

RESOLUTION NO. 26-2019

Passed November 12, 2019

A RESOLUTION TO ADOPT THE PROVISIONS OF R.C. 3929.86 (C) AND (D) AND ESTABLISH THE PROCEDURE FOR THE ACCEPTANCE OF MONIES FROM INSURANCE COMPANIES AS SECURITY FOR THE TIMELY REMOVAL, REPAIR OR SECURING OF BUILDINGS OR OTHER STRUCTURES DAMAGES BY FIRE AS REQUIRED BY THE VILLAGE UNDER R.C. 715.26 AND 715.261 AND DECLARING AN EMERGENCY.

WHEREAS, R.C. 715.26 authorizes the Village to remove, repair or secure unsafe, structurally defective or insure buildings and structures, and

WHEREAS R.C.715.261 and R.C. 3929.86 (C) and (D) authorize the Village to accept certain security payments from insurance companies to secure the actual repair, removal or securing of fire damaged structures.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF PLYMOUTH, STATE OF OHIO:

SECTION 1: Whenever any building or structure located in the Village is damaged or destroyed by fire and a policy or policies of insurance are in force and the loss agreed to between the insured(s) and insurance company(s) is more than Five Thousand Dollars (\$5,000.00) and equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure on the property, then the applicable provisions of R.C. 3929.86 shall apply and its provisions and procedures are hereby adopted.

SECTION 2: THAT the Village Administrator is designated to accept monies transferred to the Village from the insurance company(s) in compliance with R.C. 3929.86.

SECTION 3: THAT the Village Administrator upon receipt of proceeds shall deposit them in a separate fund with the Village Fiscal Officer and such funds shall be used solely as security against the total cost of removing, repairing or securing buildings on structures pursuant to the Village authority under R.C. 715.261.

SECTION 4. THAT the Village Administrator shall certify by written notice to the named insured(s) that the proceeds have been received and that the following procedures will be followed:

The fund shall be returned to the named insured or insureds when repairs, removal, or securing of the building or other structure have been completed and the required proof has been received by the Village Administrator has not incurred any costs for the repairs, removal, or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the Village Administrator receives the required proof. If the Village has incurred any costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the Village shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds. *Nothing in this section shall be construed to limit the ability of the Village to recover any deficiency or 715.261 of the Revised Code.*

SECTION 5. THAT the Village Fiscal Officer shall file a certified copy of this Resolution with the Superintendent of Insurance for the State of Ohio.

SECTION 6. THAT it is hereby determined that this Resolution is an emergency resolution necessary for the preservation of the public peace, health, safety and welfare of the residents of this Village, for the additional reason there is an immediate need to secure and protect the Village from the risk of loss of fire damage creating public nuisances and shall therefore go into immediate effect provided it receives a two-thirds (2/3) vote of all members elected to Council; otherwise, it shall go into effect in thirty (30) days if passed by a majority vote of Council.

PASSED: November 12, 2019

Timothy Feilder
Mayor

ATTEST: D. H. Jensen
Village Fiscal Officer

November 12, 2019
Date

APPROVED AS TO FORM:

Jon K. Burton
Jon K. Burton, Solicitor