

# CITY OF NEW BRIGHTON, MINNESOTA POLICY

**SUBJECT:            SANITARY SEWER BACKUP AND WATER MAIN BREAK  
CLEANUP ASSISTANCE**

EFFECTIVE DATE: April 12<sup>th</sup>, 2016

## **BACKGROUND:**

The majority of the sanitary sewer system is a gravity flow system, meaning wastewater discharge from properties flows downhill in a series of underground pipes without pumping. Infrequently, blockages do occur for various reasons, causing a backup of sewage in either the City mains or private service laterals and into private structures. For health and safety reasons, it is recommended that cleanup of wastewater of this nature be done as soon as possible.

Historically, property owners who have experienced water main break damage and sewer backups related to blockages in the City mains have been provided information by the City that cleanup should be undertaken as soon as practical by the property owner, and if damages occurred as a result of the wastewater the property owner should file a claim with the City and its insurer.

## **PURPOSE:**

To protect the health and safety of the community by providing timely cleanup in the event of a sewer backup or water main break from the City's sanitary sewer or water main, without regard to liability or fault.

## **POLICY:**

- A. It shall be the policy of the City of New Brighton to contract with private vendors to provide prompt wet extraction, removal and disposal of carpeting and carpet padding, drywall, other wall materials, insulation, and sanitizing and deodorizing of floors and walls as needed after a sanitary sewer backup or water main break which has been verified by the City to have occurred due to a backup or break in the city system.

The property owner will be responsible for replacement of any damaged property or removed carpet or carpet padding.

To ensure the protection of health and safety, the City will not reimburse property owners for any expenses if the property owners choose to arrange for or perform the cleanup activity themselves.

Any additional work requested by the property owner beyond what is stated above will be the responsibility of the property owner and contracted separately by the property owner.

- B. The City of New Brighton will pay for this limited service up to \$5,000 per occurrence per property unit per year.
- C. The City's action in undertaking or executing this policy does not constitute and shall not be interpreted as an admission of liability or fault, and there are no covenants, promises, undertakings or understandings, either expressed or implied, by the City other than those stated.
- D. Any property owner claims for damage resulting from sanitary sewer backups or water main breaks in the City system are to be submitted to the City for consideration by the City's insurance carrier.
- E. The city limits the total City payout to \$50,000 for cleanup services as defined above that result from any single event such as, but not limited to, major weather events. The City Council may choose to revise the limit of total City payout for cleanup services as defined above. If the cleanup costs for all affected properties, from any single occurrence, exceed the City imposed limit, the City will pay for each qualified property a percentage of the total cleanup cost, equal to the percentage calculated by dividing the City imposed limit by the sum of all City provided cleanup costs for the single event as defined above. The difference between the total cost for each property and the City-covered cost as so calculated can be submitted to the City's insurance carrier.
- F. Property owners who qualify for this City provided clean up service will be required to sign a Cleanup Agreement prior to the City's cleanup contractor commencing work. This Agreement will outline the scope of the work to be performed, and will include an authorization to proceed. The Agreement will also include a statement that the property owner understands that the City is not admitting any fault or liability for the backup by offering cleanup assistance.
- G. The City will reimburse residential property owners with homes built before January 2016, for backflow prevention devices to be installed on their sanitary sewer service line. The reimbursement is limited to actual cost of the device, not to exceed \$300. The reimbursement does not cover installation costs. Proof of purchase and installation is required.

## **FUNDING**

Sanitary sewer backup and water main break cleanup assistance will be funded utilizing sanitary sewer and water utility enterprise funds. The city will budget funds annually to be collected as part of the sanitary sewer and water utility rate.