

Chapter 109

INSURANCE

ARTICLE I

Fire Insurance Claims

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[**HISTORY:** Adopted by the Borough Council of the Borough of Whitehall Art. I, 3-3-93 as Ord. No. 798. Amendments noted where applicable.]

GENERAL REFERENCES

Insurance Commission - See Ch. 33.

ARTICLE I

Fire Insurance Claims

[Adopted 3-3-93 as Ord. No. 798]

- § 109.1. Statutory authorization.

This Article is enacted pursuant to the Insurance Company Law of 1921, as amended by Act 98 of 1992,¹ providing for the payment of certain proceeds from fire loss claims to the BOROUGH.

- § 109.2. Appointment of Officer.

The SECRETARY/MANAGER or his designee is hereby appointed as the Officer of the BOROUGH to manage all responsibilities set out herein.

¹ Editor's Note: See 40 P.S. § 631 *et seq.*

§ 109.3. Payment of claims; certificate required. [Amended 4-5-95 by Ord. No. 832]

No fire insurance company, association or exchange doing business in the Commonwealth of Pennsylvania shall pay a claim of an 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 said company, association or exchange requests and receives a certificate pursuant to Section 508(b) of Act 98 of 1992 and unless there is compliance with Section 508(c) and (d) of said Act pursuant to the provisions of this Article.²

§ 109.4. Escrow provisions.

When the BOROUGH issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against the damaged property, the company, association or exchange shall pay the claim of the insured; provided, however, that if the loss equals or exceeds sixty percent (60%) of the aggregate limits of liability on all policies covering the building or structure, the escrow provisions set out in Section 508(c) and (d) of Act 98 of 1992³ shall be followed; and Section 508(c) and (d) of said Act are incorporated within this Article as though fully set out herein.

§ 109.5. Fees.

The BOROUGH shall set fees for the issuance of certificates and bills, the performance of inspections, the opening of escrow accounts and other services provided pursuant to this Article.

§ 109.6. Provision of notice.

Any person issued a certificate pursuant to **§ 109.3** of this Article shall be given notice of the existence of this Article.

§ 109.7. Violations and penalties.

Any person and the principal of any firm or the chief executive of any corporation violating any provision of this Article shall, upon conviction thereof, be subject to the maximum penalties provided by law.

² Editor's Note: See 40 P.S. § 638.

³ Editor's Note: See 40 P.S. § 638.