



## MEMORANDUM

Date: January 19, 2016

To: Administration Committee  
From: Pamela A. Captain, City Attorney

Re: WATER/SEWER BACKUP RESIDENT EDUCATION PROGRAM

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### **Description of Issue**

In the processing of claims filed against the City of Menasha, on occasion there is a claim for damages to someone's belongings or home caused by a water or sewer backup. There are residents/property owners that hold the misnomer that the City is responsible for damages as a result of water/sewer backups into people's homes. That is rarely the case. It is only if the City is negligent in its operation or maintenance of the system and that negligence caused the damage that the City is liable for damages.

There are many factors, some complex that go into determining the cause of a water/sewer backup. It is not likely that the City will be held responsible for such damages. The cause is most often either an act of nature or a blockage or damaged private lateral.

### **Description of Recommended Course of Action**

As an aid to our residents/property owners staff is recommending implementation of a Water/Sewer Backup – Resident Education Program. Staff has prepared a pamphlet meant to provide information about backups. It is recommended that we make this information well known to our residents/homeowners so that they can make informed decisions about what they can do to help protect their property and the City system.

### **What Does the City Do to Protect from Water/Sewer Backups?**

1. **Regular maintenance:** The City is committed to cleaning 95% of its sewer mains every 18 months, and the remaining 5% within an additional 3 months. Problem segments that may be prone to blockage are more frequently cleaned.
2. **Capital Improvements:** In recent years, the City has spent in excess of \$4 million on sewer system improvements meant to reduce infiltration/inflow (I/I) of clear water and reinforce structurally deficient sections of sanitary sewer main. This has resulted in less frequent surcharging of the sewer

system during wet weather events which, in turn, decreases the occurrence of sewer backups into homes. The City is in the final phase of its Sewer Survey Evaluation System (SSES) which identifies deficient components of its sewer system and is committed to making cost effective capital improvements to the system as they are identified in the SSES.

3. Home Inspection Program: The City has been scheduling and conducting home inspections meant to eliminate cross connections between foundation drains (clear water) and sanitary sewer. This program helps to reduce clear water from entering the sanitary sewer system during heavy rain events. The program is in its final phase (Doty Island and areas just north of the Fox River/Canal) and is expected to be completed by 2018.

### **Communication Strategy**

For Elected Officials and Employees:

1. Review and become familiar with the information pamphlet
2. Provide accurate information to constituents/residents
3. Refer constituents/residents to the appropriate department

For Residents:

1. Placement on City's website
2. Newsletter/utility articles or stuffers



Alternatives:

- a. Require, by ordinance, the installation of approved backflow preventers
- b. Put into place a lateral replacement program (to address clear water infiltration)
- c. Provide information to the public about voluntary sanitary sewer line warranty programs, if available
- d. Automatically pay claims with regard to fault

## How can I help prevent sewer backups?

- Use your toilet for its intended purpose. Do not flush things that will not dissolve or do not break down in water.
- Do not flush diapers, sanitary, wipes or other similar types of products. Put them in your household trash.
- Do not plant trees or shrubs over your sewer lateral. Roots can penetrate pipe joints and clog the pipe.
- Keep sewers fat-free by wiping grease from dishes before washing—do NOT pour grease down the drain! In time, grease will build up and block the pipe.
- Use plenty of water with garbage disposals to ensure that disposed materials do not lodge in sewer laterals, and do NOT dispose of items such as potato peelings or bones through the garbage disposal.
- Regularly clean sewer laterals.
- Have an approved backwater

**CITY OF MENASHA**  
**140 MAIN STREET**  
**MENASHA, WISCONSIN**  
**920-967-3600**



## SEWER BACKUP GUIDE

### CITY OF MENASHA



For more information contact:

City of Menasha  
Public Works Facility  
920-967-3620

## Sewer Backups.... A Messy Situation

There is nothing worse than coming home to find that sewage has backed up into your basement. If you have an improved basement, it can be even more devastating. It is costly too.

### What causes a sewer backup?

There are a number of reasons why a sewer backup can occur, most often it is caused by a plugged sewer lateral (the pipe running from your house to the city sewer main) for which the property owner is responsible. Less often the city sewer main line is plugged. Grease, hair or solid materials, roots, disposable diapers, sanitary products or other debris can become lodged in sewer lines. Items, trash, rocks and bricks may be stuffed down manholes by vandals. Sometimes pipe breaks or cracks occur or an inundation of water beyond system capacity.

### What does the City do to help prevent a sewer backup?

The City regularly cleans sewer mains as part of its maintenance of the system.

### What Should I Do If My Sewer Backs Up?

Call (920) 967-3620 between 7:00 a.m.—3 p.m., Monday—Friday (Public Works Facility). After-hours call (920) 967-3500 (Menasha Police Department nonemergency number).

The city crew will check the public sewer main. If the main is found in good operating condition, the likely cause of the backup is your sewer lateral.

### The blockage is cleared, now what???

Depending on severity, you may elect to clean yourself, or hire a company to help clean the basement. We recommend that all damaged materials be inventoried, photographed and discarded. Scrub with an anti-bacterial cleaner.

If you elect to hire an outside firm consider getting quotes for the work. Request that quotes itemize the amount for labor, fans, dehumidifiers, disinfectants, etc. If the company indicates there is a need to modify structures, such as walls, make sure you get an estimate for that work as well so you know how much it will cost you.

### Who will pay for this clean up???

**Often the cost for cleanup is the responsibility of the homeowner, even if it is related to a situation in the main sewer line.** In order for the City to be considered liable for these types of damages, there would have had to have been prior notice of the need for a main repair and it was not fixed within a reasonable amount of time or that preventative maintenance was not performed according to the maintenance schedule established by the Public Works Department. The City is not liable for acts of nature.

If you feel the damage was caused by City negligence and you wish to file a claim, you may do so by picking up a claim form from Menasha City Hall, 140 Main Street, Menasha, WI 54952 or visit the City's website at [www.cityofMenasha-wi.gov](http://www.cityofMenasha-wi.gov). Forms should be completed and returned to the City Clerk, 140 Main Street, along with copies of the repair estimates or invoices and documentation of the damages, including photos. The claim will be filed with the City of Menasha's insurance carrier and reviewed by the City Attorney. **Again, there is no guarantee that the City will reimburse for the damages,** and homeowners are encouraged to contact their insurance carrier to see if coverage is available.

### Better Safe Than Sorry.

To be safe do not store valuable items in the basement. If they must be stored in the basement, use waterproof containers and keep things off the floor.

#### Sewer Backup Insurance

Homeowners are encouraged to carry sewer backup insurance as part of their homeowner's policy. Limits should be reviewed, to ensure adequate coverage, especially if there is an improved basement.