

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: CLAIMS RELATED TO WATER MAIN BREAKS AND SEWER BACKUPS
POLICY NO.: 400-10
EFFECTIVE DATE: March 11, 1985

PURPOSE:

The intent of this policy is to provide uniformity in the investigation and disposition of claims related to water main breaks and sewer backups. This policy was designed to provide specific standards for City response to water main breaks and sewer backups which are consistent with good public relations, the reduction of unnecessary court costs, and the prompt, efficient handling of claims. It also details options available to all parties should an impasse occur between the City and the claimant.

POLICY:

1. The policy only applies to property damages resulting from the following: main stoppages; sewer pump station failures; and water main breaks. Each case will be handled on its own merits. An immediate and prompt investigation will be conducted to determine the facts in the claim. The following criteria will be used to determine the appropriate course of action in each situation:
 - a. Did the loss arise out of, or result from, the actions or conditions caused by an identifiable third party? For example a contractor is doing work in an area and damages the line directly as a result of his labor. The claim would be denied and the homeowner/tenant would be encouraged to pursue their damages against the responsible third party, in this case the contractor.
 - b. Did the loss arise out of, or result from, the actions of the homeowner/tenant? If it is determined that the homeowner/tenant caused or contributed to the loss, the claim will be denied. The homeowner/tenant will be advised of the City's intent to pursue any damages to City property resulting from their negligent acts.
 - c. Did the loss arise out of, or result from, any actions or conditions in which it can be concluded that the City had control and where the homeowner/tenant was an innocent party?
2. If it is determined that the property owner's loss meets the criteria set forth in 1c above, the following assistance will be provided:
 - a. Emergency Cleanup - This will be performed by the City's general and small reconstructive contractor.
 - b. Personal Property Damage Adjustment - Compensation will be made for those personal property items which were directly affected. Depreciation may be taken into consideration in negotiating any settlement.

- c. Additional Living Expense - This will be authorized should the City adjuster determine that the residence is unfit for use. Unauthorized expenses will not be reimbursed by the City.
 - d. Real Property Restoration - This includes restoration of items which are permanently affixed to the structure or to the property surrounding the structure. Depreciation may be taken into consideration.
 - e. Plumbing Bills - Reimbursement will be made to the homeowner for those reasonable plumbing expenses which are directly and causally related to the homeowner's attempt to identify the problem. Those costs would be reimbursed only after confirmation of the mainstop.
3. The City will not provide assistance for:
- a. Sewer Lateral Stoppages - The responsibility for the maintenance of the property lateral, extending all the way to the main, lies with the property owner. This includes periodic rodding to keep the laterals free from foreign matter, including roots from any source. The property owners, at their expense, must have a licensed plumber clear their lateral. If the lateral beyond the property line is damaged to the point of needing repair or renewal, the plumber should contact the City Water Utilities Department.
 - b. Loss of Business, Income, Rent and/or Good will.
 - c. Personal Labor - Unless authorized by the City adjuster, there will be no reimbursement for personal labor. An exception may be made in those limited circumstances where it is in the City's best interest that the claimants should provide for their own immediate cleanup activity.
 - d. Bodily Injury.
 - e. General Damages - There will be no reimbursement for emotional trauma, pain and suffering, or any other personal damages.
4. The City does not relinquish any of its rights which it may assert in a court of law after the filing of claim.

HISTORY:

Adopted by Resolution R-262686 03/11/1985