



**CHARTER TOWNSHIP OF UNION
PROCEDURE FOR THE
PROCESSING OF SEWER BACKUP CLAIMS**

Purpose: State of Michigan Public Act 222 of 2001, as amended, requires that the Township 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.

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 Township'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 Township must have known, or should have reasonably known, about the defect; and
4. The Township 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 a routine, one-time only plug in the Township 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 Township's sewer main that was not caused by the Township. Maintenance of private sewer laterals is the responsibility of the property owner.
- A connection to the Township's sanitary sewer system on the affected property, including, but not limited to, a sump system, floor drains, 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 Township 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 Township of a backup event and request a "Notice of Claim" packet.
 - a. If between 8:30 AM and 4:30 PM, Monday through Friday, contact Township Public Services Department at 989-772-4600 ext. 224 or on our website at www.uniontownshipmi.com.
 - b. If after the above regular business hours, or on holidays or weekends, call the Charter Township of Union at 989-772-4600. If no answer, the voicemail system will direct the claimant on how to connect with the 24-hour emergency number which is 989-772-6921, which will contact the appropriate persons for the claimant.

Charter Township Of Union



2. The Township shall then provide the claimant the necessary formal notification requirements.
3. The claimant must provide the Township 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 may be obtained on the Township's website as follows:
<http://www.uniontownshipmi.com/Departments/PublicServicesDepartment/SewerBackupClaimsNotice.aspx>.
6. Claims should be mailed or delivered to:
Kim Smith – Public Services Director
2010 South Lincoln Road
Mt. Pleasant MI 48858
ksmith@uniontownshipmi.com

Required Claims

Documentation: In order to facilitate faster reviews of claims, the claimant should:

- Document by photograph or video all damage that is alleged.
- Retain all records and receipts of any clean-up costs.
- If any of the damaged property is personal property, the claimant must locate all records of damaged items that can document the item description, reasonable proof of ownership, age, original purchase price and today's replacement cost.

Claims

Processing:

Upon receipt of the claimant's written notice of claim by the Township:

1. The Township will notify its liability insurance carrier of the claim.
2. The Township and/or its insurance carrier's representatives will inspect the damage to property or investigate any physical injury.
3. The Township's insurance carrier will make its determination of liability and its analysis of value and report them to the Township.
4. The insurance carrier will contact the claimant and either pay the claim, negotiate a settlement of the claim, or deny the claim.

Questions:

Any questions about the process should be directed to Kim Smith Public Services Director at 989-772-4600 ext. 224 or ksmith@uniontownshipmi.com.