



# Public Works Commission

## Application for Financial Assistance

IMPORTANT: Please consult "Instructions for Financial Assistance for Capital Infrastructure Projects" for guidance in completion of this form.

Applicant

Applicant: City of Dayton Subdivision Code: 113-21000

District Number: 4 County: Montgomery Date: 08/29/2022

Contact: Nick Dailey Phone: (937) 333-1839  
(The individual who will be available during business hours and who can best answer or coordinate the response to questions)

Email: nick.dailey@daytonohio.gov FAX: \_\_\_\_\_

Project

Project Name: Twin Tower Water Main Improvements Zip Code: 45410

Subdivision Type	Project Type	Funding Request Summary	
	<small>(Select single largest component by \$)</small>	<small>(Automatically populates from page 2)</small>	
<u>City</u>	1. Road	Total Project Cost:	<u>2,520,000</u> .00
	2. Bridge/Culvert	1. Grant:	<u>200,000</u> .00
	x 3. Water Supply	2. Loan:	<u>0</u> .00
	4. Wastewater	3. Loan Assistance/ Credit Enhancement:	<u>0</u> .00
	5. Solid Waste		
	6. Stormwater	Funding Requested:	<u>200,000</u> .00

### District Recommendation (To be completed by the District Committee)

Funding Type Requested	SCIP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<small>(Select one)</small>		
<input type="checkbox"/> State Capital Improvement Program	RLP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Local Transportation Improvement Program	Grant:	Amount: _____ .00
<input type="checkbox"/> Revolving Loan Program	LTIP:	Amount: _____ .00
<input type="checkbox"/> Small Government Program	Loan Assistance / Credit Enhancement:	Amount: _____ .00
District SG Priority: _____		

### For OPWC Use Only

STATUS	Grant Amount: _____ .00	Loan Type: <input type="checkbox"/> SCIP <input type="checkbox"/> RLP
Project Number: _____	Loan Amount: _____ .00	Date Construction End: _____
	Total Funding: _____ .00	Date Maturity: _____
Release Date: _____	Local Participation: _____ %	Rate: _____ %
OPWC Approval: _____	OPWC Participation: _____ %	Term: _____ Yrs

**1.0 Project Financial Information (All Costs Rounded to Nearest Dollar)**

**1.1 Project Estimated Costs**

**Engineering Services**

Preliminary / Final Design:	_____	<sup>0</sup>	.00	
Construction Administration:	_____	<sup>0</sup>	.00	
<b>Total Engineering Services:</b>		a.) _____	<sup>0</sup> .00	_____ %
<b>Right of Way:</b>		b.) _____	<sup>0</sup> .00	
<b>Construction:</b>		c.) _____	2,290,000 .00	
<b>Permits, Advertising, Legal:</b>		e.) _____	<sup>0</sup> .00	
<b>Construction Contingencies:</b>		f.) _____	230,000 .00	
<b>Total Estimated Costs:</b>		g.) _____	2,520,000 .00	

**1.2 Project Financial Resources**

**Local Resources**

Local In-Kind or Force Account:		a.) _____	<sup>0</sup> .00	
Local Revenues:		b.) _____	2,320,000 .00	
<b>Other Public Revenues:</b>				
Local / ODOT - Let:	_____	d.) _____	<sup>0</sup> .00	
ODOT PID:	_____			
OEPA / OWDA:		e.) _____	<sup>0</sup> .00	
CDBG:		f.) _____	.00	
Other:	_____	g.) _____	<sup>0</sup> .00	
<b>Subtotal Local Resources:</b>		i.) _____	2,320,000 .00	_____ 92.1 %

**OPWC Funds (Check all requested and enter Amount)**

Grant:	_____ <sup>100</sup> % of OPWC Funds	j.) _____	200,000 .00	
Loan:	_____ <sup>0</sup> % of OPWC Funds	k.) _____	<sup>0</sup> .00	_____ yrs
Loan Assistance / Credit Enhancement:		l.) _____	<sup>0</sup> .00	
<b>Subtotal OPWC Funds:</b>		m.) _____	200,000 .00	_____ 7.9 %
<b>Total Financial Resources:</b>		n.) _____	2,520,000 .00	_____ 100 %

### 1.3 Availability of Local Funds

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local resources required for the project will be available on or before the earliest date listed in the Project Schedule section. The OPWC Agreement will not be released until the local resources are certified. Failure to meet local share may result in termination of the project. Applicant needs to provide written confirmation for funds coming from other funding sources.

### 2.0 Repair / Replacement or New / Expansion

2.1 Total Portion of Project New / Expansion: \_\_\_\_\_<sup>0</sup>.00

### 3.0 Project Schedule

3.1 Engineering / Design / Right of Way      Begin Date: 01/03/2023      End Date: 05/31/2023

3.2 Bid Advertisement and Award              Begin Date: 06/01/2023      End Date: 07/31/2023

3.3 Construction                                      Begin Date: 08/01/2023      End Date: 08/30/2024

Construction cannot begin prior to release of executed Project Agreement and issuance of Notice to Proceed. Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by project official of record and approved by the Commission once the Project Agreement has been executed.

### 4.0 Project Information

If the project is multi-jurisdictional, information must be consolidated in this section.

#### 4.1 Useful Life / Cost Estimate / Age of Infrastructure

Project Useful Life: 40 Years      Age: 1900 (Year built or year of last major improvement)

*Attach Registered Professional Engineer's statement, with seal or stamp and signature confirming the project's useful life indicated above and detailed cost estimate.*

#### 4.2 User Information

Road or Bridge:      Current ADT \_\_\_\_\_      Year \_\_\_\_\_

Water / Wastewater: Based on monthly usage of 4,500 gallons per household; attach current ordinances.

Residential Water Rate      Current \$ 41      Number of households served: 165

Residential Wastewater Rate      Current \$ 0      Number of households served: \_\_\_\_\_

Stormwater:    Number of households served: \_\_\_\_\_

### 4.3 Project Description

A: SPECIFIC LOCATION (Supply a written location description that includes the project termini; a map does not replace this requirement.) 2000 character limit.

The Twin Towers neighborhood is located just south of State Route 35, about one mile east of downtown Dayton. (See Figure 1)

The existing water mains will be replaced for the entire length of George Street, Treadway Dr and Angel Ct. Water mains will be replaced on Corwin Street between Xenia Ave and Treadway Dr, Hawker Street between Wyoming Street and Clover Street, Clover Street between Quitman Street and Filmore Street, and Filmore Street between Clover Street and Xenia Ave. (See Figure 2)

**B: IDENTIFY THE PROBLEM (Describe the issue to be addressed) 2000 character limit.**

The project will replace 5,500 linear feet of ductile iron pipe installed between 1869 and 1899, with new 8" ductile iron water main. The project will include all new valves and fire hydrants. Existing water services will be connected to the proposed water main. The work performed will require pavement, sidewalk and drive restoration and the removal of buried railroad track.

All existing water mains will be abandoned in place.

**C: PROJECT SCOPE (Describe the work to be completed) 2000 character limit.**

5,500 feet of existing 4 and 6 inch ductile iron water main pipe will be replaced. There are eleven existing fire hydrants, and seventeen valves.

The proposed project will upgrade the water main to current Water Engineering Standards with 5,500 feet of 8 inch ductile iron pipe, 13 new fire hydrants and 13 new 8" valves. There are 165 existing water services that will be connected to the proposed water main. All disturbed areas will be replaced to match existing.

## 5.0 Project Officials

Changes in Project Officials must be submitted in writing from an officer of record.

### 5.1 Chief Executive Officer (Person authorized in legislation to sign project agreements)

Name: Shelley Dickstein  
Title: City Manager  
Address: 101 West Third Street P.O. Box 22  
  
City: Dayton State: OH Zip: 45402  
Phone: 937-333-3600  
FAX:   
E-Mail: shelley.dickstein@daytonohio.gov

### 5.2 Chief Financial Officer (Can not also serve as CEO)

Name: Robbi Stivers  
Title: Director of Finance  
Address: 10 West Third Street  
  
City: Dayton State: OH Zip: 45402  
Phone: 937-333-3576  
FAX: 9373332222  
E-Mail: robbi.stivers@daytonohio.gov

### 5.3 Project Manager

Name: Nick Dailey  
Title: Chief Engineer  
Address: 320 W. Monument Avenue  
  
City: Dayton State: OH Zip: 45402  
Phone: (937) 333-1839  
FAX:   
E-Mail: nick.dailey@daytonohio.gov

## 6.0 Attachments / Completeness review

Confirm in the boxes below that each item listed is attached (Check each box)

- x A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
  
- x A certification signed by the applicant's chief financial officer stating the amount of all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
  
- x A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's seal or stamp and signature.

A cooperative agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.

Farmland Preservation Review - The Governor's Executive Order 98-IV, "Ohio Farmland Protection Policy" requires the Commission to establish guidelines on how it will take protection of productive agricultural and grazing land into account in its funding decision making process. Please include a Farm Land Preservation statement for projects that have an impact on farmland.

Capital Improvements Report. CIR Required by O.R.C. Chapter 164.06 on standard form.

- x Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your local District Public Works Integrating Committee.

## 7.0 Applicant Certification

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

**Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.**

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Certifying Representative (Printed form, Type or Print Name and Title)

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Original Signature / Date Signed



**CERTIFICATE OF CLERK OF THE COMMISSION**

STATE OF OHIO,  
COUNTY OF MONTGOMERY, SS:  
CITY OF DAYTON.

The undersigned, Clerk of the Commission of said City, hereby certifies that the foregoing is a true and correct copy of Resolution 6659-22  
passed by the Commission of said City August 17, 2022.

In Testimony Whereof, witness my hand and official seal, this 29th  
day of August, 2022.

Regina D Blackshear  
Clerk of the Commission of the City of Dayton, Ohio

BY..... **Mr. Joseph** ..... NO..... **6659-22** .....

**A RESOLUTION**

Approving the Submission of Grant Applications to the District 4 (Montgomery County, Ohio) Public Works Commission Integrating Committee; Authorizing the Acceptance of Grant Awards from the State of Ohio Public Works Commission for the State Issue 1 Program for Public Capital Infrastructure Improvements in an Amount Not to Exceed Three Million Eight Hundred Twenty Thousand Three Hundred Ninety Dollars and Zero Cents (\$3,820,390.00) on Behalf of the City of Dayton.

