

City of Crystal Falls, Michigan

Sewer Backup Policy

SUBJECT: SEWER BACKUP

PURPOSE:

The following procedure will be used when a sewer backup call comes in from a City resident.

POLICY:

A Department of Public Works (DPW) representative will determine if the sewer backup occurred due to a faulty City sewer main line or if the sewer backup occurred due to a faulty sewer lateral line by looking in the City's sewer manholes upstream and downstream of the sewer backup. If the observation shows that the sewer backup is a result of a faulty sewer lateral line, the resident will be notified by the DPW representative that the resident is responsible for any remedial action that is needed to clean their sewer lateral line. The resident is responsible for the sewer lateral line from their residence to the connection of the sewer lateral line to the City's sewer main line. City staff will not recommend any plumber or drain service to the property owner. If the observation shows that the sewer backup is a result of the City's sewer main line, the City's sewer main line will be cleaned. The DPW representative will offer no opinion to the resident as to the city's responsibility/liability in regards to the backup. DPW representatives will advise property owners of PA 222 of 2001 and will direct them to the City's website – www.crystalfalls.org – for more information on filing a claim. Immediately following the sewer backup call, the DPW representative shall file with the City Manager a report of the incident.

All sewer backup claims will be filed with the City's insurance company – no monetary compensation shall be paid to the property owner directly from the City of Crystal Falls.

All claims will be reviewed by the insurance company under PA 222 of 2001 and all determinations of claim will be made solely by the City's insurance provider. **The filing of a claim does not guarantee reimbursement.**

Michigan Public Act 222 of 2001:

In 2001, the State of Michigan adopted Public Act 222 of 2001, known as sewer backup legislation. The legislation clarifies when municipalities are liable for sewer backups, sets standards to determine the extent to which a municipality is liable for sewer backups, and established a process to seek compensation when a backup occurs.

Persons making a claim for property damage or physical injury must prove that the public sewer had a defect. In addition, it must be proven that the governmental agency knew, or in the exercise of reasonable diligence, should have known about the defect, and that the governmental agency, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect.

If a property owner experiences an overflow or backup of a sewage disposal system or storm water system, they must file a written claim with the City of Crystal Falls within 45 days after the overflow or backup is discovered. Notice should be mailed to the City of Crystal Falls, 401 Superior Avenue, Crystal Falls, Michigan 49920.. Claim forms may be obtained by calling the City of Crystal Falls offices at (906) 875-3212, extension 101.

When presenting a written claim, property owners will be required to provide the following items: 1. Copies of receipts for cleaning costs, plumbing bills, or other bills. 2. List of the damaged items and receipts to prove the ages of your items. Reimbursement for the Actual Cash Value of damaged items is the maximum amount payable. 3. Photographic evidence of anything claimed to have been damaged due to the sewer backup.

ADOPTED BY THE CRYSTAL FALLS CITY COUNCIL ON March 13, 2017..