



Sewer Backups

What Every Homeowner Should Know

Sewer backups are a problem that every city and their residents face. Claims for damages to people's homes caused by sewer backups probably lead to more misunderstanding and hard feelings than any other single kind of claim. In an attempt to avoid some of these problems, the City of Cloquet would like to make you aware of the following information regarding sewer backups and the resulting damage:

- ◆ The City is not automatically liable for resulting property damage or cleanup expenses whenever a sewer backup occurs. The City is only liable for those damages if the backup was caused by the City's negligence.
- ◆ Many homeowners insurance policies exclude damage resulting from sewer backups. Thus, homeowners often end up looking to the City to pay their damages when their own insurance company denies their claim.
- ◆ Many homeowner insurance companies do provide sewer backup coverage and it is possible for homeowners to protect themselves against this risk. For additional information on sewer backup coverage, contact your insurance agent.

Minnesota courts have made it clear the City does not and can not guarantee its sewers will never back up. Any resident or business that is hooked up to city sewer dumps waste into it and some of these can clog the system. Large amounts of grease from restaurants and disposable diapers are two common problems. While cities can adopt rules prohibiting these things from being dumped into the sewer, there is really no way the City can absolutely prevent these things from happening.

Other factors can cause backups as well. Tree roots can grow into and obstruct the lines or extraordinary amounts of rainfall can infiltrate the system and overload it.

When Is The City Liable?

The courts have made it clear that cities are liable for sewer backup damages if, and only if, the city's negligence caused the damages. There are four basic questions the courts look at in deciding this issue. The City is liable if, and only if, the answer to all four of the following questions is yes.

- 1) Was there a defect in the City's sewer mainline? This might be a tree root, a foreign substance such as grease or a diaper that has found its way into the sewer, a sag or break in the sewer main, bad design of the line, etc.
- 2) Did the City know, or should the City have known, about the defect? For example, were there previous complaints or reports of problems, should the problem have been discovered during routine inspection or maintenance of the lines, etc.
- 3) Did the City fail to correct the defect within a reasonable time after learning of it?
- 4) Did that failure by the City cause damages?

If the City exercises reasonable care in inspecting and maintaining its sewer lines, and if the City responds to problems in a reasonable manner and time, the City is not liable when sewer backups occur.

Of course, if the City is not liable, that may mean the homeowner may have to bear the loss if their own insurance company won't cover it. It is a good idea for homeowners to check their policies or ask their agent about sewer backup coverage.

Common Sewer Backup Problems

Most sewer problems that occur, particularly in older homes, involve some type of trouble within the house plumbing itself or in the sewer line, which runs from the house to the City sewer main in the street. Most often tree roots are the culprit which are an indication the house sewer is leaking and in bad condition. Contrary to what some people may think, cutting down the trees in your front yard or in the street boulevard will not alleviate this problem. If tree roots are a reoccurring problem, the homeowner must have the roots removed from their house sewer line on a routine basis. The ultimate fix, however, can only be accomplished by having the sewer line from the house to the street replaced by a reputable contractor. New methods are even now available to rehabilitate or line existing in-place sewers without the need to dig the entire line.

What To Do If You Experience a Sewer Backup Problem.

If the sewer backs up in a home, oftentimes, an experienced person can predict where the problem is. If water backs up in the basement only when you flush a toilet, operate the clothes washer or run water in the home, chances are the problem is in the homeowners plumbing between the house and the street.

If the sewer is backing up in the basement when no water is being used in the home, the problem is more likely to be in the City's sewer main in the street. In this case, the homeowner, must react quickly and contact the City immediately. Failure to report a possible problem with a city sewer main could result in significant damage. If a person is unsure as to the source or cause of a sewer backup problem, you are well advised to call the City first.

To report a sewer backup problem and request emergency assistance, a person should call the **Cloquet Public Works Department at 879-6758** during normal working hours or our **24-hour emergency dispatcher at 624-0391**. Once a maintenance person is dispatched and has an opportunity to check out the problem, they will come to your home and let you know what they found. If the problem is in the City sewer main, they will take action to open the main and correct it as soon as possible. If they determine the problem is between your house and the City main, you will be advised that the maintenance of this section of sewer line is your responsibility. You will then be faced with either correcting the problem yourself or contacting a private contractor or plumber to do it for you. A list of possible contractors can be found in the **Yellow Pages** under "**Plumbing Drains & Sewer Cleaning**".

Now That a Sewer Backup Has Occurred, Who Will Clean Up and Pay For The Mess In My Basement?

Now that a sewer backup has occurred in your basement, the homeowner will be faced with the unpleasant task of cleaning up the mess. Other than checking on the extent of the backup in your basement and viewing any possible property damage which will be required for their report, Public Works maintenance persons are not authorized to provide assistance to the homeowner in cleaning up the mess. This policy applies even if the problem or cause of the sewer backup occurred in the City's sewer main.

After a sewer backup, the homeowner must clean up the basement themselves, at their expense, or contact a private contractor to do it for them. A list of possible cleaning contractors can be found in the **Yellow Pages** under "**Fire & Water Damage Restoration**". Again, the Public Works maintenance persons are not authorized to assist in the cleanup process or commit the City to reimburse the owner for any expenses incurred.

Damage Claims Against the City.

As with all damage claims, if a person feels the City is responsible for any damages or expenses incurred as a result of a sewer backup, they must file a written claim with the **Cloquet City Administrator's Office at 1307 Cloquet Avenue**. In some cases, it may take several days before a person can fully itemize all damages and for this reason, they are advised to at least call City Hall at 879-3347 to report any pending claims. Once the Administrator's office receives a formal claim, it will be referred to the City's insurance carrier for investigation by a claims adjuster. The adjuster will make contact by phone with the person filing the claim and very possibly come out to their home. If you have articles of value which are damaged as a result of the backup, do not dispose of them until the adjuster has a chance to see them.

Please be advised that the filing of a claim does not necessarily mean your damages will be paid by the City or its insurance company. This will depend on the individual case and whether or not the results of the investigation determine the City has acted negligently.

Sewer backups can be a very unpleasant experience for all parties involved. The purpose of the above information is not to dodge any responsibility on the part of the City but to assist homeowners in doing what has to be done as quickly as possible and to minimize property damage. At the same time, it is our hope to avoid any misunderstandings when our Public Works maintenance people respond to your emergency call.

Over the last fifteen years, the City has developed a very aggressive sewer repair and reconstruction program. This has resulted in a dramatic reduction in sewer backup problems and it is our intention to continue with this effort to provide better and more trouble free service to our customers. If you have any further questions regarding sewer problems or the filing of a claim for damages, feel free to contact either myself or City Administrator Brian Fritsinger.

Sincerely,

James R. Prusak
Director of Public Works

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