

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Fire Department Recognized****§7-101. Fire Department Recognized; Composed of Two Companies.**

The Glassport Fire Department, which is composed of the Citizens Hose Company No. 1 and the Reliance Hose Company No. 2, is recognized as the official organization responsible for protecting the Borough from fire and for fighting fires within the Borough.

(*Ord. 775, 7/11/1978, §10-1031*)

§7-102. Fire Company Rules and Regulations.

Each fire company shall have authority to adopt rules and regulations, consistent with its charter, pertaining to its organization, membership and internal government, but no such rule or regulation shall be in conflict with any provision of the law or of this Part.

(*Ord. 775, 7/11/1978, §10-1032*)

§7-103. Fire Chief; Assistant Chief.

The Borough Fire Chief, who shall be a resident of the Borough, shall be the chief executive of the Fire Department, and he shall be appointed by Council, for a 2-year term, from nominees submitted by the fire company of which he is a member. The position of Fire Chief shall alternate between the two fire companies from term to term. The Assistant Fire Chief shall be appointed by Council following the same procedure, and he shall be a member of the fire company to which the incumbent Chief shall not belong.

(*Ord. 775, 7/11/1978, §10-1033*)

§7-104. Hourly Wages for Volunteer Firemen.

A limited number of volunteer firemen shall be entitled to receive an hourly wage, as fixed by Council from time to time, for time spent in fighting a fire. The time for which a volunteer fireman shall be paid shall be that elapsed between the time when the apparatus left the fire house to fight the fire and the time when the apparatus was returned to the fire house after the fire. In no case may more than 10 volunteer firemen from each company be paid for service at the same fire.

(*Ord. 775, 7/11/1978, §10-1034*)

Part 2**Fire Insurance Proceeds Escrow****§7-201. Municipal Certification Required Prior to Payment of Certain Fire Loss Claims.**

No insurance company, association or exchange doing business in the Commonwealth shall pay a claim of a named insured for fire damage to a structure located within the Borough of Glassport, 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 with a certificate pursuant to §7-202, and unless there is a compliance with the procedures set forth in §§7-205 to 7-211.

(Ord. 1020, 12/27/2001, §1)

§7-202. Request For and Issuance of Municipal Certificate.

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 insurance company, association or exchange and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of a loss report of the claim, furnish the insurance company, association or exchange either of the following within 14 working days of the request:

A. 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 Borough for the removal repair or securing of a building or other structure on the property.

B. 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 cost, if any, certified to the treasurer that have been incurred by a municipality for the removal, repair or securing of a building or other structure on the property. For the purposes of this subsection, the Borough shall certify to the Treasurer the total amount, if any of such costs. A tax assessment, penalty or user charge become delinquent at the time and on the date a lien could otherwise have been filed against the property by the Borough under applicable law.

(Ord. 1020, 12/27/2001, §2)

§7-203. Obligations of Insurer Upon Receipt of Certificate Under §7-202.1.A.

Upon the receipt of a certificate or confirmed verbal notification under §7-202.1.A, the insurance company association or exchange 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 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 insurance company, association or exchange, the insured property owner and the Borough shall follow the procedures set forth in §§7-205 – 7-211.

(Ord. 1020, 12/27/2001, §3)

§7-204. Obligations of Insurer Upon Receipt of Certificate Under §7-202.1.B.

Upon the receipt of a certificate and bill under §7-202.1.B, the insurance company association or exchange 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 show on the bill. The Municipality shall receive the amount and apply or credit it to payment of the items shown on the bill. In addition, if the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, then the insurer, the insured property owner and the Borough shall follow the procedures set forth in §§7-205 – 7-211.

(Ord. 1020, 12/27/2001, §4)

§7-205. Transfer of Insurance Proceeds to the Designated Officer of the Borough.

When the loss agreed to between the named insured and the company, association or exchange equals or exceed 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a 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 insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate.

(Ord. 1020, 12/27/2001, §5)

§7-206. Multiple Insurers; Pro Rata Basis.

The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building of other structure.

(Ord. 1020, 12/27/2001, §6)

§7-207. Disbursement After Transfer.

Policy proceeds remaining after the transfer to the designated officer of the Borough under this Part 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.

(Ord. 1020, 12/27/2001, §7)

§7-208. Receipt of Proceeds by Borough.

Upon receipt of proceeds by the Borough as authorized under this Part, 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 by this Part, an insurance company, association or exchange 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 Part shall be followed.

(Ord. 1020, 12/27/2001, §8)

§7-209. Disposition of Insurance Proceeds.

The fund established by the transfer of insurance proceeds under this Part shall be returned to the named insured, less the administrative costs set forth in §7-212, 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 cost shall be paid from the fund and, if excess funds remain, the Borough shall transfer the remaining funds to the named insured, after deduction of administrative costs set forth in §7-212.

(Ord. 1020, 12/27/2001, §9)

§7-210. Limitations.

Nothing in this Part shall be construed to limit the ability of the Borough to recover any deficiency, and nothing in this Part 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.

(Ord. 1020, 12/27/2001, §10)

§7-211. Designated Officer.

The President of Borough Council of the Borough of Glassport, or such official's designee, is the designated officer authorized to carry out the duties of this Part.

(Ord. 1020, 12/27/2001, §11)

§7-212. Administrative Costs.

The Borough of Glassport may by resolution adopt procedures and regulations to implement this Part, and may, by resolution, fix reasonable fees to be charged for administrative costs of certificates and bills, performance of inspections, establishment of separate fund account and other administrative expenses.

(Ord. 1020, 12/27/2001, §12)

§7-213. Proof of Payment.

Proof of payment by the insurance company, association or exchange of proceeds

under a policy in accordance with this Part is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of payment and of compliance by the insurer with this Part.

(Ord. 1020, 12/27/2001, §13)

§7-214. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay 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 shall constitute a separate offense and other related court costs, attorneys' fees and administrative costs incurred in collection or prosecution.

(Ord. 1020, 12/27/2001, §14)