

CITY OF STOUGHTON CLAIMS POLICY

The City of Stoughton implements appropriate and routine maintenance for its streets, sidewalks, trees, storm water and sewer systems, electrical, water and wastewater utilities, and other City infrastructure and services. These maintenance programs address situations requiring attention on a regular, on-going basis, and are based upon the diligent exercise of judgment by the City. Reasonable municipal fiscal considerations and the City's fiduciary responsibility to all taxpayers make it impossible to maintain all streets, sidewalks, trees, sewer lines, etc., in a perfect condition at all times. These considerations also make it impractical to repeatedly make reimbursement to individual citizens based on claims for which the City is not legally liable.

Wisconsin statutes and case law recognize these public policy principles, and accordingly municipalities are held to a standard of "reasonableness" rather than one of perfection, and are afforded immunity from claims which result from discretionary acts or decisions.

Therefore, it shall be the policy of the City of Stoughton routinely to deny claims made against the City or its insurer for slips and falls, wet basements, storm damage from falling trees or limbs, electrical outages, and other similar incidents, after consultation with the City's insurer and consideration of its recommendations. Exceptions to this policy will be considered only in cases where it is factually demonstrated to the satisfaction of the City Council that City of Stoughton policies and procedures are negligent, were not adhered to, or in some way were not in keeping with normally accepted municipal maintenance programs.

ADOPTED BY THE COMMON COUNCIL: July 27, 1999

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