

## **Public Act 222: Sewer Back-up Legislation**

The State of Michigan passed a new law, Act 222 of Public Acts of 2001, which clarifies the conditions under which municipalities are liable for sewer backups. The Act sets standards to determine the extent to which a municipality is liable for backups and establishes a process that affected persons must follow to seek compensation when a backup occurs. The Township does not have legal authority or obligation to repair a private sewer lead.

Anyone making a claim for property damage or physical injury must prove that the public sewer had a defect. Further, the person must prove that the governmental agency knew, or in the exercise of reasonable diligence, should have known about the defect. Also, it must be proven that the governmental agency having the legal authority did not take the reasonable steps in a reasonable amount of time to repair, correct or remedy the defect. Finally, the defect must be 50% or more of the cause of the event and the property damage or physical injury.

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 Clawson City Clerk within 45 days after the overflow or backup is discovered. Claims must be mailed to the City of Clawson, G. Machele Kukuk, City Clerk, 425 N. Main Street, Clawson, MI 48017.

Failure to provide the required written claim within the allotted time will prevent recovery of damages.