

Public Act 222 of 2001 (MCL 691.1416 to 691.1419) was enacted into law to provide an exception to a government's immunity from liability. The Act creates liability for governmental agency where damages are caused due to a "sewage disposal system event," which in general terms is an overflow or backup of a sewage disposal system onto real property.

I. 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 the following:

- your name, address and phone number
- the address of affected property
- the date any property damages or physical injuries were discovered; and
- a brief description of the claim

You will find an available claim form on our website. You can print this claim form and file the claim with the Saginaw Public Works Commissioner within 45 days of your discovery of an event where you believe that the Saginaw County Public Works Commissioner's Office is the appropriate governmental agency. Please note that failure to file a written claim within 45 days may waive your right to further action.

II. 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 government agency
- the sewage disposal system had a defect
- the governmental agency knew, or in the exercise 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 property damage or physical injury

III. 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, appraisals, photographic or similar evidence of value.

IV. Definitions

For familiarity and understanding of the information provided above, Public Act 222 of 2001 uses certain terms that can be reviewed in MCL 691.1416. The most relevant terms are provided below:

“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.

“Claimant”: (1) a property owner that believes a “sewage disposal system event” caused damage to the owner’s property; (2) a physically injured individual who believes a “sewage disposal system event” caused the physical injury or (3) a person making the claim on behalf of a property owner or physically injured individual.

“Sewage Disposal System Event”: 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:

- (i) An obstruction in a service lead not caused by the governmental agency
- (ii) A sump system, building drain, surface drain, gutter or downspout connected to the sewage disposal system
- (iii) An act of war or terrorism

“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.

V. Contact Us

If you experience a “Sewage Disposal System Event” please contact the Office of the Saginaw Public Works Commissioner listed below to file a claim. The Saginaw Public Works Commissioner will have the opportunity to inspect the affected property and request additional information from the claimant.

Brian J. Wendling
Saginaw Public Works Commissioner
111 S. Michigan Ave.
Saginaw, MI 48602
Phone: (989) 790-5258