

CHAPTER 119A

Environmental Services Sewer Backup Cleaning and Sanitation Claims

119A.01 Definitions.

119A.02 Payment amounts; reports required.

119A.03 Payment procedures.

119A.04 Release.

119A.05 Right to set-off claim.

119A.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Flooded Basement" means a basement which is on property served by the Department of Sanitary Sewer Services and owned or controlled by a Customer which has been flooded due to a sanitary sewer backup unrelated to problems within the Customer's private sewer line, and not caused solely by storms and/or flooding from excessive rains and not caused by flooding from any source inside the basement (i.e. water tanks, washers, etc.)
- (b) "Customer" means a person or legal entity who owns property that is provided sewer service by the Department of Sanitary Sewer Services.

(Ord 2008-327. Adopted 8-25-08; Ord. 2015-555. Adopted 12-14-15.)

119A.02 PAYMENT AMOUNTS; REPORTS REQUIRED.

The County Executive is hereby authorized to reimburse a Customer for out-of pocket costs and/or insurance deductibles paid by the Customer for cleanup and sanitation of Flooded Basements as qualified hereunder, without Council approval, in an amount not to exceed ten thousand dollars (\$10,000) per residence. The County Executive shall make quarterly reports of all payments made pursuant to this authorization. All payments for reimbursement exceeding ten thousand dollars (\$10,000) in the aggregate to any Customer for a Flooded Basement shall be approved by Council prior to payment.

(Ord 2008-327. Adopted 8-25-08.)

119A.03 PAYMENT PROCEDURES.

(a) All claims for Flooded Basements must be submitted by the Customer in writing to the Department of Law and Risk Management within thirty (30) days of the occurrence of the sanitary sewer backup. If the claim is not submitted within thirty (30) days of the occurrence of the sanitary sewer backup, the claim may be denied as untimely.

(b) Following the receipt of any claim, as set forth above, the Director of Law and Risk Management shall notify the Director of the Department of Sanitary Sewer Services ("DSSS") of receipt of said claim and shall forward a copy of the claim documents received to the Director.

(c) The Director of DSSS shall designate an employee of DSSS ("Analyst") to perform an investigation of the claim, affording a thorough examination of the facts and disclosure of evidence. The investigation shall afford an opportunity to all interested parties to present written evidence to DSSS concerning the incident in which such alleged claim arose, together with documentation evidencing the amount of damages sustained.

(d) After the Analyst investigates the claim, he shall make a recommendation, accompanied by a copy of all documentation compiled during his/her investigation, to the Director of DSSS that the claim be denied, approved or approved in a modified amount. The claim must meet the definition of Flooded Basement, and the payee of the claim must meet the definition of a Customer as defined in this section for approval.

(e) The Director of DSSS shall review the Analyst's recommendation and shall make a written determination as to whether the claim should be paid or not, and the amount that should be paid. The Director of DSSS shall then submit said written determination to the County Executive.

(f) Upon receipt of the Director of DSSS's written determination, the County Executive shall review the same and shall order that the claim be paid in full, partially paid, or denied, and shall notify both the Director of DSSS and the Director of Law and Risk Management accordingly. The County Executive may, in his or her discretion, perform additional investigation of the claim.

(g) Following receipt of the notice of the County Executive's order to pay any claim in full or in part, the Director of Law and Risk Management shall request payment and make payment to the Customer, provided however that any payment exceeding ten thousand dollars (\$10,000) shall not be made without the approval of Council.

(Ord 2008-327. Adopted 8-25-08; Ord. 2011-254. Adopted 6-20-11; Ord. 2015-555. Adopted 12-14-15; Ord. 2018-236. Adopted 6-18-18; Ord. 2023-200. Adopted 6-26-23.)

119A.04 RELEASE.

Prior to the payment of any claim to any Customer, the Department of Law and Risk Management shall obtain a legally binding release executed by the Customer and any other person who may have an interest in the affected property, fully discharging the County from any future claim or demand for reimbursement of cleanup and/or sanitation costs arising from the Flooded Basement claim.

(Ord 2008-327. Adopted 8-25-08; Ord. 2011-254. Adopted 6-20-11; Ord. 2018-236. Adopted 6-18-18.)

119A.05 RIGHT TO SET-OFF CLAIM.

The County may reduce or set-off any payment made hereunder by any amount owed by Customer to County for sewer service provided by DSSS that is in excess of thirty (30) days delinquent and shall adjust Customer's account accordingly.

(Ord 2008-327. Adopted 8-25-08; Ord. 2018-236. Adopted 6-18-18.)