

TOWN COUNCIL
TOWN OF DAYTON, INDIANA

ORDINANCE NO. 2024-12

AN ORDINANCE AMENDING THE SEWER
RATES TO ESTABLISH A REVISED FEE SCHEDULE

WHEREAS, the Town Council of the Town of Dayton, Indiana, (hereinafter the "Council") has general supervisory powers over the utilities provided for the Town of Dayton, Indiana (hereinafter the "Town");

WHEREAS, the Council, as part of its supervisory powers, establishes reasonable and just rates and charges for services to the patrons of the utilities;

WHEREAS, the Town owns and operates a municipal sewer utility (hereinafter the "Sewer Utility") which collects and treats wastewater;

WHEREAS, the Council previously adopted rates and charges for the Sewer Utility, with the most recent rates and charges adopted in Ordinance Number 2017-06, which was adopted on August 7, 2017;

WHEREAS, the Council has determined the current fee schedule for services associated with its Sewer Utility no longer adequately reflects the expenses incurred by the Council for the provision of each service;

WHEREAS, the Council has determined that, due to the inconsistencies between the actual expenses incurred and the current fee schedule, such fees are not reasonable and just and should therefore be amended;

WHEREAS, the Council determined it is necessary to amend the fees for the Sewer Utility as set out below which is incorporated herein and made a part hereof; and

WHEREAS, the Council has caused notice of a public hearing on the schedule of fees set forth herein to be duly advertised, posted, and mailed, and has held a public hearing thereon.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Dayton, Indiana, that Chapter 53 of the Town of Dayton, Indiana, Code of Ordinances hereby amended by revising the following provisions:

§ 53.27 SEWER CHARGES.

(A) *User classes.* Each recipient of municipal wastewater treatment services shall be either a residential user class or nonresidential user class. **RESIDENTIAL USERS** shall mean any recipient of municipal wastewater treatments services whose lot, parcel, real estate, or building is used for domestic dwelling purposes only. **NONRESIDENTIAL USERS** shall mean all other users of municipal wastewater treatment services.

(B) *Sewer charges and rates.* Sewer charges are as follows:

(1) *Residential users.*

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RR
MB
CP

ORIGINAL

- (a) Zero to 3,000 gallons, \$30.75 per month.
 - (b) Each additional 1,000 gallons or any part thereof shall be charged at the rate of \$9.93 per 1,000 gallons.
 - (2) *Nonresidential users.*
 - (a) Zero to 3,000 gallons, \$32.89 per month.
 - (b) Each additional 1,000 gallons or any part thereof shall be charged at the rate of \$10.65 per 1,000 gallons.
 - (3) *Nonmetered user.*
 - (a) The minimal monthly sewer charge for any nonmetered residential user shall be \$70.51. The minimum monthly sewer charge for any nonmetered nonresidential user will be determined by the Town Council.
 - (b) The user charges and debt service charges set forth in this section shall become effective upon the connection of the user to the sewerage system.
 - (c) *Computation of surcharge.* For those users whose wastewater has a greater strength than normal domestic usage, a surcharge in addition to the normal user charge will be collected. The surcharge for the operation and maintenance including replacement is:
 - (1) \$0.11 per pound B.O.D. in excess of 250 mg/l;
 - (2) \$0.11 per pound suspended solids in excess of 250 mg/l; and
 - (3) \$0.55 per pound ammonia in excess of 40 mg/l)
- (Prior Code §§51.03, 51.04) (Ord. 78-7, passed 05-15-1978; Ord. 82-1, passed 01-04-1982; Ord. 95-5, passed 07-24-1995; Ord. 01-13, passed 12-03-2001; Ord. 05-11, passed 08-01-2005; Ord. 06-10, passed 12-04-2006; Ord. 11-2012, passed 12-27-2012; Ord 2017-06, passed 08-07-2017).

BE IT FURTHER ORDAINED by the Town Council of the Town of Dayton, Indiana, that Chapter 53 of the Town of Dayton, Indiana, Code of Ordinances hereby amended by repealing the following provisions:

§ 53.28 INTERIM SEWER CHARGES.

REPEALED.

(Prior Code §§ 51.05, 51.06) (Ord. 78-7, passed 05-15-1978).

This ordinance shall be in full force and effect from and after its passage, in accordance with the laws of the State of Indiana.

APPROVED this 16 day of July, 2024.

