

VILLAGE OF ALLOUEZ

Allouez Village Hall • 1900 Libal Street • Green Bay, Wisconsin 54301-2453
Phone No.: (920) 448-2800 • Fax No.: (920) 448-2850

Department of Public Works

STORM LATERAL AT 2336 SERENADE LANE

This is in regard to the request by John Bowers at 2336 Serenade Lane for reimbursement of cost for replacement of his storm sewer lateral on private property.

Mr. Bowers noted that about 7 ½ years ago he repaired his storm lateral due to a root ball. It is assumed that this repair was to cut out the roots from the lateral. The village was not involved in this work.

Recently Mr. Bowers experienced roots in the storm lateral, and replaced the private side storm lateral at a cost of \$1,400. The Public Works staff did have interface with Mr. Bowers when he experienced the blockage again, and provided the village policy for lateral maintenance. We were not involved in his decision to replace the private lateral.

Mr. Bowers stated his request for reimbursement is based on the presence of roots in his lateral resulting from a tree in the right-of-way.

Attached is a photo of the roots in the private lateral during the replacement. Per policy, maintenance of a storm or sanitary lateral (on both the private and street side) is the responsibility of the property owner. The village policy is attached.

Subsequent to the private lateral replacement the Public Works staff televised the lateral from the main to the curb and found the street side of the lateral to be in good condition. No structural failure due to pipe collapse, pipe deterioration, or other cause was observed as defined in the village policy.

The root penetration into the storm lateral occurred at the point of connection of the private lateral to the village lateral, or in the private lateral itself. The private property owner is responsible for this connection because the private lateral is always installed after the street lateral and the private party makes the actual connection per the policy.

In summary:

1. Maintenance of the storm sewer lateral is the responsibility of the property owner. Thus the \$350 cost from several years ago is the property owners cost.
2. The replacement of the storm lateral is a private property owner cost because the root intrusion is at the point of connection or private lateral.
3. The village portion of the lateral was in good condition without structural defects.
4. The cost of the private side lateral replacement should be the property owners cost. To do otherwise may alter village policy and could result in other similar claims in the future.

C. Berndt, December 5, 2016

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

January 17, 2017

Mr. John Bowers
2336 Serenade Lane
Green Bay, WI 54301

Regarding: Our Insured: Village of Allouez
Claim No: WM000051020094
Date/Loss: 10/21/2016

Dear Mr. Bowers:

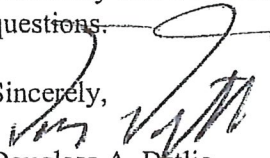
Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the Village of Allouez. We are in receipt of the above-captioned claim involving costs you incurred for the removal of a root ball from your sewer lateral and/or repair work on your sewer lateral.

We have completed our investigation, and we are recommending that the Village of Allouez disallow your claim. This loss involves your costs to remove a diagnosed root ball existing in your sewer lateral pipe near your property line. A sewer lateral extending from a home, or business, up to the point of connection with the municipalities sewer main is a privately owned piece of plumbing; and problems with a sewer lateral e.g. root balls, deterioration, clogs from miscellaneous material, etc, remains a private responsibility of the home owner, or business owner. Therefore, we recommend that the Village disallow your claim, and Statewide Services, Inc. will be unable to pay for your damages.

Finally, Sir, a statutorily correct Formal Notice of Loss (FNOL) is not in place with the Village per the dictates of WI Statue 893.80; thus, the Village currently does not have standing to act. However, if a FNOL is presented to the Village, I will at that time likely recommend your claim be formally disallowed.

I am sorry that we cannot of assistance, and please do not hesitate to contact me with any questions.

Sincerely,


Douglass A. Dettie
Casualty Claims Specialist
Statewide Services, Inc
PO Box 5555
Madison, WI 53705-0555
Office: 608-828-5503

Cc: Village of Allouez

Policy for Maintenance of Sewer Laterals and Water Services on Private Property

This policy applies to maintenance of sanitary sewer laterals, storm sewer laterals and water services; and the procedure for household sewer backups. Based on the Allouez Municipal Code 15.24 – Plumbing.

General Policy

1. The Village of Allouez is responsible for maintenance of mainline sewers and water mains in the roadway. The village provides scheduled sewer cleaning to ensure the sanitary sewer mains do not experience blockages.
2. The property owner is responsible to maintain the sanitary and storm laterals clear of grease, leaves, rags, tree roots and other foreign material from the sanitary and storm sewer in the roadway to the property owner's house/building. The property owner must use a sewer lateral service contractor for this maintenance. Routine maintenance of the entire lateral is the property owner's responsibility.
3. If a property owner experiences a basement sewer backup, the village cleans and inspects the main sewer in the roadway to ensure there is no sewer blockage. The village prepares a record of the basement backup event.
4. A defect or failure of a sanitary or storm lateral or a water service is defined as a broken pipe, a collapsed pipe, excessive root growth in the pipe, a break at the connection to the main sewer or at the private property connection to the village installed lateral. A water service failure is usually a leak in the service with water present on the ground or in a household sump pit.

Private Property Sewer Backup Procedure

1. If a sanitary or storm lateral backup or a water service leak occurs the property owner should immediately notify the village. Call the Water Department or the Public Works Department.
2. If a sanitary or storm lateral or water service backup or failure occurs, the property owner is encouraged to immediately contact their homeowners insurance for assistance with the basement cleanup and other costs.
3. If a basement sewer backup occurs, the property owner must contact a sewer lateral service contractor to have the sewer lateral cleaned and/or televised. The property owner/contractor must contact the village to make sure that a Village representative is present during the televising or provide a video tape of the televising to the village.

Responsibility for Sewer Lateral and Water Service Repairs

1. If a defect is discovered in the sanitary sewer or storm sewer lateral, the property owner must make necessary repairs utilizing a sewer lateral service contractor/excavator. It is the private property owner's responsibility to coordinate and complete the lateral repair. The property owner must inform the village of the schedule for the repair so the village can observe the repair and determine the responsibility for the repair cost.
2. If the defect or failure is within the street right of way (from the sewer main to the point of connection to the private lateral) the cost to repair including televising is a village cost. The property owner will be reimbursed for the cost.
3. If the defect or failure is at the point of connection to the lateral or in the service from the point of connection to the house/building, the repair cost is the property owner's including the televising cost. Failure of the point of connection to the lateral is considered a property owner cost because the connection was made by the property owner.
4. The same criteria apply to a water service lateral except that the point of connection is the water shutoff valve at the curb stop.
5. The point of connection of a lateral or water service is generally located between the back of curb and the street right of way property line. The exact location of the connection point may vary depending when the lateral was installed and other factors.