

CITY OF DAVENPORT, IOWA

NO-FAULT SEWER BACKUP REIMBURSEMENT POLICY

The City of Davenport City Council hereby establishes a no-fault sewer backup reimbursement program retroactive to April 1, 2013 as follows:

1. The term “no-fault” means the City will reimburse a property owner for up to \$9,000 of clean-up costs, building damages, and mechanical equipment essential to the habitation of a residence caused by a City sanitary sewer backup, irrespective of whether the City was negligent or legally liable for those damages.
2. The term “sewer backup” means any backup of sewage from the City’s sanitary sewer system only.
3. The term “building” means a residential structure that is served by a single connection to the City’s sanitary sewer system.
4. The intent of a no-fault sewer backup reimbursement policy is as follows:
 - a. To reduce health hazards by encouraging property owners to cleanup sewer backups as quickly as possible.
 - b. To provide a method for assisting homeowners with the financial burden of a sewer backup even when the City is not legally liable for the damage.
5. The limit of the program shall be \$9,000 per building, per year.
6. This no-fault sewer backup reimbursement program will reimburse residential property owners for sewer backup damages, regardless of whether the City is legally liable, if all of the following conditions are met:
 - a. The backup must have resulted from a condition in the City’s sanitary sewer system.
 - i. Backups caused by any condition in the sewer lateral are excluded from this program.
 - ii. Stormwater infiltration into a basement that does not originate from the sanitary sewer system is not eligible for this program.
 - b. The coverage limit of \$9,000 per building, per year has not been met.
 - c. The property owner is responsible for providing sufficient documentation and notice to the City in order to prove the occurrence of a sewer backup.
 - d. The property owner is responsible for providing sufficient documentation to determine cleanup costs, building damage costs, the cost of repairing mechanical equipment essential to the habitation of a home, and personal property damage or loss.
 - i. The loss or damage of personal property and/or possessions are reimbursable up to \$1,500 per building, per year under this program.
 - e. The property owner is required to sign a full and complete release of any and all claims against the City arising from the sewer backup incident in order to be eligible for the program.
 - f. If the homeowner has an insurance policy that provides protection for sewer backups, the insurance coverage must be used to its limit before reimbursement through this program is provided.
7. The value of the cleanup costs and damaged property must be substantiated.
 - a. If damage to mechanical equipment essential to the habitation of a residence is such that it cannot reasonably be repaired, the cost to replace the damaged equipment will be eligible for reimbursement under this program.
8. Costs that are or will be eligible to be covered under the property owner’s own homeowners or property insurance are not eligible for reimbursement under this program.
9. Commercial sanitary sewer customers are not eligible for reimbursement under this program.

10. A property owner receiving reimbursement under this program will be required to install a sewer backflow prevention device. The cost of the device and its installation is eligible for reimbursement under this program. If the property owner fails to install the sewer backflow prevention device at the time of a future sewer backup, the property owner will not be eligible to seek reimbursement for a future sewer backup under this program. The sewer backflow prevention device shall be a type approved by the Public Works Department and installed per the City of Davenport plumbing code.
11. Property owners must report a claim under this program within 30 days of the sewer backup event to be eligible for reimbursement. For events that occur between April 1, 2013 and the date of passage of this program by the City Council, property owners must report a claim within 30 days after the passage of this program to be eligible for reimbursement.
12. Property owners will have 12 months from the date of the event to file reimbursement paperwork. At the end of those 12 months, the City will close the claim if the claimant has failed to seek reimbursement.
13. The City Council reserves the right to make changes to or to rescind the no-fault sewer backup reimbursement program at any time should it decide, in its sole discretion, that the public's interests are best served by such changes or rescission.
14. This policy does not create vested rights in any citizen of the City of Davenport and does not permit any vested claims to third-party beneficiaries.
15. Buildings eligible for this program in which there is a tenant/landlord situation, they must jointly seek reimbursement per the conditions of this program.