**WHEREAS**, The voters of Ohio Passed Issue 1 authorizing the State of Ohio to issue bonds for the purpose of financing or assisting local governments in financing Public Infrastructure Capital Improvements; and

**WHEREAS**, The General Assembly passed Amended Substitute House Bill 381 in June of 1989, which among other sections amended Section 164.05 and added Section 164.14 to the Ohio Revised Code, thereby creating a Local Transportation Improvement Fund to be administered through the District Public Works Integrating Committees in a manner similar to the Issue 1 Program, expenditures from said fund being limited to roads, bridges, and other public infrastructure improvements; and

**WHEREAS**, The City of Dayton has been notified that Twelve Million Seven Hundred Ninety-One Thousand Dollars and Zero Cents (\$12,791,000.00) will be available to the jurisdictions within the area covered by the District 4 Public Works Integrating Committee in total for the fiscal year 2024; and

**WHEREAS**, The City's request is based upon an analysis of unmet infrastructure needs and contingent upon an approved grant application submitted to the District 4 Public Works Integrating Committee; and

**WHEREAS**, Participation in these programs requires the availability of matching funds as spelled out in the application to abide by all procedures as noted in the Standing Rules with matching funds of proposed projects not to exceed Seven Million Six Hundred Seventy-Nine Thousand Six Hundred Ten Dollars and Zero Cents (\$7,679,610.00) in order to secure Three Million Eight Hundred Twenty Thousand Three Hundred Ninety Dollars and Zero Cents (\$3,820,390.00) grant funding to cover fiscal year 2024; and

**WHEREAS**, The City of Dayton is located within the area covered by the District 4 Public Works Integrating Committee and is entitled to apply singly or jointly for these funds for necessary infrastructure improvements; and

**WHEREAS**, Section 36.10 of the Revised Code of General Ordinances of the City of Dayton authorizes the City Manager to submit grant applications on behalf of the City of Dayton; now therefore,

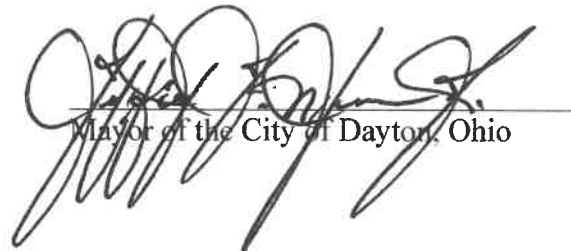
**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:**

**SECTION 1.** That this Commission approves the City Manager's submission of a grant application and supporting documents to the District 4 Public Works Integrating Committee for participation in the State Issue 1 Program for eligible Public Infrastructure Capital Improvements defined as the acquisition, construction, reconstruction, improvement, planning and equipping of roads and bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, flood control systems, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related or incidental to those facilities.

**SECTION 2.** That the City Manager is authorized to execute any and all documents and agreements on behalf of the City of Dayton, which are necessary to accept grant awards in an amount not to exceed Three Million Eight Hundred Twenty Thousand Three Hundred Ninety Dollars and Zero Cents (\$3,820,390.00) from the State of Ohio Public Works Commission under the State Issue 1 Program for eligible Public Infrastructure Capital Improvements.

ADOPTED BY THE COMMISSION.. August..17...2022


SIGNED BY THE MAYOR. August..17.....2022

  
\_\_\_\_\_  
Mayor of the City of Dayton, Ohio

ATTEST:

  
\_\_\_\_\_  
Clerk of the Commission

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

## CERTIFICATION OF LOCAL FUNDS

August 24, 2022

I, Director of Finance of the City of Dayton, hereby certify that the City of Dayton will have the amount of \$2,320,000.00 in the Twin Towers Water Main Improvements account and that this amount will be used to pay the local share for the Twin Towers Water Main Improvements project when it is required.

  
Robbi Stivers, Director of Finance

**Estimate of Cost for Twin Towers Water Main Improvements**

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
202	Railroad Track Removed Per Trench Length	500	L.F.	\$75.00	\$37,500.00
207	Temporary Sediment and Erosion Control	1	L.S.	\$15,700.00	\$15,700.00
304	Aggregate Base	950	C.Y.	\$62.50	\$59,375.00
305	Concrete Base (ODOT 499, Class FS)	1200	S.Y.	\$65.00	\$78,000.00
441	Asphalt Concrete	950	TONS	\$225.00	\$213,750.00
451	Reinforced Concrete Pavement, Bus Pad, 11"	400	S.Y.	\$190.00	\$76,000.00
452	Plain Concrete Pavement (ODOT 499, Class FS)	350	S.Y.	\$106.00	\$37,100.00
453	Concrete Driveway	2100	S.F.	\$16.00	\$33,600.00
608	Concrete Walk	4500	S.F.	\$16.00	\$72,000.00
608	Curb Ramp	700	S.F.	\$20.00	\$14,000.00
609	Barrier Curb/Curb and Gutter	800	L.F.	\$62.00	\$49,600.00
614	Maintaining Traffic	1	LUMP	\$17,000.00	\$17,000.00
615	Low Strength Mortar Backfill, Type 1 (No Fly Ash)	150	C.Y.	\$76.50	\$11,475.00
623	Construction Layout Stakes	1	LUMP	\$14,265.00	\$14,265.00
653	Topsoil Furnished and Placed, 4"	400	C.Y.	\$73.00	\$29,200.00
659	Seeding and Mulching (Hydro Seed)	4000	S.Y.	\$5.40	\$21,600.00
810	Excavation and Backfill, 6" Water with Structural Backfill	260	L.F.	\$88.00	\$22,880.00
810	Excavation and Backfill, 8" Water with Structural Backfill	5500	L.F.	\$82.00	\$451,000.00
810	Street Cut Permit	1	LUMP	\$10,000.00	\$10,000.00
824	4" Ductile Iron Water Pipe & Fittings	25	L.F.	\$61.00	\$1,525.00
824	6" Ductile Iron Water Pipe & Fittings	260	L.F.	\$55.00	\$14,300.00
824	8" Ductile Iron Water Pipe & Fittings	5500	L.F.	\$81.00	\$445,500.00
837	Abandoned, Special (Water Valves)	17	EA.	\$340.00	\$5,780.00
840	4" Gate Valve and Appurtenances	1	EA.	\$1,200.00	\$1,200.00
840	6" Gate Valve and Appurtenances	14	EA.	\$1,600.00	\$22,400.00
840	8" Gate Valve and Appurtenances	13	EA.	\$2,200.00	\$28,600.00
843	Fire Hydrant, Installed	13	EA.	\$4,500.00	\$58,500.00
843	Fire Hydrant, Removal	11	EA.	\$680.00	\$7,480.00
844	6"x6" Water Main Tap	1	EA.	\$2,300.00	\$2,300.00
844	10"x8" Water Main Tap	1	EA.	\$2,900.00	\$2,900.00
844	12"x8" Water Main Tap	3	EA.	\$4,000.00	\$12,000.00
845	Service Replacement, Method "B", 1"	4125	L.F.	\$67.52	\$278,520.00
845	Curb Stop, 1"	165	EA.	\$320.00	\$52,800.00
845	Curb Box, 1"	165	EA.	\$250.00	\$41,250.00
847	Cut & Plug, 4" Water Line	4	EA.	\$1,529.00	\$6,116.00
847	Cut & Plug, 6" Water Line	6	EA.	\$2,064.00	\$12,384.00
847	Cut & Plug, 8" Water Line	2	EA.	\$2,100.00	\$4,200.00
SP-1	Insertion Valves, 6"	3	EA.	\$9,400.00	\$28,200.00
<b>SUBTOTAL</b>					<b>\$2,290,000.00</b>
A-1	Contingency Allowance (10% of Base Bid)	1	LUMP	\$230,000.00	\$230,000.00
<b>TOTAL</b>					<b>\$2,520,000.00</b>

*Nickolas Dailey* 8/19/2022  
 Signature



## Twin Towers Water Main Improvements Application

This spreadsheet has formulas to make a weighted useful life calculation and is populated with an example for illustrative purposes. Items can be added to column a.

### Weighted Useful Life & Design Service Capacity Calculations

Major Component	Cost (\$1,000)	Portion Repair / Replacement (%)	Repair / Replace Product	Useful Life (Years)	Useful Life Product
Full-depth road construction w/ drainage				25	
Full-depth road construction w/o drainage				25	
Partial-depth road construction w/ drainage				15	
Partial-depth road construction w/o drainage				15	
Storm Sewers				40	
Sanitary Sewers				40	
Water Lines	2520	100	252000	40	100800
Bridge				75	
Pumps, Lift Stations				15	
Sidewalks				25	
Bike Facility				7	

<b>Totals</b>	<b>2520</b>		<b>252000</b>		<b>100800</b>
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Weighted Useful Life: 40.0 Years

Design Service Capacity (Project Application, Section 2.0):

Portion Repair / Replace 100 %  
 Portion New / Expansion %



Signature



# OHIO PUBLIC WORKS COMMISSION

## DISTRICT 4

### Round 2022-2023 Supplemental Questionnaire

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**Applicant:** City of Dayton

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**Project Title:** Twin Towers Water Main Improvements

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#### Application Summary:

**Briefly describe the project:**

The Twin Towers neighborhood has undersized, aging water mains. On George Street, Treadway Drive, Angel Court and parts of Corwin Street, Hawker Street, Clover Street and Filmore Street, the existing 4 inch and 6 inch water mains will be replaced with new 8 inch water mains. New valves and fire hydrants will also be installed.

## Priority:

<b>Is this application your priority project? (Circle One)</b>	
Yes <input type="radio"/>	No <input checked="" type="radio"/>

## Generation of Revenue:

<b>Will new user fees or assessments be assessed as part of this project? (Circle One)</b>	
Yes <input type="radio"/>	No <input checked="" type="radio"/>
<b>What will the new user fees or assessments be used for?</b>	
N/A	

## Additional Funding:

<b>Will OPWC match, in part, a committed grant or loan? (Circle One)</b>	
Yes <input type="radio"/>	No <input checked="" type="radio"/>
<b>If no, was the project submitted to an appropriate agency for funding, but denied due to lack of funding? (Circle One)</b>	
Yes – Appropriate Documentation Attached <input type="radio"/>	No <input checked="" type="radio"/>

## Readiness of Project:

<b>Will this project be <u>substantially</u> underway on or before June 1, 2024? (Circle One)</b>	
Yes <input checked="" type="radio"/>	No <input type="radio"/>

## Health & Safety:

<b>Describe the specific health or safety issue being addressed by this project. What deficiency or condition is causing the health or safety issue?</b>
The existing pipes are 4 and 6 inches in diameter. Current Water Engineering Standards require a minimum of 8 inches in diameter. The infrastructure is functioning at a diminished capacity and structural integrity due to the age of the existing water main (more than 120 years of age). Cast iron water mains exceeding 100 years of service have proven to have a high failure rate. When breaks occur, residents of the Twin Towers Neighborhood may experience periods without water and may have boil advisories.



