

What you should do if you have a sewage back-up

If you have a back-up of sewage or suspect a back-up, you will need to immediately call the wastewater plant (428-1757) first and plant personnel will inspect the sewer main. If no one can be reached at the plant, call 911. We must first inspect the sewer main to see if it is flowing properly then a drain cleaning service should be called if the problem is in the property owner's lateral. The City is not automatically liable for resulting damages or lateral cleaning whenever a sewer backs up. It is only liable for those damages if the back-up was caused by negligence on the part of the city. Michigan courts have made it clear that the City does not and cannot guarantee that its sewers will never back up.

The courts have stated that the City is liable for sewer backup damages only if the City's negligence caused the damage. There are four basic questions the court look at in deciding this issue. The City is liable if the answer to all four questions is yes.

1. Was there a defect in the City's sewer line?
2. Did the city know or should it have known, about the defect?
3. Did the City fail to correct the defect within a reasonable time after learning of it?
4. Did that failure by the City cause damages?

If the City exercises reasonable care in inspection and maintaining its sewer lines, and if it responds to problems in a reasonable manner in time, it is not liable when sewer backups occur.

If you believe the answer is yes to all 4 of the questions listed above, then you should then contact city hall and proceed with filing a claim.