



TOWN COUNCIL WORK SESSION

Tuesday, April 16, 2024 at 7:00 PM

Bristol Town Hall Council Chamber

AGENDA

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA

REPORTS

5. TOWN MANAGER

- a. Accept new roadway and utility extension of Stonemont Ct and Rail Park Drive

6. CLERK-TREASURER

7. TOWN ATTORNEY

- a. **Ordinance 4/16/2024- 7** Amendment to Bristol waterworks bond

Public Hearing

Council consideration

- b. **Ordinance 4/16/2024- 8** Amendment to Bristol waterworks bond

Public Hearing

Council consideration

- c. **Ordinance 4/16/2024-9** Water and Sewer Rates

Public Hearing

Council consideration

8. QUESTIONS ABOUT UPCOMING COUNCIL MEETING AGENDA ITEMS

9. OTHER COMMENTS OR QUESTIONS

- a. Consideration of off-road vehicle ordinance. In the packet is the recently passed county ordinance. Grant Privett approached the Council last year regarding the Council's interest.

10. MOTION TO ADJOURN

April 15, 2024

Bristol Town Council
303 E. Vistula Street
Bristol, IN 46507

Attn: Mike Yoder, Town Manager

**RE: EARTHWAY RAIL PARK PHASE IV. CONTRACTS A & B AND ROADWAY
EXTENSION TO RAILROAD – NEW ROADWAY AND MUNICIPAL UTILITIES
EXTENSION CONSTRUCTION ACCEPTANCE**

Dear Mr. Yoder:

This is to provide written confirmation that the subject new roadway construction and municipal utility extension has been inspected by Jones Petrie Rafinski, Corp (JPR) and the Town of Bristol Street Department and has been determined to be in compliance with the Town of Bristol Standard Specifications with recommendation of acceptance and has been accepted by the Town.

The subject new roadway construction and municipal utility extension includes the extension of the Rail Park Drive roadway corridor from its previous western terminus to the west to new Stonemont Court, the construction of the new Stonemont Court roadway corridor to the north to intersect with State Road 120 across from the existing Longboat Court roadway corridor, and new railroad crossing pavement and railroad signal system construction at Norfolk Southern Railroad, (Note: Grand Elk Railroad operates and maintains the railroad through the Bristol area as leased from Norfolk Southern Railroad).

Attached is a schematic plan view showing the highlighted subject Earthway Rail Park Phase IV new roadway corridor.

