

# Buildings

## Chapter 4

### Township

of

SLIPPERY ROCK

BUTLER COUNTY

Pennsylvania

*Adopted: 1973 & amended 2002*

***REVISION: August 2018***



**CHAPTER 4**

**BUILDINGS**

**PART 1  
BUILDING PERMITS**

**§101. Permit Required**

**§102. Application for Permit**

**§103. Time Limit for Issuing or Refusing Building Permits**

**§104. Fee**

**§105. Appeals**

**§106. Penalties**

**PART 2  
SECURITY FOR FIRE LOSS CLAIMS**

**§201. Statutory Authority; Purpose**

**§202. Designated Township Officer**

**§203. Payments of Insurance Proceeds Restricted**

**§204. Procedure for Payment of Claims**

**§205. Additional Procedures and Regulations**

**§206. Violations and Penalties**

## **Part 1**

### **§101. Permit Required.**

It shall be unlawful for any person, firm or corporation to proceed with the erection , alteration or improvement of any building in Slippery Rock Township, unless application for a permit shall have been made by the owner to the Permit Officer and until such permit shall have been issued by the Permit Officer to such owner. (Ord. 6, 1/9/1973, (§1; as amended by Ord. 2/12/2002)

### **§102. Application for Permit.**

An application for a permit shall be submitted to the Permit Officer on the form supplied by him and when required, shall be accompanied by two (2) sets of plans of specifications setting forth the extent and character of the work in all its structural parts, together with adequate information as to the location where the work is to be done. Upon approval of the plans and specifications, one (1) set so marked shall be returned to the applicant and must be kept at the building site and shall be accessible at all reasonable times to the Permit Officer or other Officers of the Township. (Ord. 6, 1/9/1973, (§2; as amended by Ord. 2/12/2002)

### **§103. Time Limit for Issuing or Refusing Building Permits.**

The Permit Officer shall act upon application for a permit within seven (7) days after its receipt by either approving or rejecting it. When approved, the Permit Officer shall issue the permit. Every permit shall be considered canceled if active work is not commenced within a period of ninety (90) days of the date of its issue, or if work on the operation ceases for a continuous period of sixty (60) days, provided such cessation of work is not caused by circumstances beyond the builder's control. (Ord. 6, 1/9/1973, (§3; as amended by Ord. 2/12/2002)

### **§104. Fee.**

The applicant shall pay to the Permit Officer of Slippery Rock Township a sum in an amount as established, from time to time, by resolution of the Board of Supervisors for the use of Slippery Rock Township. (Ord. 6, 1/9/1973, (§4; as amended by Ord. 2/12/2002)

**§105 Appeals.**

Any appeal from the decision of the Permit Officer shall be made to the full Board of Township Supervisors and in the event a record is desired by the applicant, a sum in an amount as established, from time to time, by resolution of the Board of Supervisors shall be paid to the Township toward the cost of the same. Any balance left over after paying the costs to be returned to the applicant. (Ord. 6, 1/9/1973, (§5; as amended by Ord. 2/12/2002)

**§106. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 ninety (90) 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. (Ord. 6, 1/9/1973, (§6; as amended by Ord. 2/12/2002)

## Part 2

### **§201. Statutory authority; purpose.**

The Township, through provisions of this Part, hereby incorporates the provisions of Section 638 of the Insurance Company Law, 40 P.S. § 638, as amended, which provides the Township with the authority to require security in the form of insurance proceeds from an insurance company, association or exchange (hereinafter the "insuring agent), doing business in Pennsylvania, for the removal, repair and securing of fire damaged buildings and other structures subject to fire loss claims.

### **§202. Designated Township officer.**

The Township Zoning Officer, or such official's designee, shall be the designated officer authorized to carry out all responsibilities and duties stated herein. Any reference to "Township Officer" or "Officer" shall be defined to include the Zoning Officer or the Zoning Officers' official designee.

### **§203. Payment of insurance proceeds restricted.**

No insuring agent shall pay a claim of a named insured for fire damage to a structure located within the Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insuring agent is furnished with a municipal certificate from the Township Officer pursuant to Section 638(b) of the Insurance Company Law, as amended[,] and unless there is compliance with the provisions of this Part.

