §1-403 of this Part, the members of the fire company shall be deemed to be "employees" of the Borough:

A. While actually engaged as firemen (including service as special fire policemen) and while traveling to, or returning from, the scene of any fire or fire alarm, which the fire company shall have attended or to which the fire company shall have been summoned.

B. While participating in instruction fire drills, fire schools, fire training exercises, and civil defense programs in which the fire company shall have participated.

C. While repairing, or participating in the repair of, any firefighting apparatus or equipment under the authority of the fire chief or other person, for the time being, in charge of the fire company.

D. While performing work, or participating in the performance of work, on, or about, buildings, or grounds owned by, or available to, the fire company under the authority of the fire chief or other person, for the time being, in charge of the fire company.

E. While answering any emergency call for any purpose.

F. While riding, at any time, upon any fire apparatus, or vehicle, owned, or used, by the fire company.

G. While participating in any activity, the purpose of which is to raise funds for the purchase, or maintenance, of fire apparatus, equipment, buildings, or supplies.

H. While attending conventions, and while traveling to and from conventions, which the members of the fire company have been authorized to attend.

I. While performing any of the duties imposed by Title 35, §1221 *et seq.*, Purdon's Pennsylvania Statutes.

J. While performing any other duties, or while participating in any other activities, which have been, or which may be, authorized by the Borough.

(*Ord. 415, 6/13/1972, §3*)

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**Part 5****Police Department****§1-501. Established.**

A Police Department is hereby established in and for the Borough.  
(*Ord. 439, 8/12/1975, §18-11*)

**§1-502. Chief.**

The Chief of Police shall be the chief executive officer of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.  
(*Ord. 439, 8/12/1975, §18-12*)

**§1-503. Member Classification; Compensation.**

Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established: Captain; Lieutenant; patrolman; and juvenile unit commander or those of such classifications to which the Council shall at any specific time have appointed one or more police officers. The priority of authority among such subordinate classifications shall be in the order above listed. The number of persons to serve in each of such subordinate classifications, on a full-time and/or a part-time basis, and the compensation of each shall be as determined by the Borough Council from time to time.  
(*Ord. 439, 8/12/1975, §18-13*)

**§1-504. Employee Classification; Compensation.**

In addition to the classification of policemen established in §1-503, the following civilian employee classification is hereby established: school crossing guard. The compensation of such position shall be as determined by the Borough Council from time to time.  
(*Ord. 439, 8/12/1975, §18-14*)

**§1-505. Appointment of Special Policemen.**

Nothing contained in this Part shall affect the authority of the Mayor to appoint special policemen during emergencies.  
(*Ord. 439, 8/12/1975, §18-15*)



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**Part 6****Tax Collector Commission and Bond****§1-601. Commission.**

The commission to be paid to the tax collector for the collection of the Borough real estate taxes shall be as follows:

A. For all taxes collected at discount, at face, or for all taxes collected after the date when a penalty shall be added thereto, a commission of  $1 \frac{3}{16}\%$ .

B. For all taxes collected after having been liened, a commission of 5%.

*(Ord. 364, 2/13/1964, §20-11)*

**§1-602. Bond.**

The bond of the tax collector shall be as fixed by the Borough Council from time to time. The condition of such bond shall be that the tax collector shall pay over all taxes received and collected and account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him, together with penalties and interest legally due, by paying over the tax, penalties and interest received, less commissions, by showing exonerations of unpaid occupation, poll, and per capita taxes, and by making return of unpaid taxes in real estate, in accordance with existing law, or enter liens herefor in the office of the prothonotary.

*(Ord. 258, 6/3/1937, §I)*



**Part 7****Reimbursement of Emergency Charge  
for Hazardous Materials Cleanup****§1-701. Borough to Abate and Collect Costs**

The Borough of West Homestead through its various emergency services is authorized to clean up or abate, or cause to be cleaned up or abated the effects of any hazardous materials or substances deposited upon or into properties or facilities within the municipal boundaries of the Borough of West Homestead or having a direct or identifiable effect on person or property within the municipal boundaries of the Borough of West Homestead including, but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and all other costs incurred in the mitigation of the emergency situation; and any person or persons, partnership, corporation or corporations who intentionally or accidentally or negligently caused such deposit shall be liable for all costs incurred by the Borough of West Homestead result of such clean up or abatement activity. The remedy provided by this Part shall be in addition to any other remedies provided by other laws or ordinances of the Commonwealth of Pennsylvania and the Borough of West Homestead.

(*Ord. 535, 7/14/1992, §1*)

**§1-702. Definition**

For purpose of this Part, "hazardous materials" shall be defined as any substances or materials in a quantity or form which, in the determination of the Emergency Management Coordinator or his authorized representative, poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the, ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammable, corrosives or materials listed in the hazardous substances list of the Pennsylvania Department of Labor and Industry.

(*Ord. 535, 7/14/1992, §2*)

**§1-703. Cost to Include**

For purposes of this Part, costs incurred by the Borough of West Homestead shall include, but not limited to, the following: actual labor cost of Borough personnel, including worker's compensation benefits, fringe benefits, administrative overhead, cost of equipment operation, cost of special fire extinguishing agents used and cost of any contracted labor and materials.

(*Ord. 535, 7/14/1992, §3*)

**§1-704. Authority to Recover**

The authority to recover costs under this Section shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

(*Ord. 535, 7/14/1992, §4*)



**Part 8****Fire Loss Insurance Proceeds Escrow****§1-801. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter "insurer") 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 where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Secretary of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection .3.C of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2.A of this Section, or where the Treasurer has issued a certificate described in subsection .2 indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost 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 to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.

(4) Pay to the Secretary, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

(6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

*(Ord. 623, 2/14/2006)*

### **§1-802. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

*(Ord. 623, 2/14/2006)*

**§1-803. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part 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.

*(Ord. 623, 2/14/2006)*

**§1-804. Construction.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

*(Ord. 623, 2/14/2006)*

**§1-805. Notification of Pennsylvania Department of Community and Economic Development.**

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

*(Ord. 623, 2/14/2006)*

**§1-806. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which an offense shall continue shall be deemed a separate offense.

*(Ord. 623, 2/14/2006)*

**§1-807. Saving Clause.**

The provisions of this Part, so far as they are the same as those of ordinances enforced immediately prior to the enactment of this Part are intended as a continuation of such Ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Part.

*(Ord. 623, 2/14/2006)*

