

BILL NO. S-16-09-07

SPECIAL ORDINANCE NO. S-_____

**AN ORDINANCE ELECTING TO BE
GOVERNED BY AVAILABLE INSURANCE
PROCEEDS SET-ASIDE LAW FOR LOSS TO
STRUCTURES CAUSED BY FIRE OR EXPLOSION
(I.C. 27-2-15-1 *et seq.*)**

WHEREAS, the State of Indiana, through the Indiana Department of Insurance, for many years, has administered a program to help preserve for the participating cities "available insurance proceeds" which program provides to cities that specifically elect to be governed by the applicable law notice and certain protections in the event that insurance proceeds are available due to damage to a building in their community caused by fire explosion and at the time of final settlement of an eligible insurance claim; and

WHEREAS, the City of Fort Wayne, Indiana, desires to be governed by Indiana Code 27-2-15-1 *et seq.*, the Indiana Available Insurance Proceeds Set-Aside Law, concerning the recovery of insurance proceeds in the event of damage or loss of a building or structure caused by fire or explosion; and

WHEREAS, the Fort Wayne Common Council now determines it in the best interest of the City that it elect to participate in the law in order to have access to available insurance proceeds in order to demolish, remediate or use the proceeds for other unsafe building expenses for structures damaged or destroyed by fire or explosion under the Indiana Unsafe Building Law, Indiana Code 36-7-9-1 *et seq.*, and Chapters 150 and 152 of the Fort Wayne City Code.

NOW THEREFORE, BE IT ORDAINED by the Fort Wayne Common Council, as follows:

Section 1. The City of Fort Wayne hereby elects to participate and be governed by the Indiana Available Insurance Proceeds Set-Aside Law, being Indiana Code 27-2-15-1 *et seq.*

Section 2. The Director of Neighborhood Code Enforcement is hereby designated as the individual who will act on behalf of the City with respect to the available insurance proceeds set-aside law.

Section 3. The City of Fort Wayne is hereby authorized and directed to submit to the Indiana Department of Insurance a written request to participate in and be governed by the Available Insurance Proceeds Set-aside Law and shall designate Director of Neighborhood Code Enforcement of the City of Fort Wayne as the individual responsible for acting on behalf of the City with respect to said law.

Section 4. There is hereby authorized the payment of the statutory One Hundred Dollar (\$100.00) fee to the Indiana Department of Insurance for registration and participation in the Available Insurance Proceeds Set-aside Law.

Section 5. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



CITY OF FORT WAYNE

TOM HENRY, MAYOR

DATE

Attn: Admission Coordinator
Indiana Department of Insurance
311 West Washington Street, Suite 103
Indianapolis, IN 46204-2787

RE: Insurance Proceeds under IC 27-2-15-4.4

Dear Admission Coordinator:

Pursuant to Section 6 of I.C. 27-2-15, the City of Fort Wayne, Indiana ("City") hereby elects to be governed by I.C. § 27-2-15-1 *et seq.*, and in support thereof submits herewith the following:

1. A certified copy of City's Ordinance approving this request.
2. The specific individual who will act on behalf of the City's enforcement authority with respect to the matters encompassed by that INSERT ORDINANCE NUMBER, and that individual's contact information, is as follows:

Cindy Joyner, Director
Neighborhood Code Enforcement
200 E Berry St #320
Fort Wayne, IN 46802
(260) 427-1324

3. The one-time \$100 fee provided for by I.C. §27-2-15-4.4(d).

The City respectfully asks to be added to the list of municipalities submitting requests under subsection (a) of I.C. § 27-2-15-4.4.

Len Poehler
City Controller

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SYNOPSIS:

This Ordinance, if adopted, would provide that where an insurer has issued a policy covering a structure located in the City that is damaged by a fire or explosion and receives notice of a claim, in certain situations as set out in I.C. § 27-2-15, that insurer must timely provide notice to the City when a "final settlement" is reached for that claim so that the City may make act to escrow a portion of the "available insurance proceeds" from which to recover money expended by the City in dealing with the aftermath of that fire or explosion. The law is designed to provide some level of protection to cities from property owners who might choose to take insurance proceeds and fail to repair or cleanup their damaged property.