

**BOROUGH OF FRACKVILLE**  
**SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-2010

AN ORDINANCE OF THE BOROUGH OF FRACKVILLE, PURSUANT TO ACT 98 OF 1992, PROVIDING THAT IN CERTAIN FIRE LOSSES THE INSURANCE COMPANY, ASSOCIATION, OR EXCHANGE SHALL TRANSFER INSURANCE PROCEEDS TO A DESIGNATED OFFICER OF THE MUNICIPALITY TO BE HELD AS SECURITY AGAINST THE TOTAL COSTS OF REMOVING, REPAIRING, OR SECURING 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 98 IN THE BOROUGH OF FRACKVILLE

BE IT ENACTED AND ORDAINED by Council of the Borough of Frackville, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

**SECTION 1. Intent and Purpose.** Council of the Borough of Frackville, having to deal with an increased number of structures which have been the subject of fire damage and which remain in disrepair or a dilapidated condition and in violation of other applicable ordinances of the Borough, as well as detrimental to the physical and mental well-being of its residents and therefore being a public health and welfare hazard, hereby declares it to be necessary to provide for greater control and more effective regulation of such conditions within the Borough.

**SECTION 2. Restricting Distribution of Fire Insurance Proceeds.** Pursuant to Act 98 of 1992, which is included herein in its entirety by reference, 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 unless it first obtains a certificate from the Treasurer and/or designated officer of the Borough of Frackville indicating the delinquent balance, if any, of taxes, assessments, penalties, or user charges or for costs incurred by the Borough for the removal, repair, or securing of the structure. Upon receipt of said certificate, the insurance company, association, or exchange shall withhold from the insurance proceeds and pay directly to the Borough the certified amount described herein.

**SECTION 3. Additional Provisions.** In the event the loss equals or exceeds sixty (60%) percent of the aggregate limits of coverage, the insurer shall provide the Borough security in the amounts provided for in Act 98 in Subsections (c) and (d) to be held by the Treasurer or other designated officer of the Borough until the total costs of removing, repairing, or securing the structure are completed.

**SECTION 4. Penalties.** Any person, firm, or corporation who shall violate any provision of this Ordinance shall be subject to all fines, penalties, and costs as provided for in the Borough Code and/or Act 98 of 1992.

**SECTION 5. Repealer.** All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

**SECTION 6. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

ENACTED AND ORDAINED into an Ordinance this 12<sup>th</sup> day of February, 2010, by Council of the Borough of Frackville in lawful session duly assembled.

ATTEST:

Brenda Deeter  
Secretary

**BOROUGH OF FRACKVILLE**

By: Ronald Jerde  
President, Borough Council

APPROVED:

Tom Phillips  
Mayor

## GUIDELINES TO ACT 98 & BOROUGH ORDINANCE

1. Upon completion of demolition, removal, repair, or securing of damaged structure, any holes opened will be backfilled with approved fill.
2. Ground contour restored so as to alleviate any dangerous conditions
3. 4" of topsoil spread over any vacated areas and perennial grass seed planted for erosion control measures
4. If plans are to construct new building, time frame must be set up and adhered to.
5. Final inspection made by Borough Code Enforcement Officer and Fire Chief and submitted to Borough that all regulations and guidelines have been obliged
6. Upon meeting all requirements, the Borough will then release any funds in holding to the insured.