

## **Resident Letter: Sewage Disposal or Storm Water System Event**

Dear Citizen:

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

It is the property owner's responsibility to use reasonable precautions to preserve and protect the damaged property and take all necessary steps to reduce further damage.

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 City of Escanaba 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 City of Escanaba had a construction, design, maintenance, operation, or repair defect.
- The City of Escanaba 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 was 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 the discovery of any property damage or physical injury, and brief description of the claim. Please use the attached form to report your claim.

City of Escanaba 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 City of Escanaba. Representatives can be contacted at 786-1301 between the hours of 7 am and 4pm, Monday through Friday.

If the City's 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 the damaged items, less depreciation. The



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age, condition and remaining useful life of the damaged property are considered in the valuation procedure.

## Legal Notice

Due to the recent enactment of the new Michigan State Law, Public Act Number 222, all Michigan municipalities with a sanitary and/or storm water collection system are required to post the following message:

In order to be eligible to collect damages, any citizen having experienced an overflow or backup of the City owned sanitary sewer or storm water systems, must file a written claim with the City of Escanaba. The claim must be submitted within 45 days after the overflow or backup was discovered or in the exercise of reasonable diligence should have been discovered. The claim should be mailed to:

**Jeff Lampi**  
**PO Box 948**  
**Escanaba, MI 49829**

Contact the Escanaba Wastewater Department at 1900 Willow Creek Road, Escanaba, MI 49829: Phone Number 906-786-1301 immediately upon discovery of an overflow or backup. If no answer, please call Public Safety at 786-5911.

Please contact the City of Escanaba should you have any further questions.

Sincerely,



Jeff Lampi, Superintendent  
Escanaba Wastewater Department  
[JLamp@escanaba.org](mailto:JLamp@escanaba.org)  
906-786-1301



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