

SUMMARY: Sewer backup policy and procedure for assistance with sewer backups.

RESOLUTION NUMBER 2011-02

WHEREAS, Nevada Revised Statutes (NRS) 41.033 provides that no action may be brought against a city based upon failure to inspect any building, structure, vehicle, street, public highway or any public works facility or improvement to determine any hazards, deficiencies or other matters, whether or not there is a duty to inspect, or failure to discover such hazard, deficiency or other matter, whether or not an inspection is made; and

WHEREAS, the applicable state law applies to the circumstance when there is a back-up and deposit of materials onto private property from a municipal sewer system; and

WHEREAS, it is the policy of the City of Winnemucca ("City") to accept no liability for sewer backups and their consequences; and

WHEREAS, the City Council of the City ("City Council") recognizes that sewer backups can result in inconvenience and disruption for the property owner; and

WHEREAS, the City Council has determined that there are certain sewer backup occurrences when the City may be able to assist property owners with the initial costs and timely cleanup of the property without acceptance of any liability or responsibility for any direct or indirect damages or costs; and

WHEREAS, the City Council has determined it is advisable to institute a procedure to offer assistance with the initial and timely cleanup of property in cases where backups occur in the main sewer line, and not the service lateral to the property; now, therefore,

THE CITY COUNCIL OF THE CITY OF WINNEMUCCA DO RESOLVE:

1. Sewer Backup Policy.

A. All reported incidents of sewer backups will be responded to by a representative of the City Sewer Department as follows:

1.) A preliminary determination will be made concerning the location of the sewer line blockage and/or the cause of the sewer line backup.

2.) If the sewer line backup occurred as a result of maintenance work being done by the City, or from a blockage within the main sewer line, the property owner or affected resident will be instructed to contact a cleaning service to assist with immediate cleanup.

3.) The City will reimburse the property owner, or affected resident, for actual out-of-pocket costs incurred for the initial clean-up in an amount up to \$1,000 upon presentation to the City of a copy or copies of the invoices for the costs and proof of payment of such invoices. The reimbursable costs are limited to the reasonable costs for: water extraction, power washing, antimicrobial application, air movers and equipment decontamination charges. There is no reimbursement for costs of removal of property, replacement of carpeting, tile or furnishings, new construction, disposal, or any other direct or indirect costs or damages resulting from the sewer blockage, except as provided in this section.

4.) If the backup occurred as a result of work being done by or at the request of the property owner or affected resident, or from a blockage within a sewer lateral, the property owner or affected resident will be notified of the suspected cause of the backup and advised to call for professional assistance, if the assistance is desired. The City will not reimburse for costs related clean-up related to a blockage of a sewer lateral.

5.) Immediately following the response to a sewer backup call, or as soon thereafter as is practical, the Sewer Department representative must make a report of the call and the response to the City Manager, the City Engineer and the Public Works Supervisor.

B. Any claim for reimbursement of clean up expenses which is determined by the City that it will not be paid according to this policy, and any claim for repair and/or replacement of personal or real property, shall be reviewed, investigated and evaluated by the City subject to the provisions of NRS 41.033.

C. The determination of the City for all claims submitted is final.

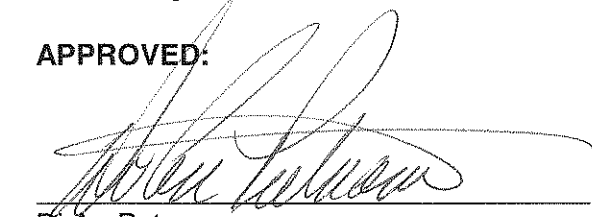
2. **Distribution of Policy.** This policy, or a synopsis thereof, shall be distributed to every current user of the City sewer system and to new users of the system as service is provided.

PASSED AND ADOPTED: January 18, 2011

VOTE OF CITY COUNCIL:


Ayes: Councilmen: Stone, Cain, Sheen, Billingsley, Brooks
Nays: Councilmen: _____
Absent: Councilmen: _____
Not Voting: Councilmen: _____

APPROVED:



Di An Putnam
Mayor

ATTEST:



Eddy D. Davis
City Clerk