Town of Dayton, Indiana

By: [Signature]
President

By: [Signature]
Member

By: [Signature]
Member

By: [Signature]
Member

[Handwritten initials and signatures: JC, MB, CPS, etc.]

By: [Signature] - Board President
Member

ATTEST: Budget Cadwallar
Clerk-Treasurer

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[Handwritten initials/signatures]

NOTICE OF PUBLIC HEARING ON PROPOSED SEWER UTILITY FEE SCHEDULES

Property owners, ratepayers, and other interested parties in or served or to be served by the wastewater infrastructure of the Town of Dayton, Indiana, (hereinafter the "Town") both inside the Town limits and outside the corporate bounds, are hereby notified that at its June 18, 2024, meeting, the Town Council of the Town of Dayton, Indiana, (hereinafter the "Council") introduced proposed Ordinance No. 2024-12 (hereinafter the "Ordinance"), which would adjust certain sewer fees for users of Town wastewater services both inside the Town limits and outside the corporate bounds. The Council will hold a public hearing on July 16, 2024, at 7:15 p.m. local time at the Town Hall, 721 Walnut Ave. Dayton, Indiana 47941, to receive public input on the Ordinance. The Ordinance establishes the rates and charges for the sewer utility and repeals a provision of the sewer ordinance. The proposed ordinance revision provides as follows:

§ 53.27 SEWER CHARGES.

(A) *User classes.* Each recipient of municipal wastewater treatment services shall be either a residential user class or nonresidential user class. **RESIDENTIAL USERS** shall mean any recipient of municipal wastewater treatments services whose lot, parcel, real estate, or building is used for domestic dwelling purposes only. **NONRESIDENTIAL USERS** shall mean all other users of municipal wastewater treatment services.

(B) *Sewer charges and rates.* Sewer charges are as follows:

(1) *Residential users.*

- (a) Zero to 3,000 gallons, \$30.75 per month.
- (b) Each additional 1,000 gallons or any part thereof shall be charged at the rate of \$9.93 per 1,000 gallons.

(2) *Nonresidential users.*

- (a) Zero to 3,000 gallons, \$32.89 per month.
- (b) Each additional 1,000 gallons or any part thereof shall be charged at the rate of \$10.65 per 1,000 gallons.

(3) *Nonmetered user.*

- (a) The minimal monthly sewer charge for any nonmetered residential user shall be \$70.51. The minimum monthly sewer charge for any nonmetered nonresidential user will be determined by the Town Council.
- (b) The user charges and debt service charge shall become effective upon the connection of the user to the sewerage system.
- (c) *Computation of surcharge.* For those users with a sewage strength greater than normal domestic usage, a surcharge shall be collected. The surcharge shall be based on the sewage strength as a greater than normal domestic usage and shall be collected in addition to the normal sewer charge.

- (1) \$0.11 per pound B.O.D. in excess of normal domestic usage
- (2) \$0.11 per pound suspended solid in excess of normal domestic usage
- (3) \$0.55 per pound ammonia in excess of normal domestic usage

(Prior Code §§51.03, 51.04) (Ord. 78-7, passed 05-15-1978; Ord. 82-1, passed 01-04-1982; Ord. 95-5, passed 07-24-1995; Ord. 01-13, passed 12-03-2001; Ord. 05-11, passed 08-01-2005; Ord. 06-10, passed 12-04-2006; Ord. 11-2012, passed 12-27-2012; Ord. 2017-06, passed 08-07-2017).

§ 53.28 INTERIM SEWER CHARGES.

REPEALED.

(Prior Code §§ 51.05, 51.06) (Ord. 78-7, passed 05-15-1978).

At the public hearing on July 16, 2024, any property owners, ratepayers, or anyone else interested in the proceedings may appear and be heard concerning the proposed fee schedules. The hearing may be adjourned if necessary. Following adoption of the Ordinance, users of the wastewater services for service located outside the Town's corporate boundaries may be entitled to petition the Indiana Utility Regulatory Commission under Indiana Code § 8-1.5-3-8.3 to review and adjust the rates and charges imposed on the users if a petition under Indiana Code § 8-1.5-3-8.2 or under Indiana Code § 36-9-23-26.1 with respect to the same rate ordinance has not been filed.

Complete copies of the Ordinance may be reviewed at the office of the Clerk-Treasurer, 721 Walnut Street, Dayton, Indiana 47941.

TOWN OF DAYTON, INDIANA
BRIDGET CADWALLADER, CLERK-TREASURER