

Village of Fowlerville
213 S. Grand Avenue
Fowlerville, Michigan 48836
Phone (517) 223-3771 Fax (517) 223-7435
www.fowlerville.org



Sewage Disposal or Storm Water System Event

Resident Letter to:

Property Owner Name: _____

Address of Event: _____

Dear Citizen:

The Village of Fowlerville regrets that you have experienced a sewer disposal or storm water system event. We strongly urge that you check with your homeowner's insurance policy to see if coverage is provided.

It is the property owners' responsibility to use the reasonable precautions to preserve and protect the damaged property and take all necessary steps to reduce further damage. If you feel a health hazard exists, enclosed is written material to use as a guide in dealing with certain items.

Current Michigan Law Public Act 170 of 1964, 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 Village of Fowlerville 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 Village of Fowlerville had a construction, design, maintenance, operation or repair defect.
- The Village of Fowlerville knew, 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.

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

The Village of Fowlerville field employees are not permitted to authorize repairs, clean-up or replacement of damaged items. All authorizations must be made by the designated officials of the Village of Fowlerville. Representatives can be contacted at 517-223-3771 between the hours of 8:00 am and 5:00 pm.

If the Village of Fowlerville responsibility is established, all claims will be adjusted on an “actual cash value” basis. Actual Cash Value is defined as the cost to repair or replace damaged items, less depreciation. The age, condition and remaining useful life of the damaged property are considered in the valuation procedure.

Please contact the Village of Fowlerville should you have any further questions.

Sincerely,

Village of Fowlerville

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VILLAGE OF FOWLERVILLE
SEWAGE DISPOSAL OR STORM WATER SYSTEM EVENT

Notice of Claim

The Notice of Claim form must be completed in full, and filed with the Village of Fowlerville, who you wish to make a claim for property damage of physical injury resulting from a sewage disposal or storm water system event. Michigan law requires that you file this written notification within 45 days after the damage or physical injury was discovered, or in the exercise of reasonable diligence should have been discovered. If you fail to file your Notice of Claim timely, your claim will be denied.

Name: _____

Address: _____

Phone #: _____

Date of Loss: _____ Date Loss Discovered: _____

Address of Damage Property: _____

Owner of Damaged Property: _____

Description of Sewer Backup: _____

Description of Damage to Building and/or Personal Property: _____

Description of any Personal Injuries: _____

Return this form to: **Village of Fowlerville 213 South Grand Ave. Fowlerville, MI 48836**

Village of Fowlerville Sewer Back-Up Policy

Adopted by the Fowlerville Village Council on: September 22, 2014

FOR A SEWER EMERGENCY, DISCONTINUE HOUSEHOLD WATER USE AND

CALL 517-223-3771 during 8:00 a.m. to 5:00 p.m., Monday through Friday.

During holidays, evenings or weekend hours call 517-712-2478.

New Provisions of the Governmental Immunity Act

The Village of Fowlerville makes every effort to be responsive to citizens needs when the unfortunate situation of a sewer backup occurs. Unfortunately, each case has its own unique set of circumstances which may affect any type of claim settlement that could ensue.

To aid you in understanding the complexities of liability in sewer damage claims, the following information is supplied:

- The Municipality is not automatically liable for resulting damages whenever a sewer backs up. It is only liable for those damages if the backup was caused proximately by negligence on the part of the Municipality.
- Many homeowners' insurance policies exclude damage resulting from sewer backups. Thus, homeowners often end up looking to the Municipality to pay their damages when their own homeowner's insurer denies their claim.
- Some homeowner's insurance companies do provide sewer backup coverage. Therefore, it is possible for homeowners to protect themselves against this risk.
- Michigan courts have made it clear that the Municipality does not and cannot guarantee that its sewers will never back up.

Because a sewer is not a closed system, many things put into the sewer can clog the system. Large amounts of grease and disposable diapers are two common items that cause problems. While municipalities can adopt rules prohibiting dumping of these items into the sewer and can try to educate the public about the problems they cause, there is really no way they can absolutely prevent this from happening. Other factors can cause backups as well. Tree roots can grow into and obstruct the system and overload it.

The courts have made it clear that the municipality is liable for sewer backup damages only if the municipality's negligence caused the damage. There are four basic questions the courts look at in deciding this issue. The municipality is liable if the answer to all four is yes.

- Was there a defect in the municipality's sewer line?
- Did the municipality know or should it have reasonably known, about the defect?
- Did the municipality fail to correct the defect within a reasonable time after learning of it?
- Did that failure by the municipality cause both the event and damages?

If the municipality exercises reasonable care in inspecting and maintaining its sewer lines, and if it responds to problems in a reasonable manner and time, it is not liable when sewer backups occur.

In order to comply with the requirements of The State of Michigan Public Act 222, if you experience an overflow or backup of a sewage disposal system, you must file a written claim with the Village of Fowlerville, within 45 days after the overflow or backup was discovered. Notice should be mailed to the Village of Fowlerville, 213 South Grand Avenue, Fowlerville, MI 48836.

Failure to provide notice will prevent recovery of damages. Contact the Village of Fowlerville at 517-223-3771 during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday or 517-712-2478 after hours, immediately upon discovery of an overflow or backup.

Using these legal guidelines, the Village of Fowlerville has established general common sense procedures dealing with sewer backups. If you do experience damages due to a sewer backup and wish to present a claim, please contact The Village of Fowlerville at 517-223-3771 for additional information. We will review all of the claim information and do our best to achieve a reasonable outcome.

THE FILING OF A CLAIM DOES NOT GUARANTEE ANY PAYMENT WILL BE FORTHCOMING, UNLESS LIABILITY IS DETERMINED.

To present a claim, you will be **required** to provide the following items:

- Copies of receipts for cleaning costs, plumbing bills or other bills.
- List of damaged items and receipts to prove the ages of your items.
- Please make an attempt to provide pictures if possible, of anything you wish to claim that was damaged due to the sewer backup.

If you do not provide sufficient detail to support your claim, the items will lose much of their value.

Reimbursement for the Actual Cash Value of damaged items is the maximum amount payable.