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Part 1**Compensation of Board of Supervisors****§1-101. Compensation of Board of Supervisors.**

Compensation for duly elected or appointed Covington Township Supervisors shall be \$1,875 per year to be paid monthly in accordance with the provisions of 53 P.S. §65515.

(Ord. 99-1, 9/7/1999)

Part 2**Planning Commission****§1-201. Purpose and Intent.**

It is the purpose, intent and scope of this Part to protect and promote safety, health and morals; to accomplish the coordinated development of Covington Township and its adjacent environs; to provide for the general welfare by guiding and protecting future governmental, economic, social and cultural facilities, development and growth; to guide uses of land; and to minimize such problems as may presently exist or which may be foreseen in the future. It is further the intent of this Part that any recommendations made by the Planning Commission to the Covington Township Board of Supervisors shall be advisory only. This Part is adopted in accordance with Act 247 of 1968, known as the Pennsylvania Municipalities Planning Code, being the Act of July 31, 1968, P. L. 805, as amended, 53 P.S. §10101 *et seq.*

(Ord. 5-1974, 10/1/1974, §1)

§1-202. Appointment, Term, Vacancy.

The Board of Supervisors shall appoint a Township Planning Commission consisting of five persons. All members of the Planning Commission may be reimbursed for necessary and reasonable expenses in an amount as established from time to time by resolution of the Board of Supervisors. The term of each of the members of said commission shall be for 4 years, or until his successor is appointed. The initial members of said commission shall be appointed as follows: one for a term ending the first Monday of January, 1976, one for a term ending the first Monday of January, 1977, one for a term ending the first Monday of January, 1978, and two for terms ending the first Monday of January, 1979. Any appointment to fill a vacancy shall be only for the unexpired portion of the term. The Chairman of the Commission shall promptly notify the Board of Supervisors concerning vacancies in the Commission, and such vacancy shall be filled for the unexpired term.

(Ord. 5-1974, 10/1/1974, §2; as amended by Ord. 1-2004, 6/21/2004)

§1-203. Membership and Removal.

All members of the Planning Commission shall be residents of Covington Township. At least three members of the Commission shall be citizen members, and shall not be elected officers or employees of the Township. Any member of said Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Township Supervisors. Such action may be taken by said Board after the member has received 15 days written notice of the intent to take such action. A public hearing shall be held in connection with the vote if the member shall request it in writing.

(Ord. 5-1974, 10/1/1974, §3)

§1-204. Conduct of Business, Annual Report.

The Commission shall elect its own Chairman and Vice-Chairman and create and

fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by-laws and rules and regulations to govern its procedures consistent with this and other ordinances of the Township and the laws of the Commonwealth. The Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Township Board of Supervisors. Interim reports may be made as often as necessary, or as required by the Township Board of Supervisors.

(Ord. 5-1974, 10/1/1974, §4)

§1-205. Powers, Duties, and Procedures of the Planning Commission.

The powers, duties, procedures and functions of the Covington Township Planning Commission and of the Board of Supervisors of the Township of Covington with respect to its relationship to the Commission, shall be prescribed by Act 247, the Pennsylvania Municipalities Planning Code, and its future amendments, 53 P.S. §10101 *et seq.*, and by duly enacted ordinances of the Township of Covington. The commission shall have regard for the present conditions and future needs and growth and the description and relative location of all the principal and relative streets and other means of public travel and business communications, as well as the description and relative location of all public buildings, public grounds and open spaces devoted to public use.

(Ord. 5-1974, 10/1/1974, §5)

Part 3**Fire Insurance Proceeds Escrow****§1-301. 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 Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Township Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Township has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Township Secretary shall immediately render a bill for such work, if he has not already done so. 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 Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

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

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

C. 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.A of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section, or where the 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 must be followed:

A. The insurer shall transfer from the insurance proceeds to the 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 Township, 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, the insurer shall transfer to the Treasurer 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 Treasurer 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 Township to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township 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 the proceeds have been received by the Township and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Township a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Township in excess of that required to pay the municipal expenses; provided, the Township has not commenced to remove, repair or secure the building or other structure, in which case the Township will complete the work.

(4) Pay to the Township Secretary, for reimbursement to the Township general fund, the amount of the municipal expenses paid by the Township.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Township Secretary 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 Township.

(6) Nothing in this Section shall be construed to limit the ability of the Township 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 codes of the Township or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem responsible.

(Ord. 1-2004, 6/21/2004)

§1-302. 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 this Township, any Township official, a municipality or public official 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. 1-2004, 6/21/2004)

§1-303. 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 Township shall have a full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 1-2004, 6/21/2004)

§1-304. 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. 1-2004, 6/21/2004)

§1-305. Notification of Pennsylvania Department of Community and Economic Development.

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

(Ord. 1-2004, 6/21/2004)

§1-306. 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 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 30 days. Each day on which an offense shall continue shall be deemed a separate offense.

(Ord. 1-2004, 6/21/2004)

§1-307. Saving Clause.

The provisions of this Part, so far as they are the same as those of ordinances enforced immediately prior to the enactment of this Part are intended as a continuation of such ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Part.

(Ord. 1-2004, 6/21/2004)

Part 4**Zoning Hearing Board****§1-401. Creation and Appointment.**

A Zoning Hearing Board is hereby created. The membership of said Board shall consist of five residents of the Township appointed by the Board of Supervisors. Their terms of office shall be 5 years after expiration of the initial term; said initial term shall be fixed so that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointment to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.

(*Ord. 12-10-12(D)*, 12/10/2012, §401)

§1-402. Alternates.

1. The governing body of the municipality may appoint by resolution or motion one to three residents as alternate members to the Zoning Hearing Board. An alternate may not hold any other office in the municipality nor be a member of the Planning Commission.

2. Once alternates have been appointed, and if a quorum cannot be achieved, the chairman of the Zoning Hearing Board may designate as many alternate members as necessary to reach a quorum. After an alternate is seated, the alternate shall continue to serve on the Board in all proceedings involving the case until the Board makes a decision. Even if an alternate has not been seated or designated by the Chairman to serve, any alternate may participate in any discussion or proceeding of the Board, but cannot vote or be compensated.

(*Ord. 12-10-12(D)*, 12/10/2012, §402)

§1-403. Removal of Members.

Any Zoning Hearing Board member may be removed for malfeasance or non-feasance in office or for other just cause by a majority vote of the governing body.

(*Ord. 12-10-12(D)*, 12/10/2012, §403)

§1-404. Organization of the Zoning Hearing Board.

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be any less than a majority of all members of the Zoning Hearing Board, by the Zoning Hearing Board may designate a hearing officer to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided for by the Pennsylvania Municipal Planning Code, as amended. The Zoning Hearing Board shall keep full public records of its business, and shall submit a report of its activities to the governing body as requested.

(*Ord. 12-10-12(D)*, 12/10/2012, §404)

§1-405. Powers and Duties.

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the administration of the Zoning Ordinance [Chapter 27].

2. The Zoning Hearing Board shall hear and decide all matters referred to it upon which it is required to under the Zoning Ordinance [Chapter 27].

3. All hearings, time limitations and appeals shall be held in accordance with the Pennsylvania Municipal Planning Code, as amended.

(Ord. 12-10-12(D), 12/10/2012, §405)