

**ADMINISTRATIVE REGULATION NO. 01-2013**

Wastewater Utility Regulations – Sewer Backup Damage Policy

ISSUED BY:

  
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Planning Director

4/12/13  
Date

Topic: Sewer Backup Damage Policy

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and implement the Sewer Backup Damage Policy of the City of Grand Junction Persigo Sewer System.

Administrative Interpretation:

The City of Grand Junction (City) operates the Persigo Wastewater System, under an agreement with Mesa County, who together with the City is the joint owner of the Persigo Wastewater System. The system is comprised of the Persigo Wastewater Treatment Facility (Persigo), located at 2145 River Road, and more than 500 miles of sewage collection system piping, pumping stations and related facilities.

The City is responsible for maintenance of the sewer collection system from the point of connection of the customer's sewer service line to the sewer main. **The City recommends when an emergency sewer backup or other interruption of sewer service occurs in a home or business, that the sewer system customer call the City first.** This allows City staff the opportunity to determine if a problem exists in the public sewer main or if the problem is in the customer's service line and therefore is the sole responsibility of the customer. The City responds to all emergency calls at no additional cost to the customer to remedy.

When a sewer system customer experiences property damage through no fault of the City, or when fault cannot be determined, under Colorado law the City is held harmless from damage expenses due to provisions of the Colorado Governmental Immunity Act, Section 106:

"Immunity and partial waiver. (1) A public entity shall be immune from liability in all claims for injury which lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as provided otherwise in this section. Sovereign immunity is waived by a public entity in an action for injuries resulting from:

- (a) The operation of a motor vehicle;

- (b) The operation of any public hospital, correctional facility, or jail by such public entity;
- (c) A dangerous condition of any public building;
- (d) A dangerous condition of a public highway, road, or street which physically interferes with the movement of traffic on the paved portion;
- (e) A dangerous condition of any public hospital, jail, public facility located in any park or recreation area maintained by a public entity, or public water, gas, sanitation, electrical, power, or swimming facility.
- (f) The operation and maintenance of any public water facility, gas facility, sanitation facility, electrical facility, power facility, or swimming facility by such public entity.

“Immunity and partial waiver. (1) A public entity shall be immune from liability in all claims for injury which lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as provided otherwise in this action.”

However, despite the above immunity, the City has put in place an Emergency Sewer Clean-up Assistance Policy designed to financially aid affected homeowners and businesses with cleanup and restoration of sewage backups *when these occur due to conditions in the public City sewer lines, and not in the customers private service lines.*

Under this Emergency Sewer Clean-up Assistance “Good Neighbor Policy” if a customer suffers additional cleanup costs or property damage above what their own homeowners or business owners insurance will cover, the Persigo system will reimburse as identified below:

- Professional cleanup response – Up to a maximum of: \$5,000
- Property damage, after depreciation adjustment -  
80% of depreciated cost up to a maximum of: \$15,000

Note that the affected property owner is responsible for making all arrangements with contractors who handle damage restoration, cleanup and building reconstruction. The owner is also responsible in all cases for payment directly to these contractors. The City will not make payments directly to a contractor, nor is the City responsible for any excessive or unreasonable charges made by a contractor. All costs submitted are subject to review by an insurance adjuster, and will be paid by the City if they are within customary and reasonable charges for services rendered. By offering this Good Neighbor policy, the City is not intervening in the normal relationship between contractor and property owner, nor admitting liability for damages or costs incurred.

If the homeowner is unable to pay the 20% portion of these damage costs, the City will offer the customer an opportunity to take out a low-interest loan as provided by the City for a period of not more than five years, with payments for this loan to be added directly to the customer's monthly sewer bill.

If a property owner experiences property damage or incurs clean-up costs as a result of a City sewer cleaning operation, and it is determined that the cause of the property damage or need for clean-up is the result of inadequate sewer ventilation of the property owners system, the City will pay a onetime amount for damage and cleanup costs as outlined in the reimbursement policy. This one time reimbursement is contingent on the property owner agreeing to upgrade the system to allow for proper ventilation.