



# CITY OF PAPILLION

## SEWER BACKUP INFORMATION

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### Who is responsible to pay for sewer backup damages?

The frequency of sewer backup problems has increased in many communities during the last few years. Statistics report that more than 400,000 sanitary sewer overflows occur annually in the United States. **As with the majority of municipalities in the country, unless found negligent, the city cannot assume financial responsibility for damages resulting from sewage backups, since most stoppages are related to conditions that are beyond the city's control.** The City of Papillion's sewer system is part of a larger system serving the Omaha Metropolitan Area. Papillion has an aggressive maintenance program designed to limit sewer backups within the city, but we simply cannot control the entire system. On April 5, 2011, the City of Papillion adopted a Sewer Back-up Management Policy to help develop and strengthen the municipality's plan for prevention of such incidents. Although the city has a sewer policy, residents are still encouraged to purchase sewer back-up coverage. This coverage is generally not included in basic homeowner insurance policies. Typically, it can be purchased through your insurance company at your request. Please contact your home insurance carrier to inquire about sewer backup coverage.

### INFORMATION FOR HOMEOWNERS & RESIDENTS: FACTS ABOUT SEWER BACKUP INCIDENTS

The following information is offered to help property owners and residents understand why backups happen, how they can be prevented, and what steps citizens should take if a sewer backup affects their property.

#### What causes a sewer backup?

Sanitary sewer overflows can be caused by a number of factors. They usually involve sewer pipe blockages in either main sewer lines or service laterals (lines between buildings and the main line). Causes may include pipe breaks or cracks due to tree roots, system deterioration, insufficient system capacity due to residential or commercial growth, or construction mishaps. In home and office plumbing systems, the main cause is accumulation of grease, tree roots, hair, or solid materials, such as disposable diapers or sanitary napkins that are too large for wastewater pipes to handle. Such materials may cause major backups in City lines as well as in residents' lateral lines. A frequent cause of water stoppages within the City's system, however, is vandalism. Leaves, sticks, rocks, bricks and trash have been found stuffed down manholes. We hope you will report observations of any such activity.

#### How could a sewer backup affect me?

If the backup occurs in a City maintained line, the wastewater will normally overflow out of the lowest possible opening, which is usually a manhole. However, in some homes—especially those with basements, or where the lowest level is even with the sewer lines—the overflowing wastewater may exit through the home's lower drains and toilets.

#### What should I do if sewage backs up into my home?

- First, take action to protect people and valuable property.
- Ceramic plumbing fixtures such as toilets are fragile, quickly close all drain openings with stoppers or plugs. Tub, sink, and floor drains may need additional weight to keep them sealed. A string mop can be used to help plug toilet openings.
- Don't run any water down your drains until the blockage has been cleared.
- A quick check with nearby neighbors will help determine if the backup appears to be in your neighbor's wastewater line, and/or widespread in your neighborhood. In this case, call the Department of Public Works immediately at (402) 597-2043 anytime 24 hours a day. Call a plumber if the problem is in your lateral service line.

- Contact your home insurance company to report the incident.

### **If I call the city, what will they do about a sewer backup onto my property?**

You will be asked questions about the backup timing, location, the property at risk, etc. City personnel will check for blockages in the main line. If any blockages are found, they will immediately be cleared. If the main line is not blocked, you will be advised to call a plumbing or sewer contractor to check your lateral line. Maintenance and repair of the lateral line is the owner's responsibility. To minimize damage and negative health effects, you should arrange for cleanup of the property as soon as possible. There are qualified businesses that specialize in this type of cleanup. In addition, homeowners should purchase sewer back-up coverage from their home insurance carrier. If the sewer backup onto your property resulted from blockage in the main sewer line, city personnel will explain what the city can immediately do to help take care of the problem.