## Addresses District Infrastructure Needs:

<b>Is this project located in more than one community? (Circle One)</b>		
Yes <input type="radio"/>		No <input checked="" type="radio"/>
<b>What percentage of the community will be served by this project? (Circle One)</b>		
Less than 25% <input checked="" type="radio"/>	25% to 40% <input type="radio"/>	More than 40% <input type="radio"/>

## Economic Development

<b>How many jobs are being created as a result of this project?</b>	0
<b>How many jobs will be retained as a result of this project?</b>	0
<b>Why is it necessary to fund this improvement to secure this development?</b>	
N/A	
<b>What type of industry is proposed in this development?</b>	
N/A	

## Relieve Existing Traffic Congestion:

<b>What is the level of service?</b>	N/A
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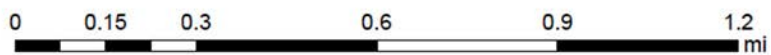
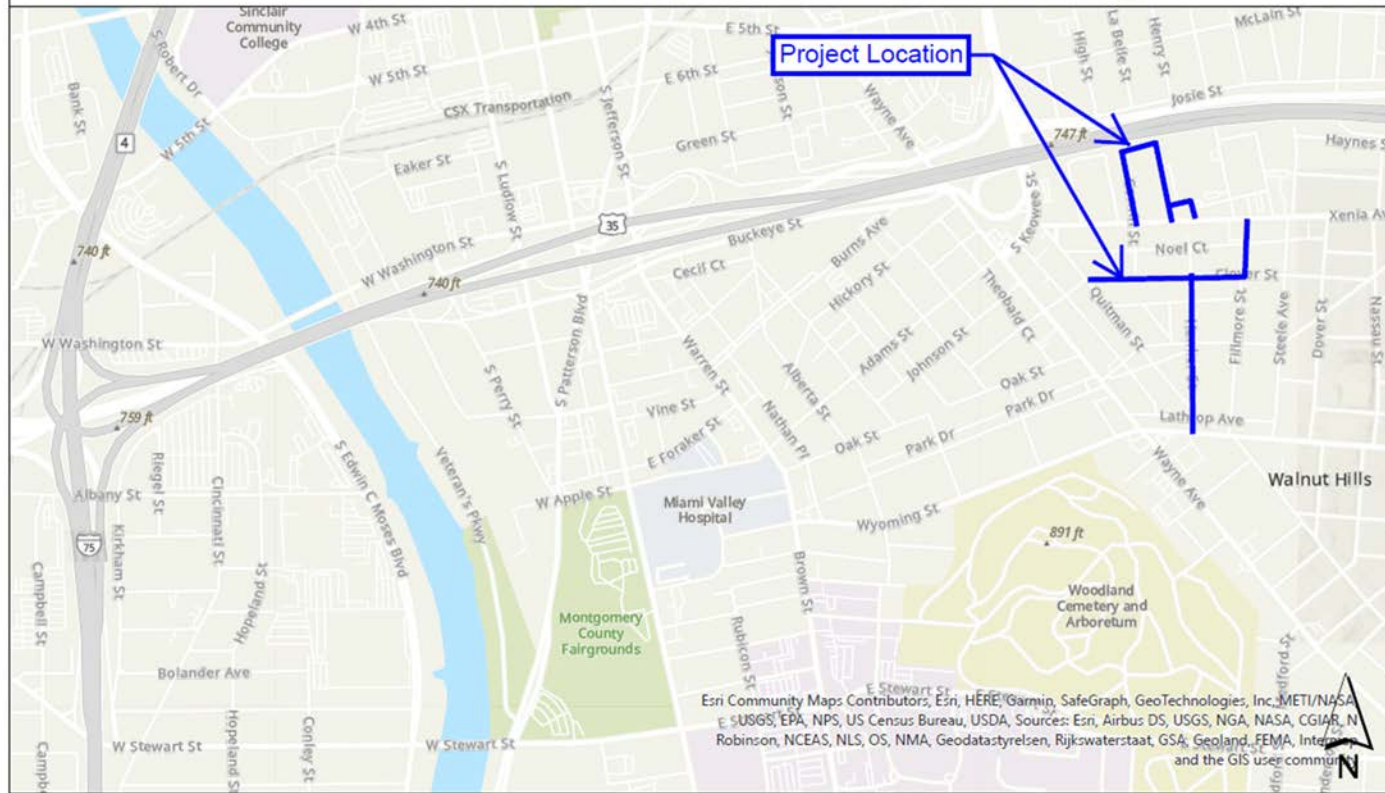
## Other Factors

### What other factors exist that make this project more important than other like projects?

The installation dates for the water mains on this project range between 1869 and 1899. Sizes range between 4 and 6 inches. It is important to get these pipes replaced due to their extreme age and their small size. Potential water main breaks would also affect additional infrastructure such as roadways, sidewalks, and private property.

The City of Dayton Public Works department will be paving these streets in 2025. The water main replacements need to be completed by 2025 before new pavement is placed.

## Twin Towers Water Main Location Map



Date Created: 7/12/2022  
Created By: watrgis



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Figure 1- Twin Towers Water Main Improvements  
Location Map

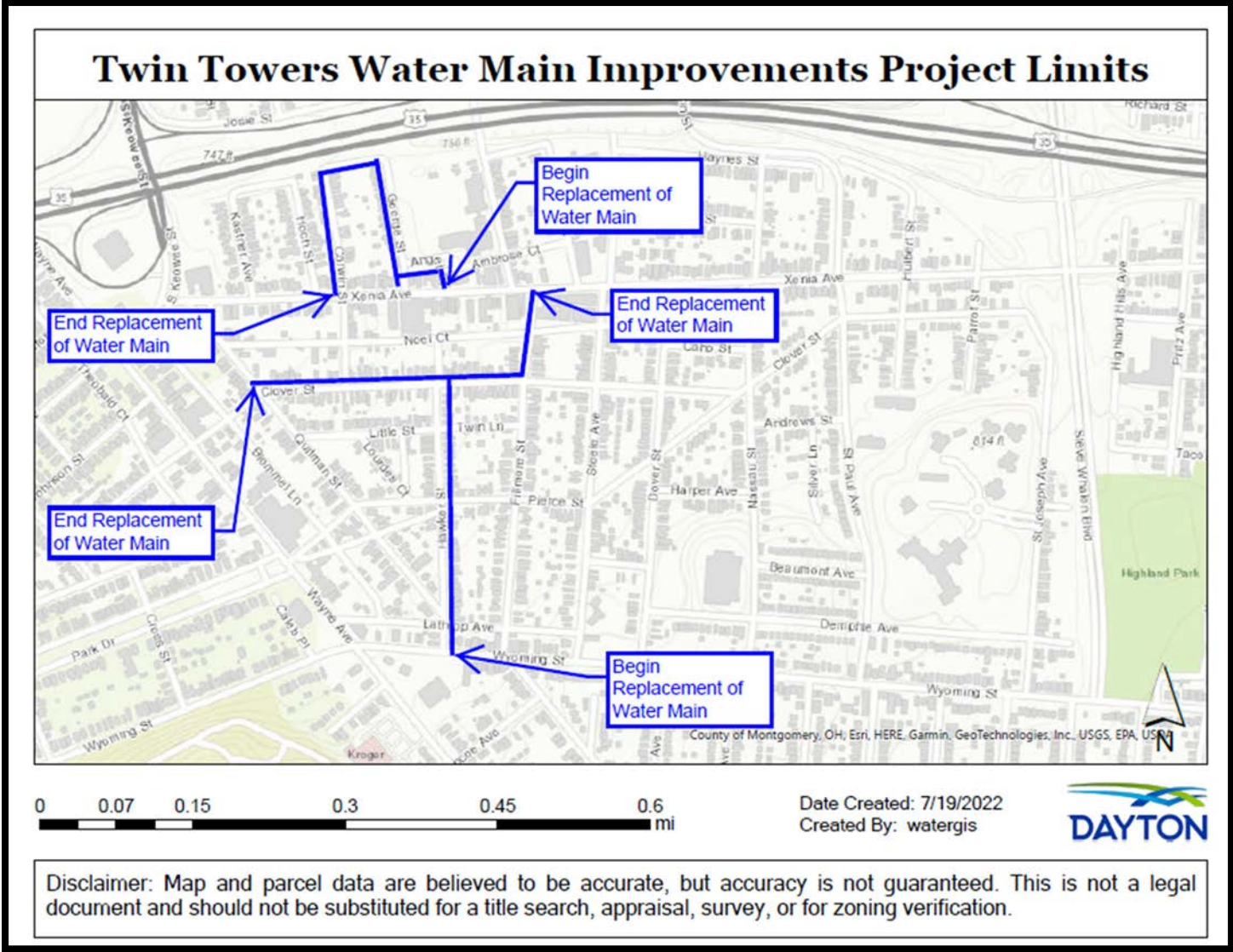


Figure 2 - Twin Towers Water Main Improvements  
Project Limits



## 2022 CITY OF DAYTON WATER / SEWER RATES

<b><u>RATES FOR WATER SERVICE</u></b>			<b><u>RATES FOR SEWER SERVICE</u></b>		
(Effective January 1, 2022)			(Effective January 1, 2022)		
For premises within the corporate limits			For premises within the corporate limits		
Minimum Charge Per <b>Quarter</b>			Minimum Charge Per <b>Quarter</b>		
<b><i>Meter Charge</i></b>			<b><i>Meter Charge</i></b>		
5/8"	Meter .....	\$ 16.73	5/8"	Meter .....	\$ 21.06
3/4"	Meter .....	\$ 27.75	3/4"	Meter .....	\$ 21.06
1"	Meter .....	\$ 59.97	1"	Meter .....	\$ 41.13
1.5"	Meter .....	\$ 118.46	1.5"	Meter .....	\$ 43.53
2"	Meter .....	\$ 216.62	2"	Meter .....	\$ 47.73
3"	Meter .....	\$ 461.69	3"	Meter .....	\$ 98.76
4"	Meter .....	\$ 710.55	4"	Meter .....	\$ 116.75
6"	Meter .....	\$ 1,244.90	6"	Meter .....	\$ 158.71
8"	Meter .....	\$ 2,130.49	8"	Meter .....	\$ 206.74
10"	Meter .....	\$ 3,550.44	10"	Meter .....	\$ 260.73
>10"	Meter .....	\$ 4,900.12			
<b><i>Consumption Charges*</i></b>			<b><i>Consumption Charges*</i></b>		
First	10,000 CF	\$ 31.79	First	10,000 CF	\$ 24.38
Next	90,000 CF	\$ 30.30	Next	90,000 CF	\$ 18.70
Next	400,000 CF	\$ 28.58	Over	100,000 CF	\$ 16.55
Next	500,000 CF	\$ 23.43			
Over	1,000,000 CF	\$ 21.66			
<b>Minimum Charge Per Month</b>			<b>Minimum Charge Per Month</b>		
<b><i>Meter Charge</i></b>			<b><i>Meter Charge</i></b>		
5/8"	Meter .....	\$ 13.24	5/8"	Meter .....	\$ 16.67
3/4"	Meter .....	\$ 16.83	3/4"	Meter .....	\$ 16.67
1"	Meter .....	\$ 28.46	1"	Meter .....	\$ 23.36
1.5"	Meter .....	\$ 48.37	1.5"	Meter .....	\$ 24.16
2"	Meter .....	\$ 81.97	2"	Meter .....	\$ 25.54
3"	Meter .....	\$ 163.96	3"	Meter .....	\$ 42.55
4"	Meter .....	\$ 246.66	4"	Meter .....	\$ 48.53
6"	Meter .....	\$ 416.45	6"	Meter .....	\$ 62.53
8"	Meter .....	\$ 710.65	8"	Meter .....	\$ 78.53
10"	Meter .....	\$ 1,184.22	10"	Meter .....	\$ 96.53
>10"	Meter .....	\$ 1,633.32			
<b><i>Consumption Charges*</i></b>			<b><i>Consumption Charges*</i></b>		
First	3,300 CF	\$ 31.79	First	3,300 CF	\$ 24.38
Next	30,000 CF	\$ 30.30	Next	30,000 CF	\$ 18.70
Next	133,000 CF	\$ 28.58	Over	33,300 CF	\$ 16.55
Next	167,000 CF	\$ 23.43			
Over	333,300 CF	\$ 21.66			

**\*Consumption charges are per 1000 CF (Cubic Feet)**

Figure 3 - Water & Sewer Rates



## CODE OF ORDINANCES CITY OF DAYTON, OHIO

SUPPLEMENT HISTORY TABLE modified

- CHARTER
- Title I - GENERAL PROVISIONS
- Title III - ADMINISTRATION
- ▼ Title V - PUBLIC UTILITIES
  - ▼ CHAPTER 50. - SEWERS AND WATER
    - Secs. 50.12—50.19. - Reserved.
    - ▼ DIVISION 1. - WATER AND SEWER CHARGES
      - ▼ SUBDIVISION A. - WATER
        - Sec. 50.01. - Necessity for water charges.
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    - DIVISION 2. - BOARD OF WATER AND SEWER CHARGE REVIEW
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    - DIVISION 5. - PIPE LAYING CONTRACTORS
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- CHAPTER 52. - SEWER CONSTRUCTION AND USE; WASTEWATER DISCHARGES
- CHAPTER 53. - PUBLIC WATER SUPPLY POLLUTANTS
- CHAPTER 54. - STORMWATER MANAGEMENT
- CHAPTER 61. - CIVIL CITATIONS
- CHAPTER 62. - HEARING EXAMINERS

