

C h a p t e r 5 3

INSURANCE

**ARTICLE I
Fire Damage Claims**

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat: Article I, 6-15-81 as Ord. No. 1981-17. Amendments noted where applicable.]

GENERAL REFERENCES Fire prevention — See Ch. 48.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

**ARTICLE I
Fire Damage Claims**

§ 53-1. Purpose.

The purpose of this ordinance is to implement the provisions of N.J.S.A. 17:36-8 et seq. in order to ensure that, prior to the payment by insurance companies of fire damage claims in excess of two thousand five hundred dollars (52,500.), all taxes and assessments and other municipal liens upon the real property involved are paid in full to the municipality.

§ 53-2. Restrictions on payment.

It shall be unlawful for any insurance company to pay any fire damage claim in excess of two thousand five hundred dollars (\$2,500.) within the Township of Barnegat unless and until said insurance company has obtained an official certificate of search as to all taxes, assessments and other municipal liens upon the real property involved in said insurance claim. Thereafter, if said search reveals any open charges or liens against the real property involved, said insurance company, unless receiving a resolution from the municipality as hereinafter provided, shall pay directly to the township the amount of the liens appearing on the official certificate and such other recorded liens or related charges as may be certified to by the township and forwarded to the insurance company. However, if an appeal is taken as the amount of any lien or charge, then the provisions of N.J.S.A. 17:36-10 shall apply.

§ 53-3. Installment payments.

If the governing body of the Township of Barnegat feels that it is in the best interest of the township, it may enter into an agreement with the owner of any fire-damaged property to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to N.J.S.A. 54:5-19 or for the redemption of a tax sale certificate by installment payments pursuant to N.J.S.A. 54:5-65. Such agreement shall be based upon the municipality being satisfied that the claim for fire damage is to be used to restore or improve the fire-damaged property. Any insurance company receiving a certified copy of such resolution of agreement by the governing body of the Township of Barnegat is hereby authorized to make full payment on the claim to the insured party.

§ 53-4. Violations and penalties.

Any person who violates any one (1) or more of the provisions of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.) for each separate offense and/or confinement the Ocean County Jail for a period of not more than

ninety (90) days. In the case of a continuing violation or violations, a fine of not more than five hundred dollars (\$500.) may be assessed for each day that said violation or violations continue unabated, until such time as said violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 53-5. Repealer.

This ordinance repeals any inconsistent ordinance or ordinances, or part or parts thereof.

§ 53-6. When effective.

This ordinance shall become effective upon final passage and publication as required by law and upon filing of said ordinance with the- New Jersey State Commissioner of Insurance.