### **Is there anything I can do to prevent sewage backup into my home?**

- Avoid putting grease down your garbage disposal or household drain. It can solidify, collect debris and accumulate in City lines, or build up in your own system.
- Never flush disposable diapers, sanitary napkins or paper towels down the toilet. They could stop up your drains and may damage your plumbing system.
- If the lateral line in your older home has a jointed pipe system, consider whether the roots of large shrubs or trees near the line could invade and break pipes. It is a good idea to know the location of your lateral line(s). Property maps can often be acquired from your city planning department.
- If the lowest level of your home is below ground level, such as a basement floor drain, it may one day be affected by a backup. One way to prevent sewage backup through such below ground areas is to install a "backflow prevention valve" on the lowest drain(s). You can also use a plumber's test plug to close these drains when not in use.
- Contact your home insurance company to obtain coverage for sewer back-ups. Please note, this coverage is generally not included in a standard home insurance policy, rather it requires a separate rider. Contact your insurance carrier for more details.

\* For further information about preventive measures, contact a plumber or plumbing supply dealer.

### **What does the municipality do to prevent this problem?**

Every attempt is made to prevent backups in the public wastewater system before they occur. Sewer lines are specially designed to prevent accumulation and stoppages. In addition, we have maintenance crews that are devoted to inspecting and cleaning wastewater lines throughout the city on a regular schedule. Degreasing chemicals are also injected into lines in areas that are prone to stoppages, such as those near restaurants, apartments or high density housing developments. Even with our maintenance schedule, however, backups are often beyond the city's control. Most that do occur are confined to the sewage pipeline, rather than backing up into a home.

### **Responsibility vs. Liability:**

Municipalities may be held responsible for damages that arise from *preventable* sewage backups in the public sewer system. A municipality has a duty to exercise "*ordinary and reasonable care*" to keep its sewers free from obstructions. This generally equates to responsible sewer system repair and maintenance. However, although failure to meet repair and maintenance duties may create "*ordinary negligence*," it does not necessarily mean the municipality is strictly liable in cases of sewer backups and resulting damage to property. Some of the city's legal protection is due to the fact that volumes of rainwater alone can cause a backup. A municipality is not obligated to build a system that is large enough to carry away all water that may result from even normal rainfall. The municipality also has immunity when it comes to the building and initial construction of sewer systems—these are legislative functions. In any litigation regarding sewer backup, a claimant must establish the *negligence* of the municipality. The highly technical legal issues associated with some of these suits can best be explained by legal counsel.

### **Will insurance cover any damage to my home or property?**

In the majority of cases, a special rider will need to be added to your homeowner's or renter's insurance policy to cover damages related to sewage backups or water damage. This optional coverage is usually not very

expensive, but you must usually request that it be added to your policy. Check with your insurance agent about this policy provision. That is why it is important that property owners confirm that they are adequately insured—particularly if areas of their home lie below ground level. Call your insurance agent today to have this coverage added to your policy.

### **How and where should I report a sewer backup?**

Emergency crews are on call 24 hours a day to assist you. In case of an emergency such as a sewer line backup, or if you observe any vandalism associated with the wastewater or sewer lines, contact the **City of Papillion Public Works Department at (402) 597-2043 anytime 24 hours a day.**

Contact the City Clerk's Office at 122 East Third Street, Papillion, NE 68046 (402-597-2021) to obtain a Tort Claim Form. You will need to supply the following information in a detailed report:

1. Claimant's Name.
2. Claimant's Address
3. Claimant's Phone Number
4. Claimant's Insurance Company
5. Claimant's Insurance Policy Number
6. Date of Incident
7. Notification from Claimant's Insurance Company of submittal of claim
8. Location of Incident if different from Claimant's address
9. Time of Incident
10. Detailed Timeline of Incident
11. Amount of Claim Requested
12. Witnesses of Incident
13. Any bills, statements, estimates
14. Any Photographs, Videos

Your claim should be filed in a timely manner. **The Filing of a claim constitutes no guarantee of payment. Each claim is considered on its own merit.**

If you have questions regarding sewer service or a sewer backup, contact Marty Leming, Papillion Public Works Department, 145 West Second Street, Papillion, NE 68046 (402-597-2043).