



DOPP #99

To: All Division Heads
From: David R. Warren, Director of Water Utilities
Date: May 31, 2007
Subject: Backwater Valves

I. Purpose:

One mission of the Wichita Water Utilities is to minimize the frequency of sewer backups into private property. Certain properties experience sewer backups because of the relative elevations of the sewer line and the basement floor, the slope of the sewer line or other characteristics that cannot be overcome through reasonable preventive maintenance or corrected through reasonable efforts at rehabilitation, redesign or reconstruction. Installation of backwater valves offers a cost-effective option for protecting such properties from sewer backups. This operating policy and procedure sets forth criteria for determining which properties are eligible for backwater valve installation at City expense.

II. Policy:

The Uniform Plumbing Code, adopted by the City of Wichita effective June 15, 1998, requires property owners to install backwater valves on sewer service lines to buildings in which the elevation of the lowest floor is lower than the elevation of the upstream sewer manhole rim. The Wichita Water Utilities will not install backwater valves at any property on which a drain was connected to the municipal sewer after June 15, 1998. Property owners will have responsibility for installing backwater valves at these properties.

The Wichita Water Utilities will install backwater valves, to the extent of available funds, on lines serving buildings in which all drains were connected to the municipal sewer before June 15, 1998 if any one of the following conditions is determined to exist after investigation by employees or agents of the Wichita Water Utilities:

1. The elevation of any drain or of the overflow rim of any fixture in the building is lower than the invert elevation in the first manhole upstream of the connection to the municipal sewer.

2. Wichita Water Utilities crews cannot clean the municipal sewer without creating a sewer overflow into the building with more force than can be contained by covering drains or fixtures with newspaper or cellophane. For this criterion, water bubbling or gurgling or spraying out of drains or fixtures does not constitute a sewer overflow.
3. Wichita Water Utilities stoppage and backup records objectively demonstrate to professionally trained Wichita Water Utilities staff that sewage enters the building from the municipal sewer when there is no stoppage or overtaxing in the municipal sewer.
4. In the objective opinion of professionally trained Wichita Water Utilities staff, stoppages have occurred in the line segment as a result of limitations created by terrain, and not because of roots, nor because of grease or other discharged materials, and not because of surcharging, and no other remedy exists to protect the property from sanitary sewer backups.

III. Procedure:

Each year Wichita Water Utilities staff will submit budget requests for installation of backwater valves at addresses identified as eligible and will install the devices in the budgetary year for which the budget request is approved.

Prior to the installation of a valve at any property, the property owner must sign the attached release to take responsibility for all maintenance, repair and replacement costs of the backwater valve and associated equipment, release the City of Wichita from liability for any failure or malfunction of the device and release the City of Wichita from liability for any future sewer backup at the described property. This release shall be recorded with the Register of Deeds and shall be an obligation running with the land, enforceable against subsequent holders of any interest in the described property.

RELEASE OF ALL CLAIMS

The undersigned, _____ being the owner(s) of property located at _____, Wichita, Sedgwick County, Kansas, with the following legal description:

in consideration of the City of Wichita Water and Sewer Utility hiring a licensed plumber to perform certain modifications at City expense, i.e, the installation of a backwater valve and related equipment, on the sewer lines located on said property and in consideration of the fact that said repair work is intended to prevent future sewer backups, agree to permit the employees and agents of the City of Wichita to enter upon their property for the purpose of doing such modification work, which entry is necessary because the facilities to be modified are located on the property. In addition, the undersigned owner(s) do hereby release the City of Wichita, Kansas, its employees and agents, from any and all liability for damage to property, both real and personal, which might occur as the result of a sewer backup after the completion of said modifications. The undersigned owner(s) agree that maintenance and any needed repair of the backwater valve and related equipment shall forever be the responsibility of the property owner, be it themselves or others. This release is a covenant that runs with the land, and is binding upon the undersigned owner(s), and all heirs and assigns, forever.

In witness whereof, we have set out hands this _____ day of _____, 2007.

Owner

Joint owner

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a notary public in and for the county and state aforesaid, came _____, a single person, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same for the purposes and consideration therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

Name of Notary Public

My appointment expires:

Recording Information

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

This instrument was filed for record on the _____ day of _____ 20__ at __M., and duly recorded in Book _____ of _____ on page _____ on payment of \$_____ fee.

Register of Deeds

In witness whereof, we have set out hands this _____ day of _____, 2007.

Owner

Joint owner

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a notary public in and for the county and state aforesaid, came _____ and _____, husband and wife, who are known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same for the purposes and consideration therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.

Name of Notary Public

My appointment expires:

Recording Information

STATE OF KANSAS)
) SS
COUNTY OF SEDGWICK)

This instrument was filed for record on the _____ day of _____ 20__ at __M., and duly recorded in Book _____ of _____ on page _____ on payment of \$_____ fee.

Register of Deeds