- Title VII - TRAFFIC CODE
- Title IX - GENERAL REGULATIONS

CODE OF ORDINANCES CITY OF DAYTON, OHIO modified

- Title XI - BUSINESS REGULATIONS
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- Title XV - LAND USAGE

CODE COMPARATIVE TABLE - ALL ORDINANCES modified

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CHAPTER 51. - REFUSE >

## CHAPTER 50. - SEWERS AND WATER ⋮

Secs. 50.12—50.19. - Reserved. ⋮

### DIVISION 1. - WATER AND SEWER CHARGES<sup>[1]</sup> ⋮

**Footnotes:**

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**Editor's note—** Ord. 31785-19, passed January 8, 2020, repealed the former Div. 1, §§ 50.01—50.17, and enacted a new Div. 1, §§ 50.01—50.11. The former Div. 1 pertained to similar subject matter and derived from Ord. 10670, passed February 20, 1918; Ord. 12763, passed February 24, 1926; Am. Ord. 12896, passed June 30, 1926; Ord. 13448, passed December 28, 1927; Ord. 15821, passed March 8, 1944; Ord. 17057, passed January 24, 1951; Ord. 17571, passed November 19, 1952; Am. Ord. 19860, passed February 1, 1961; Am. Ord. 20272, passed March 21, 1962; Am. Ord. 26480, passed March 24, 1982; Am. Ord. 26484, passed March 31, 1982; Am. Ord. 27051, passed August 22, 1984; Am. Ord. 27370, passed April 9, 1986; Am. Ord. 27552, passed May 27, 1987; Am. Ord. 27708, passed February 17, 1988; Ord. 27790, passed August 3, 1988; Am. Ord. 27872, passed December 28, 1988; Am. Ord. 28522, passed April 8 1992; Am. Ord. 29360-97, passed March 26, 1997; Am. Ord. 30309-03, passed November 26, 2003; Am. Ord. 30520-06, passed February 1, 2006; Am. Ord. 30939-09, passed December 2, 2009.



## SUBDIVISION A. - WATER

### Sec. 50.01. - Necessity for water charges.

It is hereby determined necessary for the protection of the public health, safety and welfare and to conform with federal, state, and local laws and regulations that a system of charges for water service be established as described herein.

(Ord. 31785-19, passed 1-8-20)

### Sec. 50.02. - Water assessment rates and user charge system.

- (A) Water service charges. There is levied and assessed upon each lot, parcel of land, building, or premises having any connection with the waterworks system of the city, a water service charge as herein provided.
- (B) Water service charges include the following:
  - (1) The city will charge a basic charge for any user that is connected to the waterworks system. The basic charge will vary by the actual water meter size at the customer's premises with exceptions noted here within.
  - (2) In addition to the basic charge, a volume charge will be charged. The volume charge will be per thousand cubic feet of usage.
  - (3) The city may charge a wellfield protection surcharge as described in [Section 50.11](#).
  - (4) The city may also develop and assess a system of charges or riders designed to recover from all users, their share of the cost of financing capital improvements or other expenditures to the waterworks system, including, but not limited to, capital costs associated with the financing of notes and bonds to improve and/or expand the waterworks system of the city and/or capital costs associated with compliance with federal, state, or local environmental regulations. The Water Director shall present the necessity and support for charges or riders in public hearing to the City Commission and Commission approval is required prior to assessing such charges or riders.

Notwithstanding the charges identified above, nothing in these rules shall be interpreted to preclude charges to users for special or unique services rendered by the Department.

- (C) Method of levying water service charges. Water service charges are levied as follows:
  - (1) *Payment of water bills.*
    - a. For all premises connected to the city's water system, there shall be a



minimum charge for water that is billed quarterly and for water that is billed monthly, which minimum charges are to cover investment, overhead expenses, and the cost of being ready to serve with water.

- b. Premises outside the corporate limits of the city may be supplied water pursuant to a uniform individual agreement entered into between the customer and the city.
  - c. Water service charges for governmental agencies outside the city's corporation limits, not under an agreement, shall be according to subsection (D)(1), plus a 25 percent surcharge.
  - d. The place where the water is used or consumed, not the physical location of the meter, shall be determinative as to whether premises are outside the corporate limits of the city.
  - e. If the water main through which the water is to be supplied has been or is to be constructed by the city, the city will receive a benefit payment for the actual cost per linear foot for each foot of land to be served abutting the water main, or for each premise actually served at the time of construction.
- (2) *Water bill calculations.* All meter readings and billings may be in units of 100 or 1,000 cubic feet, cubic meters or gallons and there shall be no proration of rates, except rates which may be prorated at the time of a rate change.
- (3) *Penalty for nonpayment of water bill.*
- a. Where a water bill has not been paid as provided by the rules and regulations of the Department of Water and the proper shutoff notice has been delivered, the water shall thereafter be shut off in accordance with these rules and regulations, and it shall not thereafter be turned on again until all charges due and payable, including advance charges, if any, are fully paid.
  - b. This section shall apply whether or not there has been in the meantime a change of ownership or possession of the premises supplied, except as provided in subsection (C)(5) below or [Section 50.10](#).
- (4) *Adjustment of water bills.* The Director of Finance or any of his authorized deputies shall have authority to make reductions or corrections in water bills where errors appear therein or there is a demonstrated malfunction in the city owned meter. Appeals on billings may be made to the Board of Water and Sewer Charge Review in accordance with sections [50.20](#) through [50.25](#).
- (5) *Insolvent or bankrupt water user.* Where premises in arrears for payment of water bills become subject to a bankruptcy or insolvency court, the Division of Revenue and Taxation may permit the supply of water to such premises to be continued or

restored without previous payment of the water bill accrued under the bankrupt or insolvent owner.

(D) The effective water service charges for premises within the corporate limits of the city as of January 1, 2020 are as follows:

(1) *Water rate schedule for basic and volume charges.*

Size of Meter	Minimum Quarterly Charge	Minimum Monthly Charge
5/8"	\$15.17	\$12.01
3/4"	\$25.17	\$15.27
1"	\$54.39	\$25.81
1.5"	\$107.45	\$43.88
2"	\$196.48	\$74.35
3"	\$418.76	\$148.71
4"	\$644.49	\$223.72
6"	\$1,129.16	\$377.73

Quarterly Consumption Charge (per 1000 cf)		
For the first	10,000 CF	\$28.84
For the next	90,000 CF	\$27.49
For the next	400,000 CF	\$25.92
For the next	500,000 CF	\$21.25
For all over	1,000,000 CF	\$19.65

Monthly Consumption Charge (per 1000 cf)

Monthly Consumption Charge (per 1000 cf)		
For the first	3,300 CF	\$28.84
For the next	30,000 CF	\$27.49
For the next	133,000 CF	\$25.92
For the next	167,000 CF	\$21.25
For all over	333,300 CF	\$19.65

(Ord. 31785-19, passed 1-8-20)

**Sec. 50.03. - Annual adjustments to water service charges.**

(A) For year 2021 the charges established by this section shall be adjusted by the Director beginning January 1, 2021:

Size of Meter	Minimum Quarterly Charge	Minimum Monthly Charge
5/8"	\$15.93	\$12.61
3/4"	\$26.43	\$16.03
1"	\$57.11	\$27.10
1.5"	\$112.82	\$46.07
2"	\$206.30	\$78.07
3"	\$439.70	\$156.15
4"	\$676.71	\$234.91
6"	\$1,185.62	\$396.62

Quarterly Consumption Charge (per 1000 cf)
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Quarterly Consumption Charge (per 1000 cf)			☰ Q ☰
For the first	10,000 CF	\$30.28	
For the next	90,000 CF	\$28.86	
For the next	400,000 CF	\$27.22	
For the next	500,000 CF	\$22.31	
For all over	1,000,000 CF	\$20.63	

Monthly Consumption Charge (per 1000 cf)		
For the first	3,300 CF	\$30.29
For the next	30,000 CF	\$28.86
For the next	133,000 CF	\$27.22
For the next	167,000 CF	\$22.31
For all over	333,300 CF	\$20.63

(B) For year 2022, the charges established by this section shall be adjusted annually by the Director beginning January 1 2022:

1.5"	\$118.46	\$48.37	↗ EXPAND
2"	\$216.62	\$81.97	

3"	\$461.69	\$163.96
4"	\$710.55	\$246.66
6"	\$1,244.90	\$416.45

8" Size of Meter	\$2,130.49 Minimum Quarterly Charge	\$710.65 Minimum Monthly Charge
10"	\$3,550.44	\$1,184.22
>10"	\$4,900.12	\$1,633.32

Quarterly Consumption Charge (per 1000 cf)		
For the first	10,000 CF	\$31.79
For the next	90,000 CF	\$30.30
For the next	400,000 CF	\$28.58
For the next	500,000 CF	\$23.43
For all over	1,000,000 CF	\$21.66

Monthly Consumption Charge (per 1000 cf)		
For the first	3,300 CF	\$31.79
For the next	30,000 CF	\$30.30
For the next	133,000 CF	\$28.58
For the next	167,000 CF	\$23.43
For all over	333,300 CF	\$21.66

- (C) (1) The rates established by this section shall become effective so as to apply to all bills rendered by the Water Department wherein the entire period of water service commences on or after the effective date. Where previous bills have been estimated and the current bill is based on the actual meter reading made at least 90 days after the effective date, in the case of quarterly bills, and at least 60 days after the effective date, in the case of monthly bills, all charges will be considered to accrue after the effective date. For the purposes of this subsection, "effective date" shall also mean the date on which charges adjusted pursuant herein are effective.

(2) The first bill rendered to the customer on or after any effective date, if based upon an estimate which includes usage both before and after the effective date, shall be considered for billing purposes as usage all of which was prior to the effective date, to be paid for at the all bills rendered thereafter shall be considered as covering usage on or after the effective date paid for the new rates.

(D) For year 2023 and thereafter, unless by amendment, the charges established by this section shall be adjusted annually by the Director beginning January 1 in any given year. In determining the annual adjustment, the Director may utilize the Consumer Price Index (United States Department of Labor Statistics, Consumer Price Index, All Urban Consumers, U.S. City Average, Water and Sewer Maintenance or comparable index if the same is no longer published) as measured by the percent change in the average price index from the third quarter (July-September, hereinafter referred to as the base quarter) of the previous year to the base quarter one year prior; whichever percentage is greater. Prior to any rate adjustment taking effect in accordance with this section, the Director shall cause the new rates to be published electronically and put on file with the Clerk of the City Commission.

(Ord. 31785-19, passed 1-8-20)

**SUBDIVISION B. - SEWER**

**Sec. 50.04. - Necessity for wastewater service charges.**

It is hereby determined necessary for the protection of the public health, safety and welfare and to conform with federal, state and local laws and regulations that a system of charges for wastewater service be established as described herein.

