



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

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## City Finance Office

300 Sixth Street

Rapid City, South Dakota 57701-5035

605-394-4143

TO: Council Members  
FROM: Jim Preston *J*  
SUBJECT: Sewer Backup Policy  
DATE: October 22, 2007

As per your request, I am forwarding a copy of the Policy that addresses payment of damages to property owners for sewer backups. I have also attached a copy of the procedure for filing a sewer backup claim.

Dave Van Cleave, Chip Petrik and I met on October 18, 2007, to discuss a simpler way of handling sewer backup claims. We felt that the process in place was straight forward, easy to understand and simple to administer. The only simpler process that I would suggest is to do away with this policy and advise property owners that they are responsible for any damages as the result of a sewer backup. Property insurance is now available to cover this type of loss.

If you have any additional questions, feel free to contact me.

Cc: Mayor Hanks, Dave Van Cleave, Chip Petrik, Dirk Jablonski



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

2-17-03

A RESOLUTION ESTABLISHING A POLICY WHEREBY THE CITY OF RAPID CITY SHALL REIMBURSE OWNERS OF THE COST OF COMMERCIAL CLEANING OF PROPERTY DAMAGED BY SEWER BACKUPS AND ESTABLISHING LIMITS THEREON.

WHEREAS, from time to time a blockage of a portion of the City's sewer system causes sewage to backflow into private buildings without fault on the part of the City; and

WHEREAS the City has no legal liability for such events not occasioned by negligence on the part of the City; and

WHEREAS homeowner's insurance typically does not cover the damage for such events; and

WHEREAS the City finds that the public health, safety, and interest would be served by having property damaged by sewer backup flows cleaned by commercial cleaners

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby declares the following policy:

1. The City shall reimburse the owner or occupant of a private building which is damaged by the backflow of sewage from the City sewer system into such building for the cost of commercial cleaning or the cost of rental of commercial cleaning equipment made reasonably necessary by such event.
2. The amount of such reimbursement shall not exceed Three Dollars (\$3.00) per "affected" square foot per event and shall be limited to the cost of commercial cleaning only, with no payment for loss damage, or replacement of real or personal property. Any reimbursement above Five Thousand Dollars (\$5,000) requires Council approval. Alternatively, the City shall reimburse such owner or occupant for the cost of rental of cleaning equipment, not to exceed Two Hundred Dollars (\$200).
3. No reimbursement shall be made if the Public Works Director shall determine that the obstruction occurred in the service line of the building or was otherwise caused by the action of the owner, occupant, or guest.
4. As a pre-condition for such reimbursement, the owner or occupant shall execute a full release and hold harmless agreement releasing and indemnifying the City from any liability arising from the event.

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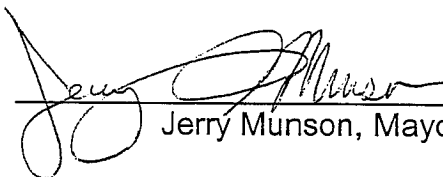
5. If the owner or occupant shall file any claim, other than for reimbursement under this policy, the amount to be reimbursed shall be reduced by the amount of the expense incurred by the City, including insurance adjuster's charges.
6. No agent of the City is authorized to make any representation regarding the City's policy, except to provide copies of this resolution.

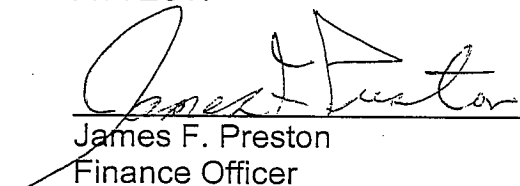
- 7. The City and its agents shall not recommend any particular commercial cleaner; however, the Public Works Department may provide a list of commercial cleaners who have expressed willingness to do such cleanup work.
- 8. Any reimbursement under this policy shall be made only to the owner or occupant and shall, in no event, be made directly to a commercial cleaner.
- 9. The City Council of the City of Rapid City shall, in any event, be the authority in determine any interpretation, exception, appeal, or other issues relating to this policy or the operation of the sewer system.
- 10. For more information on filing a claim, please contact Utility Maintenance at (605) 394-4163.

Dated this 17 day of Feb., 2003.

CITY OF RAPID CITY

ATTEST:

  
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 Jerry Munson, Mayor

  
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 James F. Preston  
 Finance Officer

(SEAL)

*(Retroactive to December 1, 2002)*

## Rapid City Water Reclamation Division

### Procedure for filing a sewer backup claim:

1. Customer reports sewer backup to Utility Maintenance.
2. Crew responds to backup.
3. Crew clears the back up if in a city line, and records the cause of the backup.
4. The Crew then visits with the customer to let them know if the backup was in the City line, or if it is in their service line. If the backup was in a City owned line, the crew leaves a copy of the backup policy with the resident and enters the residence to measure the flooded area.
5. Resident has backup cleaned up.
6. Resident files backup claim at City Hall. Claim is forwarded to Utility Maintenance Supervisor for verification and recommendation of payment.
7. Claim is forwarded to Water Reclamation Superintendent for processing. (Supt reviews to make sure the claim is in accordance with the policy, approves, and initiates the payment process.)
8. Claim check is cut by finance. Customer comes in and signs a waiver against additional claims, and receives the check.

Staff believes that the review process is necessary because customers often try to claim replacement costs for items, or try to collect more than allowed by the policy.