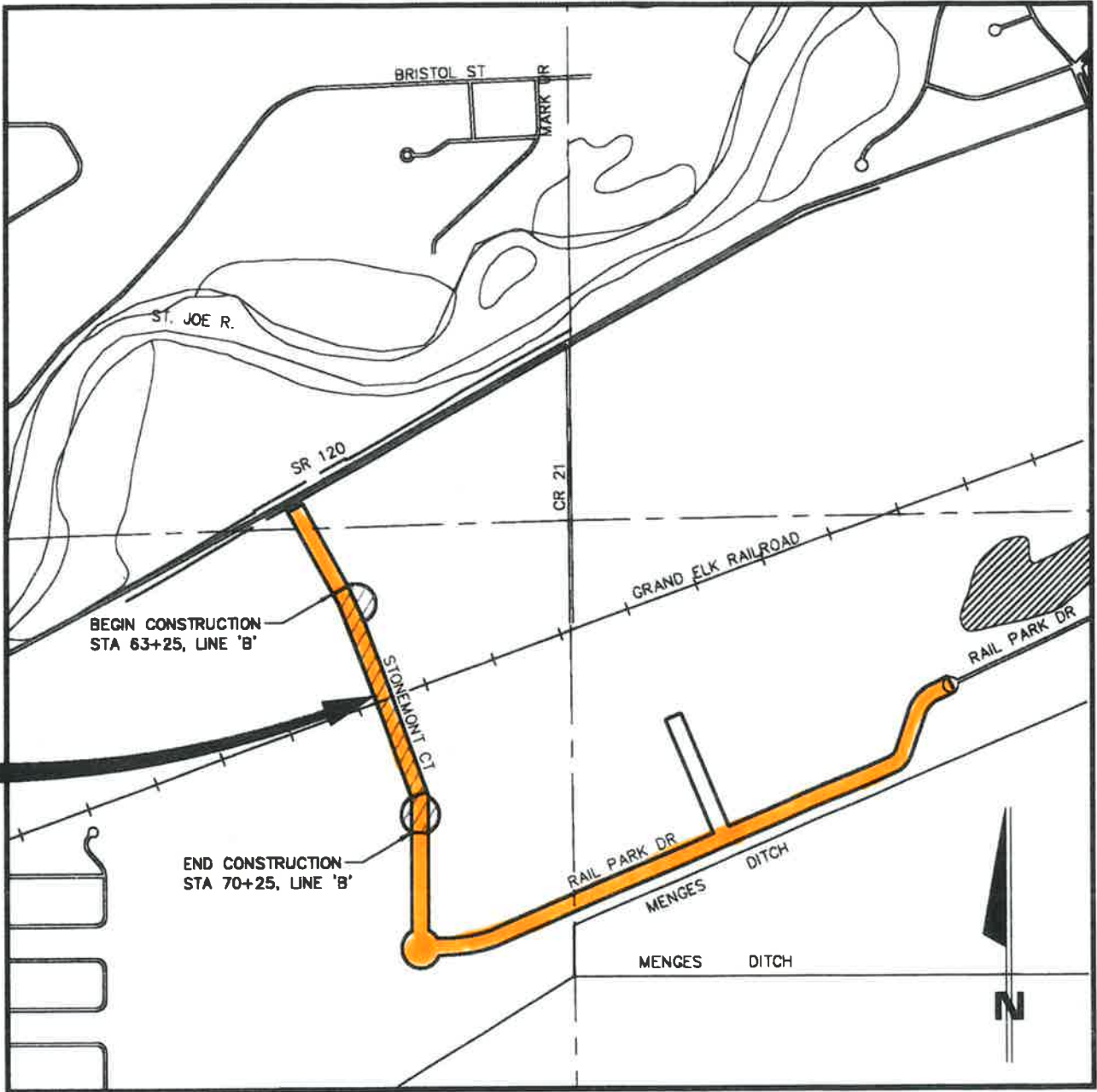
Sincerely,



Mark E. Wilson, P. E.
Senior Staff Engineer

TOWN OF BRISTOL

Section 5, Item a.



**PROJECT
SITE**

BEGIN CONSTRUCTION
STA 63+25, LINE 'B'

END CONSTRUCTION
STA 70+25, LINE 'B'

ORDINANCE NO. 4/16/2024-7

AN ORDINANCE OF THE TOWN OF BRISTOL, INDIANA AMENDING ORDINANCE NO. 10-20-22B TITLED AN ORDINANCE OF THE TOWN OF BRISTOL AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REVENUE BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE MUNICIPAL SEWAGE WORKS OF SAID TOWN, PROVIDING FOR THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH

WHEREAS, the Town Council (the “Town Council”) of the Town of Bristol, Indiana (the “Town”) previously adopted its Ordinance No. 10-20-22B (“Ordinance 10-20-22B”) authorizing certain additions, improvements and extensions to the Town’s sewage works, as more specifically set forth in Exhibit A thereto (the “Project”) with maximum Project cost of Twelve Million Four Hundred Thousand Dollars (\$12,400,000) and authorizing the issuance of sewage works revenue bonds by the Town in one or more series in an aggregate principal amount not to exceed Twelve Million Four Hundred Thousand Dollars (\$12,400,000);

WHEREAS, based upon bids received for the Project, the Town Council now desires to amend Ordinance 10-20-22B as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA, THAT:

Section 1. The two references in the preamble to “Twelve Million Four Hundred Thousand Dollars (\$12,400,000)” are hereby deleted and replaced with “Thirty-One Million Ninety-Two Thousand Dollars (\$31,092,000).”

Section 2. The reference in Section 1 to “Twelve Million Four Hundred Thousand Dollars (\$12,400,000)” is hereby deleted and replaced with “Thirty-One Million Ninety-Two Thousand Dollars (\$31,092,000).”

Section 3. The reference in Section 2 to “Twelve Million Four Hundred Thousand Dollars (\$12,400,000)” is hereby deleted and replaced with “Thirty-One Million Ninety-Two Thousand Dollars (\$31,092,000).”

Section 4. Exhibit A of Ordinance 10-20-22B is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

Section 5. Except as modified by this Ordinance, all provisions of Ordinance 10-20-22B shall remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage by the Town Council, and the execution of any procedures required by applicable law.

ADOPTED THIS 16th DAY OF APRIL, 2024.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

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EXHIBIT A

DESCRIPTION OF PROJECT

The Project consists of the construction of a new headworks with mechanical screen, provisions for future grit removal system, Sequencing Batch Reactor (SBR), UV system, post aeration system, replacement administration building and maintenance garage and other miscellaneous wastewater treatment facility improvements to support the main process as described in the Preliminary Engineering Report. Lift stations 1, 3, 8 and 10 are proposed to be improved as a part of the project. The Project will increase the organic capacity, provide redundancy, and improve the above referenced lift stations.

The Project is more particularly described in the Preliminary Engineering Report prepared by Commonwealth Engineers, Inc and submitted to Indiana Finance Authority (IFA) – State Revolving Fund (SRF).