(Ord. 31785-19, passed 1-8-20)

**Sec. 50.05. - Definitions.**

For the purpose of this chapter, unless the context specifically indicates otherwise, the following words and phrases shall have the following meanings ascribed to them respectively:

*BOD (denoting biochemical oxygen demand).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter as stipulated in 40 CFR, Part 136. When the BOD test is not practical, the COD test may be used to determine the BOD by applying an appropriate factor on a case-by-case basis.

*City.* The City of Dayton, Ohio.

*COD (denoting chemical oxygen demand).* A measure of the oxygen equivalent of a sample that is susceptible to oxidation by a strong chemical oxidant. COD is determined by standard laboratory procedure as stipulated in 40 CFR, Part 136.

*Director.* The Director of the Department of Water of the City of Dayton or the Director's representative.

*Industrial wastes.* The liquid wastes from industrial manufacturing processes, trade, or business as distinct from normal domestic wastewater.

*Milligrams per liter (mg/l).* A weight to volume ratio; the milligrams per liter value multiplied by the factor 0.0624 is equivalent to pounds per thousand cubic feet of water.

*Normal domestic wastewater.* Wastewater normally emanating from residential living units as a result of the day to day activities usually considered to be carried on in a domicile and which has both BOD and suspended solids concentrations less than 350 milligrams per liter.

*Sanitary sewage.* The waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, and stable floor drains.

*Sanitary sewer.* A sewer which carries wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

*Special monitoring fee.* An assessment to a significant industrial user (SIU) for the purpose of recovering a proportional cost of administering the municipal industrial pretreatment program (MIPP).

*Suspended solids.* Solids that either float on the surface of, or are in suspension, in water, sewage, or other liquids, and which are removable by laboratory filtering.

*User.* A person or legal entity whose premises are connected to the wastewater collection and treatment system and who produces or causes to be produced wastewater requiring processing and treatment to remove pollutants.

*User class.* A group of users having similar sewerage service characteristics including the following:

(1) *Inside city user classes.*

Residential—Premises used primarily as dwelling units and which discharge wastewater with characteristics of normal domestic wastewater.

Commercial—Stores, offices, or recreational properties used for transaction of business, sale of merchandise or a gathering place for people and which discharge primarily wastewater with characteristics of normal domestic wastewater.

Governmental—Properties used for transaction of governmental business.



Industrial—Properties where there is mechanical or chemical transformation into new products and which discharge significantly greater quantities of wastewater than do the majority of other customers.

(2) *Outside city user classes.*

Individually Metered—Customers in areas outside the city that are served under agreements between the city and other political subdivisions.

Master Metered—Customers in areas outside the city that are served under agreements between the city and other political subdivisions and where the wastewater service charges are based upon the total master metered quantity of wastewater from the area.

Retail—Customers in areas outside the city that receive wastewater service by direct contract with the city.

*Wastewater.* Synonymous with sewage and the two terms may be interchanged without altering the meaning of either.

(Ord. 31785-19, passed 1-8-20)

**Sec. 50.06. - Wastewater assessment rates and user charge system.**



- (A) Wastewater service charges. There is levied and assessed upon each lot, parcel of land, building, or premises having any sewer connection with the wastewater system of the city or otherwise discharging wastewater, industrial wastes, water, or other liquids, either directly or indirectly into the city wastewater system, a wastewater service charge or rental payment as herein provided.
- (B) Wastewater service charges include the following:
  - (1) The city will charge a basic charge for any user that is connected to the wastewater collection and treatment system. The basic charge will vary by the actual water meter size at the customer's premises with exceptions noted here within.
  - (2) In addition to the basic charge, a volume charge will be charged. The volume charge will be per thousand cubic feet of usage.
  - (3) An extra strength surcharge for wastewater discharges with pollutant concentrations in excess of those of normal domestic wastewater.
  - (4) A special monitoring fee for significant industrial users (SIU) as defined in 40 CFR 403.
  - (5) The city may also develop and assess a system of charges or riders designed to



recover from all users, their share of the cost of financing capital improvements or other expenditures (such as costs associated with inflow and infiltration), to the sewerage system, including, but not limited to, capital costs associated with the financing of notes and bonds to improve and/or expand the sewerage system of the city and/or capital costs associated with compliance with federal, state, or local environmental regulations. The Water Director shall present the necessity and support for charges or riders in public hearing to the City Commission and Commission approval is required prior to assessing such charges or riders.

Notwithstanding the charges identified above, nothing in these rules shall be interpreted to preclude charges to users for special or unique services rendered by the Department.

- (C) Method of levying wastewater service charges. Wastewater service charges are levied as follows:
- (1) *Levying charges within corporate limits.* For any lot, parcel of land, building, or premises situated within the corporate limits of the city having any connection with the city wastewater system or otherwise discharging wastewater, industrial wastes, water, or other liquids, either directly or indirectly, into the city wastewater system, a charge shall be based on the quantity of water used as measured by an approved water meter there in use or by other substantially equivalent means acceptable to the Director. The measurement of the strength of the wastewater for purposes of the extra strength surcharges shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director. The charge will be made quarterly or monthly at the discretion of the Director.
  - (2) *Levying charges outside corporate limits.* For any lot, parcel of land, building, or premises situated outside of the corporate limits of the city having any connection with the city wastewater system or otherwise discharging wastewater, industrial wastes, water, or other liquids, either directly or indirectly, into the city wastewater system, and which is defined as "retail," unless such usage of the city wastewater system is covered by specific agreement with a political subdivision specifying rates, terms, and conditions of usage, a charge shall be based upon the quantity of water used as measured by the water meter or by other substantially equivalent means acceptable to the Director. The water meter used shall be approved by the Director, and the charge shall be made quarterly or monthly at the discretion of the Director. The measurement of the strength of the wastewater for purposes of application of the extra strength surcharges shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director.
  - (3) *Levying charges outside corporate limits—Individually metered.* For any lot, parcel of land, building, or premises situated outside of the corporate limits of the city having any connection with the city wastewater system or otherwise discharging

wastewater, industrial wastes, water, or other liquids either directly or indirectly into the city wastewater system, where such usage of the city wastewater system is covered by specific agreement specifying rates, terms and conditions of usage measured on a bulk or large quantity basis, and is defined as "individually metered," a charge shall be based upon the quantity of water used as measured by a water meter or by other substantially equivalent means acceptable to the Director. The water meter used shall be approved by the Director and the charge shall be made monthly or quarterly at the discretion of the Director. The wastewater for purposes of application of the extra strength surcharges shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director.

- (4) *Levying charges outside corporate limits—Master metered.* For all areas situated outside of the corporate limits of the city having any connection with the city wastewater system or otherwise discharging wastewater, industrial wastes, water, or other liquids, either directly or indirectly, into the city wastewater system, where such usage of the city wastewater system is covered by specific agreement specifying rates, terms, and conditions of usage measured on a bulk or large quantity basis, and is defined as "master metered," a charge shall be based upon the quantity of water or wastewater discharged to the city sewers. The method of determining the quantity of water used or wastewater discharged shall be approved by the Director, and charges shall be made monthly or quarterly at the discretion of the Director. The measurement of the strength of the wastewater for purposes of application of the extra strength surcharges shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director.
- (5) *Levying charges to non-users.* Where a lot, parcel of land, building, or premises discharging waste, water, or other liquids into the city wastewater system, either directly or indirectly, is not a user of water supplied by the Department of Water of the city and water used is not measured by a city water meter, or by a meter acceptable to the Director, then, in each such case, the amount of water used shall be measured by a means approved by the Director in order to determine the sewer service charge. In the alternative, the owner or other interested party may install a meter at his expense which is acceptable to the Director for this purpose. The basic charge for a sewer service charge determined under this alternative shall be based on the ten-inch meter rate or the appropriate multiple thereof.
- (6) *Levying charges where immeasurable.* Where a lot, parcel of land, building, or premises discharges industrial wastes, either directly or indirectly, into the city wastewater system, and the Director finds that it is not practical to attempt to measure such wastes by meter, the customer shall measure such wastes in such manner and by such method that the Director finds practicable. The measurement

of the strength of the wastewater for purposes of application of the extra strength surcharges shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director. The wastewater service charge or rental shall be determined according to the corresponding rates per 1,000 cubic feet provided in this section. The basic charge for a sewer service charge determined by this method shall be based on the ten-inch meter rate or appropriate multiple thereof.

- (7) *Billing delinquency.* If the bill is not paid by the date specified for a payment of the net amount (gross less five percent discount), second notices will be sent. Should a bill remain unpaid for 21 days after the net payment date, the account will be considered delinquent. If, and when, any user fails to make payments after proper billing, enforcement will be subject to the rules and regulations of the Department of Water, as well as the provisions set forth in this chapter, to cover any amounts due. Where premises in arrears for payment of wastewater bills become subject to a bankruptcy or insolvency court, the Division of Revenue and Taxation may permit the supply of wastewater to such premises to be continued or restored without previous payment of the wastewater bill accrued under the bankrupt or insolvent owner.
- (8) *Billing frequency.* Except where covered by specific agreement, the charge provided in this section shall be payable quarterly or monthly at the Department of Finance at the same time as water bills are payable in the district in which the property is located. If a customer requests a special meter reading between regularly scheduled reading dates, the minimum charge will be determined in proportion to the time elapsed since the last regular reading compared to the normal time between regular reading dates.
- (9) *Unauthorized use of wastewater system.* If premises are found to be discharging wastewater or other wastes into the wastewater system without paying a wastewater service charge, the Director shall, by such method as he may find practicable, measure or estimate the quantity of such wastes for the purpose of establishing a proper charge in accordance with the schedule of charges set forth herein, and these premises shall be charged for the total term of the prior usage on the basis of the quantity so determined. The measurement of the strength of the wastewater for purposes of application of the extra strength surcharges shall be made by standard sampling and laboratory procedures in a manner acceptable to the Director.
- (10) *Penalty for discharge of toxic or other pollutants.* Any user which discharges toxic or other pollutants which cause an increase in operation, maintenance, and replacement costs shall pay for such increased costs in addition to any other

charges which may accrue to the user under wastewater service charges outlined in the preceding divisions.

- (11) *Annual notification of wastewater service charge.* The city shall notify its users annually in conjunction with a regular bill of the rates for the various components of the wastewater service charge.

(D) The effective wastewater service charges as of January 1, 2020, are as follows:

- (1) Wastewater rate schedule for basic and volume charges.

Basic Charge (\$)						EXPAND
	Inside City		Retail Quarterly Service Charge	Individually Metered Quarterly Service Charge	Master Metered Quarterly Service Charge	
	Quarterly Service Charge	Monthly Service Charge				
Meter Size (inches)						
0-1 Residential	18.13	14.34	22.66	20.85	27.20	
1	<a href="#">35.39</a>	20.10	44.24	40.70	53.09	

Volume Charge (\$ per 1,000 cubic feet)						
	Quarterly	Monthly	Inside City	Retail Quarterly	Individual Metered Quarterly	Master Metered Quarterly
First (cf)	10000	3300	20.98	26.23	24.13	31.47
Next (cf)	90000	30000	16.09	20.11	18.50	24.14
Over (cf)	100000	33300	14.24	17.80	16.38	21.36

- (2) Extra strength surcharge.

