

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. 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 of Glassport, Allegheny County, Pennsylvania where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Secretary/Treasurer of the Borough of Glassport with a certificate pursuant to Section 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively the “Act), codified at 40 P.S. §638(b), and unless there is compliance with the procedures set forth in Section 508(c) and 508(d) of the Act, codified at 40 P.S. §638(c) and (d).

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 costs for removal, repair or securing of a building or other structure on the property (collectively “municipal expenses”), the Secretary/Treasurer of the Borough shall immediately render a bill for such work, if not already done. 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 Secretary /Treasurer of the Borough shall furnish a certificate within 14 working days after the request to the insurer either:

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

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

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 2.B. of this section, the insurer shall transfer to the Secretary/Treasurer of the Borough an amount from the insurance proceeds sufficient to pay said sums prior to making payment to the named insured, subject to the provisions of subsection 3. hereof. Upon receipt, the Borough shall apply or credit it to payment of the items shown in the bill under subsection 2.B.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection 2. of this section or when the Borough Secretary/Treasurer has issued a certificate described in subsection 2.A. 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 shall be followed:

A. The insurer shall transfer from the insurance proceeds to the Borough Secretary/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 in subsection 3.A., the insurer shall transfer to the Secretary/Treasurer of the Borough 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 Secretary/Treasurer of the Borough 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 2. 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 that 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 Borough Secretary/Treasurer shall, if such estimates are deemed by the Borough Secretary/Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of the contractor's signed estimate; provided, however, that 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/Treasurer of the Borough, 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 Borough's Building Inspector 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 Borough Codes or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem reasonable.

(Ord. 1167, 6/26/2017, §1)

§7-202. 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 the Borough or any public official of the Borough 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. 1167, 6/26/2017, §1)

§7-203. 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 full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 1167, 6/26/2017, §1)

§7-204. 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. 1167, 6/26/2017, §1)

§7-205. Notification of Pennsylvania Department of Community and Economic Development.

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

(Ord. 1167, 6/26/2017, §1)

§7-206. 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 pay a fine not greater than \$1,000 plus costs for each and every offense, or alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of said fine and costs, the offender may undergo a term of imprisonment not to exceed 30 days. Each day in which an offense shall continue shall be deemed a separate offense punishable by a like penalty.

(Ord. 1167, 6/26/2017, §1)

