

City of Grant Sewer Backup Policy

Purpose: State of Michigan Public Act 222 of 2001, as amended, requires that the City establish a policy for the processing of claims made by property owners for injury or property damage from the backup or overflow of sewers into or onto their properties. This Policy is in compliance with the requirements as set forth in PA 222 of 2001, which is incorporated herein and attached hereto.

Responsibility: The City is responsible for a sewer backup if there is a blockage in the main line. The City does not own lateral lines or service leads. These are owned and are to be maintained by the property owner. (MCL 691.1416) Therefore, if there is a clog in any line that is not a main, it is the responsibility of the property owner. By State Law the City is immune from tort liability for overflow or backup of sewage disposal system unless the overflow or backup is a sewage disposal system event. Thus the City is only liable if the event is the result of a system wide problem involving the main lines or the treatment plant. (MCL 691.1417)

Valid Claims: Payment of a claim is not automatic. To have a valid claim, for which payment could be made, four conditions must be met:

1. There must be a defect in the design, construction, maintenance, operation or repair of the City's sewage collection or disposal system; and
2. The defect must have been the "substantial proximate cause" (50% or more) of the injury or damages; and
3. The City must have known, or should have reasonably known, about the defect; and
4. The City failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect.

Invalid Claims: The following are examples of a sewer system event that will likely result in the denial of any claims:

- Damages due to routine, one-time only plug in the City system (repeated damages due to a recurring plug might be eligible for payment.)
- Obstruction in a sewer lateral or lead that connects the property to the City's sewer main that was not caused by the City. **Maintenance of private sewer laterals is the responsibility of the property owner.**
- A connection to the City's sewer system on the affected property, including, but not limited to, a sump pump, building or foundation drain, surface drain, gutter or downspout.

Notifications: Property owners that experience a sewer backup or overflow and believe that the "substantial proximate cause" and liability rests with the City must meet the above four conditions for valid claims. They must also meet the following notification requirements to be eligible to receive any reimbursement for damages and other resulting expenses:

1. The claimant must immediately notify the City of a backup event and request a "Notice of Claim" packet.
 - a. If during normal business hours, Monday through Friday, contact the City Office at 231-834-7904.
 - b. If after regular business hours, or on holidays or weekends, call Newaygo County Central Dispatch Center (231-689-5288) which will contact the appropriate persons for the claimant.
2. The City shall then provide the claimant, in writing, the necessary formal notification requirements.
3. The claimant must provide the City with a written notice of the claim within forty-five (45) days after the overflow or backup was discovered or when in the exercise of reasonable diligence the backup or overflow should have been discovered.
4. Written notice by claimants must contain the information required by section 19(2)(c) of Act 222 of 2001 or recovery of damages may be barred.
5. A claim form stating the required information and a copy of Act 222 of 2001 may be obtained at the City Offices.
6. Claims should be mailed or delivered to:

Grant City Offices
280 S. Maple St.
P.O. Box 435
Grant, MI 49327

Questions: Contact the City Offices at 231-834-7904 or the DPW at 231-834-7462.

Adopted by the City of Grant City Commission at its regular meeting on November 19, 2007.

City of Grant

Notice of Claim Instructions

Claimant's name and address

Date

Dear Mr. and/or Mrs. _____:

On _____ you contacted the City of Grant to claim that on _____ you discovered that you had suffered property damage or personal injury as a result of a sewage disposal system event. Enclosed, please find the Notice of Claim form and instructions for your use.

Public Act 170 of 1964, as amended by Public Act 222 of 2001, requires that if you are seeking compensation for personal injury or property damage, you must show that the sewage disposal system had a defect; that an appropriate government agency knew, or reasonably should have known, about the defect; that the defect was not remedied by the governmental agency in a reasonable time; that the property damage or personal injury resulted because of the defect; and that you own and have related the value of the damaged personal property.

You are also required to comply with the notice requirements of the Act. Any claim you make must be made in writing within 45 days after the date the damage or physical injury was discovered. The written notice must contain your name, address, telephone number, the address of the affected property, the date of discovery of any property damages or physical injury, and a brief description of the claim. Please use the form enclosed to report your claim.

Please contact us immediately should you have further questions.

Sincerely,

Doug La Fave
City Manager

City of Grant Notice of Claim

In order to make a claim for damages or physical injury arising from a sewage disposal or storm water system event.

All claimants must provide the following information:

Name: _____

Date: _____

Address: _____

Telephone: _____

Address of property affected: _____

Please briefly describe the claim/event:

Date of discovery of property damages or physical injuries: _____

Please return to:
City of Grant
Attn: Doug La Fave
105 S. Front Street
PO Box 435
Grant, MI 49327

An individual that has been injured or has suffered property damage as a result of a sewage disposal event must provide written notice of the event within 45 days after the date the damage or injury was, or in exercise of reasonable diligence should have been discovered. Failure to provide proper notice will bar your claim.

Office use only	
Date received: _____	
Forwarded to: _____	Date: _____
Forwarded to: _____	Date: _____