Extra Strength Surcharges (\$ per mg/l per 1,000 cubic feet)				
	Inside City	Retail Quarterly	Individual Metered Quarterly	Master Metered Quarterly
BOD	0.007640	0.009550	0.008790	0.011460
Suspended Solids	0.008200	0.010250	0.009430	0.012300

- (3) Special monitoring fees. The city will charge a base fee for any industrial user that is classified as a significant industrial user (SIU) as defined in 40 CFR 403. The base fee will be combined with a volume charge per 100 cubic feet (ccf) of wastewater discharge. The sum of these two charges will comprise the special monitoring fee (SMF), and be added to the overall sewer portion of the utility bill. Refer to table below.

There are three sub-categories of SIU industries:

- (a) Categorical industrial user (CIU) discharger;
- (b) Non-CIU (metals);
- (c) Non-CIU (non-metals) and zero discharge permittees (ZDP).

Billing Cycle	Subcategory	Base Charge	Volume charge (\$ per 100-cf)
Quarterly	(a)	\$1583.38	0.0440
	(b)	\$1414.94	0.0440
	(c)	\$707.46	0.0440
Monthly	(a)	\$528.23	0.0440
	(b)	\$471.65	0.0440
	(c)	\$235.81	0.0440

(Ord. 31785-19, passed 1-8-20)

**Sec. 50.07. - Annual adjustments to wastewater service charges.**



(A) For year 2021, the charges established by this section shall be adjusted annually by the Director beginning January 1, 2021.

(1) *Wastewater rate schedule for basic and volume charges.*

Basic Charge (\$)						EXPAND
	Inside City		Retail Quarterly Service Charge	Individually Metered Quarterly Service Charge	Master Metered Quarterly Service Charge	
	Quarterly Service Charge	Monthly Service Charge				
Meter Size (inches)						
0-1 Residential	19.54	15.46	24.43	22.47	29.31	
1	38.15	21.67	47.69	43.87	57.23	

Volume Charge (\$ per 1,000 cubic feet)						
	Quarterly	Monthly	Inside City	Retail Quarterly	Individual Metered Quarterly	Master Metered Quarterly
First (cf)	10000	3300	22.62	28.28	26.01	33.93
Next (cf)	90000	30000	17.35	21.69	19.95	26.03
Over (cf)	100000	33300	15.35	19.19	17.65	23.03

(2) *Extra strength surcharge.*

Extra Strength Surcharges (\$ per mg/l per 1,000 cubic feet)
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	Inside City	Outside City	Rate (\$ per mg/l per 100 cubic feet)	Master
			Metered	Metered
	Inside City	Retail Quarterly	Quarterly Individual	Quarterly Master
			Metered Quarterly	Metered Quarterly
BOD	0.008240	0.010300	0.009480	0.012360
Suspended Solids	0.008840	0.011050	0.010170	0.013260

- (3) *Special monitoring fees.* The city will charge a base fee for any industrial user that is classified as a significant industrial user (SIU) as defined in 40 CFR 403. The base fee will be combined with a volume charge per 100 cubic feet (ccf) of wastewater discharge. The sum of these two charges will comprise the special monitoring fee (SMF), and be added to the overall sewer portion of the utility bill. Refer to table below.

There are three sub-categories of SIU industries:

- (a) Categorical industrial user (CIU) discharger;
- (b) Non-CIU (metals);
- (c) Non-CIU (non-metals) and zero discharge permittees (ZDP).

Billing Cycle	Subcategory	Base Charge	Volume charge (\$ per 100-cf)
Quarterly	(a)	\$1706.88	0.04700
	(b)	\$1525.31	0.04700
	(c)	\$762.64	0.04700
Monthly	(a)	\$569.43	0.04700
	(b)	\$508.44	0.04700
	(c)	\$254.20	0.04700

(B) For year 2022, the charges established by this section shall be adjusted annually by the Director beginning January 1, 2022.

(1) *Wastewater rate schedule for basic and volume charges.*

Basic Charge (\$)					EXPAND
Meter Size (inches)	Inside City		Retail Quarterly Service Charge	Individually Metered Quarterly Service Charge	Master Metered Quarterly Service Charge
	Quarterly Service Charge	Monthly Service Charge			
0-1 Residential	21.06	16.67	26.33	24.22	31.59
1	41.13	23.36	51.41	47.30	61.70

Volume Charge (\$ per 1,000 cubic feet)						
	Quarterly	Monthly	Inside City	Retail Quarterly	Individual Metered Quarterly	Master Metered Quarterly
First (cf)	110000	3300	24.38	30.48	28.04	36.57
Next (cf)	90000	30000	18.70	23.38	21.51	28.05
Over (cf)	100000	33300	16.55	20.69	19.03	24.83

(2) *Extra strength surcharge.*

Extra Strength Surcharges (\$ per mg/l per 1,000 cubic feet)
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	Inside City	Legal Super/retail	Individual Metered Quarterly	Master Metered Quarterly
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	Inside City	Retail Quarterly	Individual Metered Quarterly	Master Metered Quarterly
BOD	0.008880	0.01110	0.010210	0.013320
Suspended Solids	0.009530	0.011910	0.010960	0.014300

(3) *Special monitoring fees.* The city will charge a base fee for any industrial user that is classified as a significant industrial user (SIU) as defined in 40 CFR 403. The base fee will be combined with a volume charge per 100 cubic feet (ccf) of wastewater discharge. The sum of these two charges will comprise the special monitoring fee (SMF), and be added to the overall sewer portion of the utility bill. Refer to table below.

There are three sub-categories of SIU industries:

- (a) Categorical industrial user (CIU) discharger;
- (b) Non-CIU (metals);
- (c) Non-CIU (non-metals) and zero discharge permittees (ZDP).

Billing Cycle	Subcategory	Base Charge	Volume charge (\$ per 100-cf)
Quarterly	(a)	\$1840.02	0.05100
	(b)	\$1644.28	0.05100
	(c)	\$822.13	0.05100
Monthly	(a)	\$613.85	0.05100
	(b)	\$548.10	0.05100
	(c)	\$274.03	0.05100

- (C) (1) The rates established by this section shall become effective so as to apply to all bills rendered by the Water Department wherein the entire period of wastewater disposal commences on or after the effective date. Where previous bills have been estimated and the current bill is based on a meter reading made at least 90 days after the effective date, in the case of quarterly bills, 60 days after the effective date, in the case of monthly bills, all charges will be considered effective after the effective date. For the purposes of this subsection, "effective date" shall also mean the date on which charges adjusted pursuant to [Section 50.06](#) are effective.
- (2) The first bill rendered to the customer on or after any effective date, if based upon an actual reading or an estimate which includes usage both before and after the effective date, shall be considered for billing purposes as usage all of which was prior to the effective date, to be paid for at the old rates, and all bills rendered thereafter shall be considered as covering usage on or after the effective date, to be paid for the new rates.
- (D) For year 2023 and thereafter, unless by amendment, the charges established by this section shall be adjusted annually by the Director beginning January 1 in any given year. In determining the annual adjustment, the Director may utilize the Consumer Price Index (United States Department of Labor Statistics, Consumer Price Index, All Urban Consumers, U.S. City Average, Water and Sewer Maintenance or comparable index if the same is no longer published) as measured by the percent change in the average price index from the third quarter (July-September, hereinafter referred to as the base quarter) of the previous year to the base quarter one year prior; whichever percentage is greater. Prior to any rate adjustment taking effect in accordance with this section, the Director shall cause the new rates to be published electronically and put on file with the Clerk of the City Commission.

(Ord. 31785-19, passed 1-8-20)

#### **Sec. 50.08. - Sewer charges used to maintain sewerage system.**

The funds received from the collection of the charges or rentals authorized by this chapter shall be deposited daily with the city treasury and shall be accounted for and be known as the sanitary sewer fund. This fund shall be available for the payment of the cost and expense of the management, maintenance, and repair of the city sanitary sewerage system and the sewage pumping, treatment, and disposal works, when appropriated by the City Commission. Funds may be used for the payment of the interest on bonds issued and outstanding, or which may be issued in order to pay the city's portion of the cost of constructing the sanitary sewerage system, or part thereof, and the sewage pumping, treatment, and disposal works, and to retire bonds when they mature, and for the enlargement or replacement of the sanitary sewerage system, pumping, treatment, and disposal works. However, there shall be no use of any funds or part thereof to extend sewers into unsewered areas in a manner that will relieve the owners of benefited properties from the payment of reasonable assessments or tap-in

charges in lieu of assessments where the sewer or sewers thus constructed serve a previously unsewered area. The Department of Water shall manage and maintain a fiscally sound sanitary sewer utility. In order for the Department of Water to operate effectively and sustain a sound utility the Director shall maintain a Financial/Fiscal Policy that establishes revenue requirements and cash reserves (restricted and unrestricted) that may be updated from time to time.

(Ord. 31785-19, passed 1-8-20)

## **SUBDIVISION C. - OTHER**

### **Sec. 50.09 - Collection agents authorized; contracts.**

- (A) The Director of Finance, with the approval of the City Manager, is authorized to enter into contracts with any bank, savings and loan association, employees credit union, or other agency approved by the Director of Finance, establishing banks, savings and loan associations, employees credit unions, and other agencies as collection agents for the collection of water and sewer bills.
- (B) These contracts shall contain the following provisions:
- (1) That the collection agent shall collect only those accounts for which no penalty is due;
  - (2) That such collections shall be made in accordance with such instructions as may from time to time be given the collection agent by the city;
  - (3) That the city shall furnish the collection agent with such receipt stamp and other supplies as may be necessary, all of which shall remain the property of the city;
  - (4) That the city shall pay the collection agency a reasonable fee as negotiated by the Director of Finance and approved by motion of the City Commission;
  - (5) That the collection agent shall furnish bond or insurance, satisfactory to the Director of Finance, to indemnify the city for the loss of any funds received by the collection agent in accordance with the terms of the contract;
  - (6) That the contract shall create no relationship other than that of independent contractor between the city and the collection agent;
  - (7) That the collection agent shall indemnify the city against any loss or damage which may result from the acts of the collection agents, their agents, or employees;
  - (8) That such contract may be terminated forthwith by either the city or the collection agent at any time; and,
  - (9) Such further provisions as may be deemed necessary.

(Ord. 31785-19, passed 1-8-20)

**Sec. 50.10. - Foreclosure proceedings against premises supplied with city water.**

Whenever it shall be brought to the attention of the Division of Revenue and Taxation that foreclosure proceedings have been instituted against premises supplied with city water, the division shall arrange to require deposit payments or other suitable guaranties in advance for the water furnished to such premises until the premises have been sold or the proceedings otherwise terminated. If the Division of Revenue and Taxation shall receive notification in writing of the pendency of the foreclosure proceedings and the location of the premises affected thereby prior to such sale, the purchaser at the foreclosure sale shall be entitled to have water furnished the premises without payment of water bills accrued under the previous owner, for any period subsequent to the date of the receipt of notice of the pendency of foreclosure proceedings by the Division of Revenue and Taxation.

(Ord. 31785-19, passed 1-8-20)

**Sec. 50.11. - Well field protection surcharge.**

- (A) Effective July 1, 1988, there shall be assessed against users of water a well field protection surcharge of \$1.00 per 1,000 cubic feet of water supplied.
- (B) The City Commission hereby approves the administrative suspension of all or part of the well field protection surcharge by resolution of the Well Field Protection Board at such times as the board deems appropriate provided, however, that:
  - (1) The well field protection surcharge shall not exceed \$1.00 per 1,000 cubic feet of water supplied; and
  - (2) Adequate funds shall be maintained to finance the protection of the city's drinking water supply.
  - (3) Unappropriated funds in the Well Field Protection Fund shall not exceed the limit set forth in [section 53.05\(C\)\(1\)](#).

