

SPRING LAKE TOWNSHIP

PROCEDURES FOR  
SEWAGE BACK-UP AND OVERFLOW  
EVENTS

*As defined and limited under PA 170 of 1964, as amended by PA 222 of 2001:*

1. In order for a property owner to claim compensation for damages resulting from a sewage backup or overflow event, PA 170 of 1964, as amended by PA 222 of 2001, requires the claimant to show that all of the following existed at the time of the sewage backup event:
  - The governmental agency was an appropriate governmental 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 in a reasonable amount of time to repair, correct, or remedy the defect.
  - The defect was a substantial proximate cause of the event and the property damage or physical injury.
2. Upon receipt of the initial report of a sewer system emergency or failure, DPW personnel shall respond to the call, inspect the site and fill out a "Sewer Backup Form" and submit it to the Utilities Director within 48-hours of responding to sewer emergency call. The inspection and report of the damage shall be conducted by the DPW staff to determine the cause of the sewage backup and/or equipment failure.
3. The property owner may verbally report any sewage backup damages to the Utilities Director within 3 days of the event. All backup damage claims must be submitted to the Township in writing within 45 days after the date the damage was discovered. Failure to provide proper notice will bar property owner claims under 1964 PA 170/Act No. 222, Public Acts of 2001.
4. Upon receipt of the DPW report, the Utilities Director shall provide the property owner with the *Sewer Backup Information Cover Letter* along with the two-page form titled "Inventory of Damages" and the form titled "Notice of Claim" that must be submitted to the Township within 45 days of the date the damage was discovered.
5. Once the property owner has submitted its Inventory of Damages and Notice of Claim forms, and the DPW staff has completed its investigation and full report, the Utilities Director shall forward all documentation to the Township Manager for their review and consideration by the township's insurer.
6. If the Township Manager and the township's insurer determine that the Township is responsible for damages, the owner may be reimbursed in an amount determined appropriate by the insurer.