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Sutton v. Council Bluffs Water Works

Supreme Court of Iowa - May 19, 2023 - N.W.2d - 2023 WL 3555502

Homeowners brought action against city for strict liability and negligence, alleging that underground water main broke and that this water caused their house to settle, resulting in damage to its foundation, interior walls, garage floors, and doors.

The District Court denied city's motion to dismiss the strict liability claim, and city sought interlocutory appeal.

The Supreme Court held that:

- Municipal Tort Claims Act did not bar homeowners' strict liability claim against city, and
- Municipal Tort Claims Act's language defining "tort" as every civil wrong which results in wrongful death or injury embraces strict liability claims.

Municipal Tort Claims Act did not bar homeowners' strict liability claim against city for damages allegedly caused when underground water main broke and the water caused their house to settle, resulting in damage to its foundation, interior walls, garage floors, and doors; strict liability claims were "torts" for which parties could pursue claims under the Act, and sections of Act granting immunity to municipalities for tort claims based on claims of negligent design and construction of public facilities or failure to upgrade public facilities were not applicable since homeowners alleged no negligence in design and made no allegation of any failure by city to upgrade, improve, or alter any part of water distribution system to a new, changed, or altered design standard.

Municipal Tort Claims Act section granting immunity to municipalities for tort claims based on claims of failure to upgrade public improvements or facilities is not limited to negligence, and it bars claims based on an alleged failure to upgrade existing public facilities when a new-and-improved design standard emerges.

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