



CITY OF ECORSE

SEWER BACKUP CLAIMS NOTICE

The State of Michigan enacted Public Act 222 of 2001 in January of 2002 which clarifies the conditions under which municipalities are liable for sewer backups. The Act sets standards to determine when and to what extent a municipality is liable for sewer backups and establishes a process that affected persons must follow to seek compensation when a backup occurs. **Please be advised; the City does not have the legal authority or obligation to repair a private sewer lead.**

Anyone making a claim for property damage or physical injury must show that the public sewage disposal system had a defect. Further, the person must show that the appropriate governmental agency knew, or reasonably should have known about the defect. Also, the person must show that the governmental agency, having the legal authority, did not take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect and that the property damage or personal injury resulted because of the defect. Finally, the defect must be 50% or more of the cause of the event and the property damage or physical injury. **The City of Ecorse will provide you with a claim form even though the City may not be responsible for your sewer backup problem.**

If you experience an overflow or backup of a sewage disposal system or storm water system, and intend to make a claim, you must file a written claim with the City of Ecorse Department of Public Works within 45 days after the overflow or backup is discovered. Claim forms are available from the City upon request. Claims must be delivered or mailed to the City of Ecorse Department Of Public Works, 3869 W. Jefferson Avenue, Ecorse, Michigan 48229-1701.

Failure to provide the required written claim notice information within the allotted time will prevent recovery of damages. If you are interested in receiving additional information or have questions concerning this law, please feel free to contact the Director of Public Works or the City Attorney of Ecorse.



City of Ecorse
3869 W. Jefferson Avenue
Ecorse, MI 48229

The City of Ecorse regrets that you experienced a flooded basement at your home. We strongly urge you to check with your homeowner's insurance company to see if coverage is provided for this incident.

Current Michigan Law MCL 691.1416-MCL 691.1419, as amended by Public Act 222 of 2001, requires that persons seeking compensation for personal injury or property damage must show that all of the following existed at the time of the event.

- The City of Ecorse at the time of the event owned or operated, or directly or indirectly discharged into, the portion of the sewage disposal system that allegedly caused damage or injury.
- The sewage disposal system of the City of Ecorse had a construction, design, maintenance, operation or repair defect.
- The City of Ecorse know, or in the exercise of reasonable diligence should have known about the defect and failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defect.
- The defect must be 50% or more of the cause of the event and the damage or injury.

I have attached the required claim forms to evaluate your claim and urge you to complete and return the forms with photos of the damage to Wanda Jones, DPW Clerk, at your earliest convenience. Upon receipt and review of the completed forms, photos and a review of the internal investigation of the incident, a response will be provided to your claim.

Sincerely,
Kevin Lawrence
Director, DPW

HOW CAN YOU REDUCE YOUR SEWER BACKUP PROBLEMS?

There is no perfect answer and there are no guarantees!

Home Maintenance:

1. Stop putting grease down the drain
2. Repair the gutters
3. Fill around basement
4. Extend down spouts
5. If water proofing has failed, re-apply water proofing

Construction:

1. Install inline back flow preventers
2. Install stand pipes
3. Install floor drain plugs
4. Install sump pumps
5. Install ejector pumps

DISCLAIMER

All views and opinions expressed by any representative of the City of Ecorse regarding remedies to reduce sewer backup problems, including any construction and/or the installation of equipment are suggestions only. Not every sewer backup problem is the same! The City of Ecorse strongly recommends that before you spend any money on a remedy, you should call a professional sewer contractor to come look at the problem and work with you to determine what solution might best work for your situation. Be sure to ask your contractor for additional remedies including other cost savings measures that will work best for your particular circumstance.



City of Ecorse

NOTICE OF CLAIM FORM

Print All Information & Use Additional Paper If Needed

CLAIMANT NAME: _____
ADDRESS: _____
HOME TELEPHONE: _____
OFFICE TELEPHONE: _____
DATE: _____

INSTRUCTIONS: In order to make a claim for damages or physical injury arising from a sewage disposal or storm water system event, you must submit a **NOTICE OF CLAIM PACKAGE** which includes providing the City of Ecorse with all information requested in this **NOTICE OF CLAIM**. Please review the document entitled, **SEWER BACKUP CLAIMS NOTICE**, which identifies the Michigan law that clarifies the conditions under which municipalities are liable for sewer backups. Therefore, please provide detailed responses to each question. Print clearly or type your responses. Use as many additional sheets of paper as is needed. All pictures submitted to support your Claim must have the following information printed neatly on the back: Who took the picture; the Date on which the picture was taken; and a phrase that describes what you believe each picture shows. The City will not be responsible for the return of any pictures submitted with your Claim. Your **NOTICE OF CLAIM PACKAGE** must be submitted no later than 45 days from the date of the incident.