### **§204. Procedure for payment of claims.**

- A. Issuance of certificate: Where delinquent taxes or charges are due and/or costs have been incurred by the Township related to the fire-damaged building or structure, where, pursuant to Section 638(b)(1)(ii) of the Insurance Company Law, as amended, the Township Officer is requested to issue a certificate to the insuring agent regarding property that is subject to delinquent taxes, assessments, penalties and user charges. the Officer shall issue such certificate along with a bill showing the amount of delinquent taxes, assessments, penalties and user charges against the subject property that have not been paid as of the date of the Officer's certificate and also showing, as of the date of the Officer's certificate, the amount of the total costs, if any, certified to the Officer that have been incurred by the Township for the removal, repair or securing of a damaged building or other structure on the property.

1. The Township shall be responsible for certifying to the officer any such costs incurred by the Township for removal, repair or securing of a damaged building or other structure on the property.
  2. The insuring agent shall, upon receipt of such certificate and bill, return the bill to the Township Officer and transfer to the Officer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill.
  3. The Township shall, upon receipt of such amount, apply or credit the amount to payment of the items shown on the bill.
- B. Issuance of certificate where no delinquent taxes or charges are due and no costs have been incurred by the Township related to the fire-damaged building or structure. Where, pursuant to Section 638(b)(1)(i) of the Insurance Company Law, as amended[,z] the Township Officer is requested to issue a certificate to the insuring agent, or, at the discretion of the Township Officer, a verbal notification confirmed in writing by the insuring agent, regarding property that is not subject to delinquent taxes, assessments, penalties or user charges, the Officer shall issue such a certificate which indicates that there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Officer's certificate or verbal notification, the Township has not certified any amount as total costs incurred by the Township for the removal, repair or securing of a damaged building or other structure on the property, and the insuring agent shall pay the claim of the named insured; provided however, that if the loss as agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insuring agent shall transfer proceeds, as security, to the Township in accordance with Subsections C and D of this section, which conform to Section 638(c) and (d) of the Insurance Company Law.
- C. Transfer of proceeds. In accordance with Section 638(c) of the Insurance Company Law the insuring agent shall transfer from the insurance proceeds, as security, to the Township Officer:
1. An amount in the aggregate of \$2,000 for each \$10,000 of a fire loss claim and for each fraction thereof; however, if the amount of such claim is \$10,000 or less, the amount transferred to the Township shall be \$2,000.
  2. If at a time of the 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 that is in an amount less than the above formula, the insuring agent shall transfer to the Township the amount specified in the estimate.
  3. Pro rata transfer. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the damaged building or structure.
  4. Post-transfer contractor's estimate. After the transfer of proceeds, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the damaged building or other structure, and the Township Officer shall return the amount of secured proceeds in excess of the estimate to the named insured, if the Township has not otherwise commenced removing, repairing or securing the damaged building or other structure.

- D. Accounting procedure for transferred proceeds. Upon receipt of security under this section, the Township shall conform to the following procedure, pursuant to Section 638(d) of the Insurance Company Laws:
1. The Township Officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the damaged building or structure incurred by the Township. Such costs shall include, without limitation, any engineering, legal, or administrative costs incurred by the Township in connection with such removing, repairing or securing of the building or any procedure related thereto.
  2. When transferring the proceeds, it is the obligation of the insuring agent to provide the Township with the name and address of the named insured, whereupon the Township Officer shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this section and Section 638(d) of the Insurance Company Law shall be followed.
  3. The proceeds shall only be returned to the named owner upon the following stated occurrences: the damaged building or other structure has been properly repaired, removed or secured in accordance with all applicable laws, regulations and requirements of the Township; the requisite proof of such completion has been received by the Township Officer; and the Township has not incurred any costs associated with repairing, removing or securing the damaged building or other structure.
  4. If the Township has incurred costs associated with repairing, removing or securing the building or other structure, such costs shall be paid from the secured funds. If excess funds remain, the Township Officer shall transfer the remaining funds to the named insured.
  5. Any interest earned on proceeds held by the Township that are not returned to the named insured shall belong to the Township. Any interest earned on proceeds that are returned to the named insured shall be distributed to the named insured at the time said proceeds are returned.
- E. Township's ability to recover deficiency. Nothing in this Part shall be construed to limit the ability of the Township to recover any deficiency.
- F. Agreement with named insured. Nothing in this subsection shall be construed to prohibit the Township and the named insured from entering into an agreement which permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

#### **§205 Additional procedures and regulations.**

The Township Board of Supervisors may by resolution adopt procedures and regulations to implement Section 638 of the Insurance Company Law, as amended[,] and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Section 638 of the Insurance Company Law, as amended, and this Part, including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.



**§206. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 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.

(Ord. 2 of 2018, 8/27/18 Part 2)