

TOWN COUNCIL
TOWN OF DAYTON, INDIANA
ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE SECTION 53.35,
CREDIT ON SEWAGE FOR NEW HOMES**

WHEREAS, Indiana Code § 36-1-3-4 provides a municipality all powers necessary to conduct its affairs, even if not expressly granted by statute;

WHEREAS, the Town of Dayton, Indiana, (hereinafter the “Town”) adopted § 53.35 “Credit on Sewage for New Homes” in Ordinance No. 05-13 on November 7, 2005;

WHEREAS, the Town Council of the Town of Dayton, Indiana (hereinafter the “Council”) believes it is in the best interest of the Town to amend § 53.35 to revise the credit description to clarify how the credit amount is determined.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, AS FOLLOWS:

1. The Town of Dayton, Indiana, Code of Ordinances is hereby amended by amending § 53.35 as follows:

§ 53.35 WASTEWATER CREDIT FOR SUMMER MONTHS

(A) For the first summer of the occupancy of a newly constructed home, a utility customer may petition the Town Council by submitting a form to the Utility Clerk for a wastewater credit for wastewater usage for the months of June, July, and August as a result of increased water costs for the watering of lawns only.

(B) Any utility customer may petition the Town Council by submitting a form to the Utility Clerk for a wastewater credit one (1) time for the wastewater usage for each month during the months of June, July, and August as a result of increased cost for watering lawns and gardens, filling of swimming pools, use of sprinklers, and similar summer activities.

(C) The credits described in (A) and (B) above will be based on the average use of water for the preceding three (3) months of non-credited use. Should a utility customer fail to have three (3) months of non-credited use preceding the request for the credit, the credit shall be calculated by averaging the three (3) months of non-credited use following the month for which the credit is requested.

(D) For June, July, and August 2023, petitions for wastewater credits must be made by December 31, 2023, or such credits shall no longer be available. Beginning January 1, 2024, and thereafter, petitions for wastewater credits must be made by the first (1st) day following the month after receipt of the utility bill for the month of usage. For example, if a credit is requested

for the month of June's usage, and the utility bill which includes the month of June's usage arrives in July, a petition must be made by August 1.

(E) If a utility customer obtains a portable meter from the Town and completes a metered fill of a swimming pool or hot tub, the utility customer may petition the Town Council by submitting a form to the Utility Clerk for a wastewater credit corresponding to such water usage at any time such metered fill is completed.

(F) If a utility customer believes he or she has had a leak whereby water was used but such water was not deposited in the sanitary sewer, a utility customer may petition the Utility Service Board for a wastewater credit. Such credits shall be provided on a case-by-case basis. Evidence that such leak existed, including but not limited to: evaluation by the utility supervisor, evidence of contractor payments for repairs, etc. may be provided to substantiate the petition. The provision of a credit shall be at the sole discretion of the Utility Service Board.

(G) No other wastewater credits shall be granted.

2. This amendatory ordinance shall be effective upon its passage.

Adopted _____, 2023.

**TOWN COUNCIL OF THE TOWN OF
DAYTON, INDIANA**

President

Member

Member

Member

Member

ATTEST:

Clerk-Treasurer