

ORDINANCE 99-6

WHEREAS: The Town Council desires to set forth uniform construction and utility service requirements for development within the Town of Dayton service area, for such developments requesting municipal services and/or utilities from the Town, or for any proposed subdivision or site development within the Town corporate limits excluding single lot, single family residences.

The objectives of this ordinance are:

1. To guide the future growth and development of the Town of Dayton and to insure that public facilities and services are available and will have sufficient capacity to serve proposed development areas.
2. To establish policy and procedures relating to the annexation of property to the Town of Dayton and the extension of utilities beyond the corporate limits of the Town.
3. To set forth guidelines and standards for the design, installation and inspection of public facilities to serve proposed development areas.
4. To establish procedures for submittal and review of proposed development plans including review fees and submittal requirements.
5. To insure proposed development for the Town of Dayton is consistent with the policies and procedures of adjoining jurisdictional areas.

Section 1 - Conflicting Ordinances

The provisions of this ordinance shall be deemed as additional requirements to minimum standards required by other ordinances of the Town of Dayton and/or Tippecanoe County. In the case of conflicting requirements, the most restrictive shall apply.

Section 2 - Annexation and Utility Extension Policy

- A. Where Town utilities are extended beyond the current Town Corporation limits and prior to rendering water or sewer utility service to properties outside the current Town corporate limits, the landowner of the property to be served shall agree to the following:
 1. Jointly cooperate with the Town to annex the property into the Town corporate limits.
 2. Or, if the property cannot be legally annexed to the Town, to enter into an agreement wherein the landowner and his successors in interest waive their right to object to annexation. The agreement is to be recorded, and as such will constitute notice to and be binding upon successors in interest to the real estate described in the agreement.
- B. All potential utility customers shall enter into an agreement with the Town of Dayton (Utility Service Agreement). This agreement describes the terms and conditions for provision of utility service (water and sewer) to a proposed residential, commercial or industrial development including any fees and terms of fee payment.
- C. Extension of water and sewer lines from the point of connection into the existing municipal system to and throughout the proposed development shall be the

responsibility of the Owner/Developer of the subdivision or addition, and shall be at his sole expense. The materials, design, layout and construction of the proposed extension of utilities shall be subject to the acceptance and approval of the Town Board or its authorized representative.

- D. In order to facilitate future expansion or development, the Town may require the developer to oversize utility lines or extend utilities through the proposed development. Costs for oversizing and/or extension beyond the area to be served by the developer will be the responsibility of the Town.

Section 3 - Compliance with this and Other Ordinances

- A. In addition to the requirements of this ordinance, compliance with the requirements set forth in the Zoning, Subdivision and Drainage Ordinances of Tippecanoe County; the Sewer and Water Ordinances of the Town of Dayton; and any other applicable ordinances with respect to submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, construction, inspections, appeals and similar matters, and compliance with applicable State of Indiana statutes and regulations shall be required.
- B. No sewer or water permits shall be issued for development in the Town of Dayton or proposed annexation or other service areas (except single lot, single family residences) until the plans for such construction, extension, remodeling alteration or repair have been approved in writing by the Town Council or its authorized representative. The process for obtaining plan approval is outlined in Section 4.
- C. No sewer or water service shall be provided until all construction is complete and inspected to the satisfaction of the Town Council or its authorized representative, and As-Built information is submitted to and approved by the Town Council or its authorized representative.
- D. No utility service, water or sewer will be provided until all technical and monetary matters have been satisfied.
- E. Payment of all required plan review fees, and utility fees shall be made to the Town prior to the issuance of any utility connection (tap) permits.
- F. Notification of the Town Utility personnel is required prior to initiation of construction activity and/or connection to the system.

Section 4 - Plan Submittal and Review Procedures

- A. A developer and/or owner is required to purchase a "Development Guide" which includes: a plan submittal checklist, plan review checklist, development procedure checklist, all applicable ordinances, "Typical Construction Guidelines and Details", inspection checklist and all other applicable development requirements and information of the Town of Dayton.
- B. Preliminary/Conceptual Plan
1. Upon review of the Town's requirements, the developer/owner shall provide the Town Council or its authorized representative a preliminary/conceptual plan of the proposed development.
 2. Submittal requirements for the preliminary/conceptual plan shall be as outlined in the "Development Guide".