(Ord. 31785-19, passed 1-8-20)

**Secs. 50.12—50.19. - Reserved.****DIVISION 2. - BOARD OF WATER AND SEWER CHARGE REVIEW****Sec. 50.20. - Board of Water and Sewer Charge Review created.**

The Board of Water and Sewer Charge Review is created.

(Ord. 24314, passed 7-5-72)

**Sec. 50.21. - Membership of board; quorum.**

(A) The Board of Water and Sewer Charge Review shall consist of the Director of Finance or a person designated by him, the City Attorney or an Assistant City Attorney designated by him, and the Director of the Water Department or a person designated by him, other than the Superintendent of Water Revenue.

(B) A majority of the members of the board shall constitute a quorum.

(Ord. 24314, passed 7-5-72)

### **Sec. 50.22. - Officers of board.**

The board shall select each year, for a one-year term, one of its members to serve as chairman and one to serve as secretary.

(Ord. 24314, passed 7-5-72)

### **Sec. 50.23. - Authority of board.**

(A) The board shall have the authority, upon the request of the Superintendent of Water Revenue, to modify, in whole or in part, any charges for sewer or water service, including any penalties or interest assessed thereon.

(B) In addition, the board may authorize the Superintendent of Water Revenue to accept partial payments for a period in excess of the time allowed for the payment of water or sewer charges.

(Ord. 24314, passed 7-5-72)

### **Sec. 50.24. - Rules and hearings of board.**

The board shall adopt its own procedural rules and shall keep a record of the proceedings. All hearings of the board shall be conducted privately.

(Ord. 24314, passed 7-5-72)

### **Sec. 50.25. - Appeal of board decision.**

Any person, feeling aggrieved by a decision of the Board of Water and Sewer Charge Review, may appeal such decision to the Board of Water and Sewer Charge Appeals created pursuant to [§ 50.26](#), by notifying the Superintendent of Revenue and Taxation in writing within ten days after receiving notice of the decision of the Board of Water and Sewer Charge Review. Such notice shall contain the grounds for appeal.

(Ord. 24314, passed 7-5-72; Am. Ord. 26913, passed 12-14-83)

### **Sec. 50.26. - Board of Water and Sewer Charge Appeals created.**

- (A) There is hereby created a Board of Water and Sewer Charge Appeals which will be comprised citizens of the city, to be appointed by the Commission. Except for the initial terms created by section, each member of the Board of Water and Sewer Charge Appeals shall serve for a term years, and may be reappointed for only one additional three-year term.
- (B) The Board of Water and Sewer Charge Appeals shall choose one of its members as chairperson.
- (C) The members of the board shall serve without compensation.
- (D) A majority of the members of the board shall constitute a quorum.

(Ord. 26913, passed 12-14-83; Am. Ord. 30907-09, passed 8-19-09)

**Sec. 50.27. - Procedural rules; hearings.**

- (A) Hearings of the Board of Water and Sewer Charge Appeals shall be public. The appellant shall attend such hearing and may be represented by a person of his choosing. The Director of the Department of Water and/or the Superintendent of Revenue and Taxation may also appear or be represented at such hearing. The board shall not be bound by the rules of evidence prevailing in the courts of law but shall review and consider all reliable, probative and substantial evidence in rendering its decision.
- (B) The board shall adopt procedural rules not inconsistent with this section and shall keep a record of its proceedings.

(Ord. 26913, passed 12-14-83)

**Sec. 50.28. - Authority of board.**

- (A) The Board of Water and Sewer Charge Appeals shall, on hearing, have authority to affirm, reverse, or modify decisions of the Board of Water and Sewer Charge Review.
- (B) For purposes of appeal, the decision of the Board of Water and Sewer Charge Appeals shall constitute a final order.

(Ord. 26913, passed 12-14-83)

**Sec. 50.29. - Reserved.**

**DIVISION 3. - PROHIBITIONS**

**Sec. 50.30. - Obstructing sewers.**

No person shall place anything of whatever nature, or permit any material to remain, which shall obstruct the flow of water in any sewer, drain, or culvert in the city.

(Ord. 12700, passed 12-30-25)



**Cross reference**— Penalty, see [§ 50.99](#).

### **Sec. 50.31. - Structure over sewer.**



No person shall erect any house, stable, or other structure over any drain or sewer, or near any culvert, so as to interfere with or prevent its cleaning.

(Ord. 12700, passed 12-30-25)

**Cross reference**— Penalty, see [§ 50.99](#).

### **Sec. 50.32. - Turning on curb boxes and hydrants prohibited; exceptions.**



No person other than a licensed plumber acting in accordance with the rules governing plumbers, members of the Department of Fire in the performance of their duties, or employees of the Departments of Water and Finance, shall turn a curb stop cock, fire hydrant, or valve, without a written permit from the Department of Water.

(Ord. 10706, passed 5-8-18; Am. Ord. 26484, passed 3-31-82)

**Cross reference**— Penalty, see [§ 50.99](#).

### **Sec. 50.33. - Director to make water main extensions.**



The Director of Water is directed to make all water main extensions in the waterworks system of the city which do not exceed 500 feet in length by the direct employment of labor and purchase of materials and supplies unless the Commission shall otherwise direct.

(Ord. 11361, passed 5-4-21; Am. Ord. 17843, passed 11-25-53)

### **Sec. 50.34. - Water tapping to comply with rules.**



No person shall tap into or connect a pipe or pipes with any water line or main belonging to the city, except in accordance with the rules of the Department of Water.

(Ord. 10706, passed 5-8-18)

**Cross reference**— Penalty, see [§ 50.99](#).

### **Sec. 50.35. - Water service to be metered.**



No person shall connect a pipe or other appliance to a water line which carries water to a meter so that the water may be obtained without it passing through the meter.

(Ord. 10706, passed 5-8-18)



### **Sec. 50.36. - Use of unmetered water prohibited.**

No person shall knowingly use any water which has not passed through the meter when the premises where such water is used purchases its water by meter measurement.

(Ord. 10706, passed 5-8-18)

**Cross reference**— Penalty, see [§ 50.99](#).

### **Sec. 50.37. - Limitation of water use during emergency.**

No person shall disobey the orders of the Chief of the Department of Fire, or the Director of Water, directing the limitation of or discontinuance of the use of water at the time of a serious fire or a water shortage.

(Ord. 10706, passed 5-8-18)

**Cross reference**— Penalty, see [§ 50.99](#).

### **Sec. 50.38. - Protection fee for privately financed water main improvements.**

- (A) *Purpose and eligibility.* The Director of the Department of Water, or his/her designee, may authorize the establishment of a protection fee to be collected from the owner(s) of any property(ies) that connect(s) to a privately-financed water main extension or improvement, where such owner(s) did not participate in the original cost of the water main extension or improvement. The purpose of this protection fee is to help offset the original cost of the extension or improvement to the original private developer, by requiring those who own properties to be connected at a later date from benefiting at the expense of the original developer.
- (B) *Establishment.* Protection fees may be established by the Director of the Department of Water, or his/her designee by the following procedure.

Such fees may be based on front footage, square footage, or benefit unit. For the establishment of protection fees as outlined in this section only, "front footage" shall be the footage of water main installed or improved along or through a directly benefited property. "Square footage" shall be based on the total area of the directly benefited property. "Benefit unit" shall be some other predetermined unit of measuring the value of the water main extension or improvement to the benefited property, other than by front footage or square footage.

- (1) Preliminary request. A preliminary request to establish protection fees shall be submitted in accordance with the following steps:
  - (a) A developer requesting the establishment of protection fees shall make



his/her/its request in writing to the Director of Water or his/her designee, prior to the beginning of construction of the water main extension or improvement, and prior to the issuance of any building or other applicable construction permits required for the water main extension or improvement.

- (b) Attached to the written request shall be a detailed unit price cost estimate prepared by the developer's design engineer, a property map(s) showing the property dimensions of all directly benefited properties, estimated engineering fees, appropriate inspection fees and other applicable fees; including but not limited to state and/or federal agency fees.
- (2) Amount. The amount of protection fees to be established may include the following items:
  - (a) Construction cost of improvement.
  - (b) Easement costs for improvement; final easement payments must be justified as to reasonableness by submission of an appropriate appraisal.
  - (c) Engineering fees (design staking and as-builts).
  - (d) Inspection fees (by permit).
  - (e) OEPA fees (plan review, permit to install (PTI) application and fee).
  - (f) Such other fees and/or costs as may be determined by the Director of Water or his/her designee to be reasonably related and required for the water main extension or improvement and reasonably justified for inclusion in the protection fee.
- (3) Upon review of the preliminary request and relevant factors, the Director of Water or his/her designee shall calculate the amount of protection fee(s) that he or she can recommend to the City Commission for adoption and shall furnish the developer with written notice of such fees so recommended, subject to final approval by the City Commission.
- (4) The Director of Water or his/her designee will then prepare a resolution of recommendation to the City Commission for establishment of the protection fees for a given project. The resolution shall set forth the amount of the protection fees, the method by which collection of the protection fees will be allocated among subsequent connections, the term of collection (which in no event shall exceed ten years), and the name and address to whom reimbursement for the original extension or improvement shall be paid. The resolution may also contain such other terms and conditions as recommended by the Director of Water or his/her designee. The resolution shall provide for an administrative fee to be collected by the city in

the amount of five percent of the protection fees so collected. The resolution shall not provide for the collection of interest on the cost of the original extension or improvement. The resolution shall not be considered as an emergency legislation.

- (C) *Collection.* Once the resolution establishing the protection fees for a particular project becomes effective, the Director of water or his/her designee will collect these fees at the time of issuance of any permits for connection by those properties directly benefited by the water main extension or improvement as established by the resolution.
- (D) *Reimbursement.* Any protection fees collected by the Director of Water or his/her designee will be reimbursed to the developer in accordance with the appropriate resolution of establishment.
- (E) *Term.* The protection fees for any particular project shall be in effect for the time period as set forth in the resolution of establishment as passed by the City Commission, but in no event for longer than a ten-year period from the date the original extension or improvement was completed.
- (F) *Rights.* Protection fee rights are nontransferable and shall apply to only the individual or firm with whom they are established.
- (G) *Disclaimer.* The City of Dayton shall accept no liability for the collection of protection fees nor policing of the improvement due to error.

