

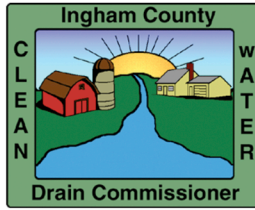
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INFORMATION FROM PATRICK E. LINDEMANN ABOUT...

PUBLIC ACT 222 OF 2001 GOVERNMENTAL LIABILITY FOR SEWAGE DISPOSAL SYSTEM EVENTS

In 2001, the Michigan Legislature passed PA 222, which allows suit against the government for damages caused due to a “sewage disposal system event.” Such events include STORM SEWER events.

DEFINITIONS

The following are definitions for the terms used in the statute (MCL 691.1416 to 691.1419):

APPROPRIATE GOVERNMENTAL AGENCY

A governmental agency that, at the time of a sewage disposal system event, owned or operated, or directly or indirectly discharged into, the portion of the sewage disposal system that allegedly caused damage or physical injury.

The Ingham County Drain Commissioner operates STORM SEWERS and STORM WATER DRAIN SYSTEMS. IF YOU HAVE A SANITARY SEWER CLAIM, THE DRAIN COMMISSIONER IS NOT THE “APPROPRIATE GOVERNMENTAL AGENCY.”

SEWAGE DISPOSAL SYSTEM

All interceptor sewers, storm sewers, sanitary sewers, combined sanitary and storm sewers, sewage treatment plants, and all other plants, works instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage and industrial wastes, and includes a storm water drain system under the jurisdiction and control of a governmental agency.

SEWAGE DISPOSAL SYSTEM EVENT

Is defined by the statute as: The overflow or backup of a sewage disposal system onto real property. An overflow or backup is not a sewage disposal system event if any of the following was a substantial proximate cause:

- Obstruction in a service lead not caused by a governmental agency.
- Sump pump system, building drain, surface drain, gutter or downspout connected to the sewage disposal system.
- Act of war or terrorism

RECEIPT:

Received:

_____ Information
_____ Claim form

Signed: _____
Name

Date: _____

Address

NOTICE REQUIREMENTS

If you experience a “sewage disposal system event” you **must** file a claim in writing to the governmental agency within **45 days** of your discovery of an event. The claim must include:

- Your name, address and phone number
- Date of discovery of any property damages or physical injuries
- A brief description of the claim

Please note that failure to file a written claim within 45 days may waive your right to further action.

CLAIM REQUIREMENTS

A claimant may seek compensation for property damage or personal injury by showing **all** of the following existed at the time of the event:

- The governmental agency was an appropriate governmental agency
- The sewage disposal system had a defect
- The governmental agency knew, or in the existence of reasonable diligence, should have known about the defect
- The governmental agency, having the legal authority to do so, failed to take reasonable steps to remedy the defect in a reasonable time
- The defect was a substantial proximate cause of the event and the property damage or physical injury

DAMAGES

Recovery is limited to economic damages caused by an event unless there is a claim for death, serious impairment of body function or permanent serious disfigurement.

If any damaged property is personal property, claimant must show reasonable proof of ownership and value of the damaged property. Proof may include testimony, records of purchase price, value or photographic or similar evidence of value.