RESOLUTION # 2019-080

A RESOLUTION AMENDING THE POLICY OF THE CITY OF RAPID CITY TO DEFRAY THE COST OF CLEANING OF PROPERTY DAMAGED BY SEWER BACKUPS

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; and

WHEREAS, the Common Council of the City of Rapid City has previously adopted a policy concerning the reimbursement of property owners for damage caused by sewer backups; and

WHEREAS, the Common Council desires to amend said policy.

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

1. The City shall provide a reimbursement to help defray the cost of clean up to the owner or renter of a private building which experiences a backflow of sewage from the City sewer system into such building. Such reimbursement shall be according to the terms of this Resolution.

2. The amount of such reimbursement shall be four dollars ($4.00) per affected square foot per event. The reimbursement is to defray the cost in time and expense for cleaning of the affected area and is not meant to compensate the property owner for loss, damage to, or replacement of real or personal property. If the property owner has insurance which covers the cost of cleanup, the amount of the reimbursement shall be limited to the deductible and other out of pocket costs related to clean up not covered by insurance. “Affected square foot” shall mean each square foot of floor space that came into contact with sewage that flowed from the City sewer system. Any reimbursement above Five Thousand Dollars ($5,000) requires Council notification at a public meeting. 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, or their designee, shall determine the obstruction occurred in the service line of the building or was caused by the action or negligence of a person or entity other than the City.

4. Once a claim has been paid, the matter shall be considered settled, and no additional claims may be made or payments processed.

5. Before any reimbursement shall be made, 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, and warranting against any future claims against the City arising from that specific event.

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 clean-up 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 determining 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 394-4163.

Dated this _____ day of ____________________, 2019.

CITY OF RAPID CITY

________________________________________
Mayor

ATTEST:

________________________________________
Finance Officer

(SEAL)