1. Address of Incident: _____

2. Date / Time / Room Location of Incident: _____

3. Describe What Happened. _____

a) Please provide pictures of all areas affected by this incident.

4. Date(s) and Time(s) you notified City of the incident. _____

a) Please identify the City employee with whom you spoke each time. _____

5. Date of Discovery of Property Damages or Physical Injury: _____

6. Date you contacted your Insurance Company. Please provide the name, address & telephone number of your insurance company. _____

7. Is this the first time the basement flooded? _____

a. If you answer to number 7 is no, please provide the following:

- i. The date of each previous occasion on which the basement flooded;
- ii. What actions were taken to prevent further flooding;
- iii. Who, if anyone, did you notify?

8. Please identify what you believe to be the defect in the sewer system that caused this incident.

a) Explain why you believe the City did not take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect. _____

9. If you are claiming that your property, including personal property was damaged as a result of the incident, list EACH item you are claiming was damaged and provide the following information for EACH item claimed. Attach additional pages as needed:

- a) Name & describe the item claimed
- b) Who is the owner of the item? Please provide documentation demonstrating ownership.
- c) Describe in detail the damage to the item
- d) Please provide a picture showing the item & the claimed damage
- e) In your opinion, what was the present day value of the item
- f) Provide Documentation of the Item's Value

Item 1

a) Name/Describe Item _____
b) Who is the Owner/Provide Documentation of Ownership _____
c) Describe in Detail the Damage to the Item _____
d) Provide pictures of Item and Claimed Damage _____
e) What was the Present Day Value of the Item _____
f) Provide Documentation of the Item's Value _____

Item 2

a) Name/Describe Item _____
b) Who is the Owner/Provide Documentation of Ownership _____
c) Describe in Detail the Damage to the Item _____
d) Provide pictures of Item and Claimed Damage _____
e) What was the Present Day Value of the Item _____
f) Provide Documentation of the Item's Value _____

Item 3

a) Name/Describe Item _____
b) Who is the Owner/Provide Documentation of Ownership _____
c) Describe in Detail the Damage to the Item _____
d) Provide pictures of Item and Claimed Damage _____
e) What was the Present Day Value of the Item _____
f) Provide Documentation of the Item's Value _____

Item 4

<p>a) Name/Describe Item _____</p> <p>b) Who is the Owner/Provide Documentation of Ownership _____</p> <p>c) Describe in Detail the Damage to the Item _____</p> <p>d) Provide pictures of Item and Claimed Damage _____</p> <p>e) What was the Present Day Value of the Item _____</p> <p>f) Provide Documentation of the Item's Value _____</p>

(Attach additional pages as needed)

10. If there are witnesses (i.e. a contractor) to the defect and/or the incident, please provide complete contact information and a statement of what you believe each witness can tell us about the matter. Be sure to include the following:

a.) Contractor's Name _____

b.) Address _____

c.) Phone Number _____

d.) Any statements made to the homeowner relative to this claim:

11. Please provide any other documentation with your CLAIM FORM PACKAGE that you believe will assist the City of Ecorse in properly evaluating your claim under the provisions of Public Act 170 of 1964 as amended by Public Act 222 of 2001.

I acknowledge that all the information provided to the City of Ecorse as part of this Notice of Claim Form Package has been provided by the individual who has been identified in this form as the "CLAIMANT" and has signed below as the CLAIMANT before a Notary Public. With my signature I further assert that all statements that I have made to the City of Ecorse as part of this CLAIM FORM PACKAGE are the whole truth to the best of my knowledge.

CLAIMANT SIGNATURE: _____

Subscribed and sworn before me,
On this ____ day of _____, 2019

_____, Notary Public
In and For _____ County, Michigan
My commission expires: _____