(Ord. 29488-97, passed 12-10-97)

### **Sec. 50.39. - Reserved.**

## **DIVISION 4. - DEPARTMENT OF WATER**

### **Sec. 50.40. - Department of Water.**

- (A) The Department of Water is hereby created and established, which Department shall be organized into an Office of the Director, Deputy Director and the following Divisions:
  - (1) Administration.
  - (2) Environmental Management.
  - (3) Water Utility Field Operations.
  - (4) Water Reclamation.
  - (5) Water Supply and Treatment.
  - (6) Water Engineering.
  - (7) Financial Services.
- (B) The Office of the Director shall be in charge of the Director who shall be responsible for

and in overall charge of the department and all of its functions, and who shall also have the following powers and duties:

- (1) The powers and duties as provided by the Charter, the ordinances of the city, and other applicable statutes and laws, but subject to the management and control of the City Manager in all matters.
  - (2) The power to, subject to the approval of the City Commission, make rules and regulations for the management and protection of the waterworks system, sanitary sewer system and wastewater treatment works, the government of water and sewer users, and others in their relationships to the Department of Water; to classify water and sewer services, to establish, adjust, and regulate the rates charged for the different classes of water and sewer services; to provide and collect for materials and services rendered to individuals, contractors, and political subdivisions and to collect for other products and services not covered in the water service and sewer service rate schedules. The rules, regulations, and tariff rates for water service or change therein which the Director shall from time to time establish, shall be in force and effect immediately on being approved by the City Commission, which approval shall be made informally on motion and shall be entered on the minutes of the City Commission, but shall not be published. The tariff rates for sewer service or changes therein which the Director shall from time to time establish, shall be presented in ordinance form for the City Commission approval.
  - (3) Subject to the supervision and control of the City Manager in all matters, the Director of Water shall manage and control the waterworks system, sanitary sewer system and wastewater treatment works, and have charge of the construction, extension, maintenance, and operation of the waterworks system, the maintenance and repair of sewers, both storm and sanitary, the construction, operation, maintenance, and repair of the wastewater treatment works, and the various disposal and reclamation facilities used for handling and disposing of water and wastewater treatment byproducts. The selling of any byproducts which may be merchantable shall be conducted by the Department of Finance, but management and control in all the respects shall be the duty of the Director of Water.
- (C) Where necessary for the efficient operation of the Department of Water, the Director may substitute, reassign, modify or expand the functions of the Department of Water, with the advice and consent of the City Manager.
- (D) The Director, Deputy Director and the heads of the Divisions, shall serve at the pleasure of the City Manager.

(Ord. 13083, passed 12-1-26; Am. Ord. 29051-95, passed 8-2-95; Am. Ord. 31143-11, passed 12-28-11; Am. Ord. 31747-19, passed 8-21-19)

**Secs. 50.41—50.49. - Reserved.****DIVISION 5. - PIPE LAYING CONTRACTORS****Sec. 50.50. - Pipe laying contractor's license required.**

No person, other than a registered plumbing contractor, shall engage in the business or occupation, or otherwise perform work or services, involving the installation, maintenance, repair or replacement of sanitary or storm sewers, water lines and mains, or fire sprinkler systems and other similar fire suppression systems, including digging trenches, handling, laying, making joints, and refilling trenches outside of buildings and structures or their walls, without first obtaining a license to do so from the Department of Building Services.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90; Am. Ord. 30057-01, passed 12-26-01)

**Sec. 50.51. - License fee.**

The annual license fee shall be \$200.00. No part of the fee shall be refundable.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90)

**Sec. 50.52. - Bond prerequisite to issuance of license.**

- (A) A bond, which must be filed before a license may be issued, shall be in the penal sum of \$10,000.00, conditioned to the effect that the licensee engaged in the business or occupation providing the services described in [§ 50.50](#) of this Code, whether under contract with the city or property owner, shall comply strictly with all the laws and ordinances applicable thereto, shall make such installations in accordance with the specifications adopted by the city or a duly authorized officer thereof, shall remove all debris after the completion of the work covered by such contract, shall pay all damages which may accrue because of defective or inferior workmanship or materials in such work, or repair or replace same: provided, that such defective condition becomes evident prior to the expiration of any guarantee period expressed in any such contract, shall indemnify and save harmless the city or any other governmental authority and the property owner with whom he contracts, against all claims, charges, losses, damages, and actions of every kind on account of any injury or damage to person or property, or both, because of, arising out of, or incident to the construction of the work in any such contract specified to be done; and shall pay for any and all claims for labor, materials, machinery or equipment furnished for the work specified in any such contract.

- (B) The bond shall be a corporate surety bond written by a surety company authorized to do

business in Ohio and shall be subject to the approval of the Director of Building Services.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90; Am. Ord. 30057-01, passed 12-26-01)

### **Sec. 50.53. - Issuance of license.**

Upon receipt of an application for a license and the license fee, together with the filing of the bond herein required, the Department of Building Services shall issue a license to such applicant, which license shall be and remain in full force and effect for and during the remainder of the calendar year for which it is issued.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90; Am. Ord. 30057-01, passed 12-26-01)

### **Sec. 50.54. - Conditions of license.**

The acceptance of the license hereunder shall bind the licensee to the faithful observance of all lawful requirements pertaining to the installation of sanitary and storm sewer laterals and water services within the city or on any system served by the city. It shall bind such licensee according to the specifications adopted by the city or any officer thereof duly authorized in the premises. The licensee shall comply with the orders of the City Engineer, the Director of Public Works, and Director of Water, and any other officers with respect to any law or ordinance, or matter pertaining to these specifications. Failure to so comply shall be justification for refusal to issue additional permits.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90)

### **Sec. 50.55. - Revocation or suspension of license; notice; hearing.**

The Director of Economic Development may after proper notice and hearing revoke or suspend any license issued pursuant to §§ [50.50](#) through [50.58](#) upon conviction of the licensee in any court of competent jurisdiction for violation of any provision of these sections or any ordinance pertaining to the installation of sewer and water mains or laterals. The Director of Economic Development shall keep a list of licenses issued under these sections and furnish a copy thereof directly and promptly to the Director of Public Works and the Director of Water with such additions thereto as may be made from time to time.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90)

### **Sec. 50.56. - Installation permit required; fee.**

Proper permits shall be obtained from the Division of Business Services before any work is done under a license issued pursuant to §§ [50.50](#) through [50.58](#). Separate permits shall be obtained for each sanitary sewer lateral, storm sewer lateral, or water service laid. The permit shall be the same as those issued to plumbers and the fees charged therefor identical. Pipe laying contractors shall not be

permitted to open up paved streets of Class 1 to Class 4 as defined in "Rules and Regulations for Making Openings in a Public Way", published by the Department of Public Works, within the city for the purpose of installing sewer or water laterals.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90)

### **Sec. 50.57. - Liability insurance required.**

Any person licensed under §§ [50.50](#) through [50.58](#) shall procure and furnish satisfactory evidence that he is keeping in full force and effect a liability insurance policy containing a contractual liability coverage endorsement and completed operations coverage, furnishing to himself and the city protection against claims arising out of the performance of the work covered under the permit or in any way connected therewith in the amount of \$100,000.00 for any one person injured in any accident, with a total liability of \$300,000.00 for all persons injured in any one accident, and the amount of \$100,000.00 for compensation for damages caused to the property of any person other than that belonging to the licensee.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90)

### **Sec. 50.58. - Collusion to violate §§ 50.50 through 50.58.**

No architect, builder, contractor, corporation, firm, or individual shall knowingly aid or abet any sewer and water contractor to do installation of water or sewer service in violation of the provisions of §§ [50.50](#) through [50.58](#), or collude at its violation or knowingly employ unlicensed sewer and water contractors or knowingly permit their employment for the use of such architect, builder, contractor, corporation, firm, or individual.

(Ord. 23639, passed 3-4-70; Am. Ord. 28242, passed 12-26-90)

Cross reference— Penalty, see [§ 50.99](#).

### **Sec. 50.59. - Reserved.**

## **DIVISION 6. - OAKWOOD SEWAGE**

### **Sec. 50.60. - Sanitary sewer connection.**

The Village of Oakwood is granted the right to continue to maintain and use the connections which it now has with the sanitary sewer system of the city under the terms and conditions as set forth in succeeding sections hereof.

(Ord. 13547, passed 3-30-28)

### Sec. 50.61. - Rental charge.



The village shall pay the city on or before the first day of March, June, September, and December of each year as long as the village shall use connections or outlets from its sanitary sewers into the sanitary sewer or sewers of the city the net amount of rentals or charges which shall accrue pursuant to the provisions of [§ 50.03](#), or amendments thereto, as against the owners of property connected with the sanitary sewers of the village, less eight percent thereof which shall be allowed the village for its costs and expenses incident thereto.

(Ord. 13547, passed 3-30-28)

### Sec. 50.62. - Sanitary sewer construction to conform to Dayton standards.



All sanitary sewer construction done in the village shall be in accordance with the city's specifications for sanitary sewers. The connections of the city's sewers shall be made and maintained and used under the supervision of the Director of Water of the city and in accordance with the city's specification for sanitary sewer construction. The connections which have been made and for which privilege is granted to be continued as well as any future connections approved by the city, are by means of:

- (A) Two connections at a point in the west sidewalk of Main Street where the city's sewer crosses the sidewalk;
- (B) Two laterals at Irving Avenue and Brown Street;
- (C) Laterals along Irving Avenue at Glendora, Mahrt, Acacia, and Shafor;
- (D) Laterals to the city sewer that runs along the Pennsylvania Railroad, which lies west of Shroyer Road, at points north of Oak Forest, north of Collingwood, at Patterson Road, Spirea, and Shroyer.

(Ord. 13547, passed 3-30-28)

### Sec. 50.63. - Previous sanitary sewer system to remain.



On those sewers built by the village within the limits of the city to which Y's have been provided at points designated by the proper officer or officers of the city, these Y's shall continue to be available for use by the abutting property owners who have or may avail themselves of the right to connect to the sewer, which connections shall be made under the same conditions as if the sewer had been constructed by the city.

(Ord. 13547, passed 3-30-28)

### Sec. 50.64. - Sanitary sewer rules and regulations.



The use of the sanitary sewers of the village shall be governed by the same rules and regulations governing the use of the sanitary sewers of the city as long as the village continues the use of the city's sewers, and it is hereby expressly understood and agreed that the village shall use the connections with the city's sanitary sewer system hereby permitted for the discharge of sanitary sewage only, and it is hereby understood and agreed that the necessary ordinances will be passed by the Council of the village to make any violation of this section a misdemeanor and that violations hereof will be faithfully and diligently prosecuted by the proper officers of the village.

(Ord. 13547, passed 3-30-28)

#### **Sec. 50.65. - Failure of village to comply with notice of violation.**

Upon notice of any violation of any provision of §§ [50.60](#) through [50.67](#) being brought to the attention of the village by city, if such violation is not promptly discontinued, the city shall have the right to require the village to discontinue the use of the privileges of discharging the outfall of its sanitary sewers into the sanitary sewer system of the city on 60 days' notice; and further, the village shall save the city harmless from any and all claims for damages which may arise from the exercise of the rights hereby granted.

(Ord. 13547, passed 3-30-28)

#### **Sec. 50.66. - Village share of costs of reconstruction.**

In the event it becomes necessary for the city to reconstruct, enlarge, or relieve its present or future sewers with which the village maintains a connection, and if at the time any of the sewage of the village is to be emptied into the sewer, the village shall pay a portion of the cost and expense of such reconstruction or enlargement of such sewer, such portion having the same ratio to the whole of the cost and expense as the volume of the sewage from the village flowing through the sewers with which the village maintains connections to the whole volume of the sewage flowing through them at the time such reconstruction or enlargement takes place.

(Ord. 13547, passed 3-30-28)

#### **Sec. 50.67. - Village passage of accepting ordinance to constitute contract.**

Upon the passage of an ordinance by the Council of the Village of Oakwood accepting the provisions of §§ [50.60](#) through [50.67](#), these sections and such ordinance of acceptance so passed by the village shall constitute a contract between the City of Dayton and the Village of Oakwood.

(Ord. 13547, passed 3-30-28)

#### **Secs. 50.68—50.98. - Reserved.**



## Sec. 50.99. - Penalty.



Any person violating any provision of §§ [50.01](#) through [50.37](#) or [50.50](#) through [50.58](#) shall be guilty of a misdemeanor of the third degree.

< Title V - PUBLIC UTILITIES

CHAPTER 51. - REFUSE >