ORDINANCE NO. 4/16/2024-8

AN ORDINANCE OF THE TOWN OF BRISTOL, INDIANA AMENDING ORDINANCE NO. 10-20-22A TITLED AN ORDINANCE OF THE TOWN OF BRISTOL AUTHORIZING THE ISSUANCE OF WATERWORKS REVENUE BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE MUNICIPAL WATERWORKS OF SAID TOWN, PROVIDING FOR THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SAID BONDS, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH

WHEREAS, the Town Council (the “Town Council”) of the Town of Bristol, Indiana (the “Town”) previously adopted its Ordinance No. 10-20-22A (“Ordinance 10-20-22A”) authorizing certain additions, improvements and extensions to the Town’s waterworks, as more specifically set forth in Exhibit A thereto (the “Project”) with maximum Project cost of Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000) and authorizing the issuance of waterworks revenue bonds by the Town in one or more series in an aggregate principal amount not to exceed Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000);

WHEREAS, based upon bids received for the Project, the Town Council now desires to amend Ordinance 10-20-22A as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA, THAT:

Section 1. The two references in the preamble to “Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000)” are hereby deleted and replaced with “Seventeen Million Two Hundred Eighty Thousand Dollars (\$17,280,000).”

Section 2. The reference in Section 1 to “Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000)” is hereby deleted and replaced with “Seventeen Million Two Hundred Eighty Thousand Dollars (\$17,280,000).”

Section 3. The reference in Section 2 to “Thirteen Million Seven Hundred Thousand Dollars (\$13,700,000)” is hereby deleted and replaced with “Seventeen Million Two Hundred Eighty Thousand Dollars (\$17,280,000).”

Section 4. Exhibit A of Ordinance 10-20-22A is hereby deleted in its entirety and replaced with Exhibit A attached hereto.

Section 5. Except as modified by this Ordinance, all provisions of Ordinance 10-20-22A shall remain in full force and effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage by the Town Council, and the execution of any procedures required by applicable law.

ADOPTED THIS 16th DAY OF APRIL, 2024.

TOWN COUNCIL
OF THE TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

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EXHIBIT A

DESCRIPTION OF PROJECT

The Project, which may be done in multiple phases, consists of the design, acquisition, construction, installation, and equipping of various improvements to the Town's waterworks. The project will consist of any combination of the following:

- Water Main extension – Connecting the end of the water main on CR 8/River Road to the water main on State Road 120. This route starts at Swan St, then continues west along County Road 8 to the intersection of CR 21, then turns south and crosses the ST Joseph river to Fox Chase, then concludes at State Road 120.
- Water Main extension – The route extends the current water main east on Vistula St (SR 120 E) crossing the Little Elkhart River, then turn north to meet with the water main at Well#5. This route includes crossing the railroad in two locations, one at the edge of downtown, the other just north of the river crossing.
- Water Main extension – This route will replace existing water main downtown along Vistula St or Division St in conjunction with current transportation projects.
- New Production Well & Well Upgrades – The Town plans to install a new well at a location separate from either of the current well fields.
- New Elevated Tank – To meet the recommended storage volumes the project proposes a new elevated storage tank located strategically along the existing mains to maximize its contribution to the system as a whole.

The Project is more particularly described in the separate Preliminary Engineering Reports and the Plans and Specifications each as approved by the Indiana Finance Authority (IFA) – State Revolving Fund (SRF).

ORDINANCE NO. 4/16/2024-9

AN ORDINANCE OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTERS 51 AND 52 OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES RELATING TO INCREASES IN WATER AND SEWER UTILITY RATES

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town owns and operates a municipal waterworks system for the treatment and distribution of potable water to the inhabitants of the Town (the “Water Utility”), and a municipal sewer and treatment system for the transportation and treatment of wastewater and sewage for the Town (the “Sewer Utility”) (the Water Utility and Sewer Utility collectively the “Utilities”); and

WHEREAS, the Council has established rates and charges for the Sewer Utility and Water Utility for customers connected to the Town’s Utilities; and

WHEREAS, the Town, through its advisors, is undertaking to expand, enhance, and improve the extent, capacity, and quality of the Town’s Utilities through investments in facilities and infrastructure (the “Utilities Expansion Project”); and

WHEREAS, pursuant to Indiana Code §§ 8-1.5-3-1 *et seq.* and 36-9-23-1 *et seq.*, the Council may modify or adjust its existing schedule of fees charged for the Utilities by ordinance after providing notice and conducting a public hearing; and

WHEREAS, Indiana Code authorizes the Council to adopt by ordinance nondiscriminatory, reasonable, and just rates and charges for sewer and water services rendered by the Town’s Utilities; and

WHEREAS, Indiana Code authorizes the Town to exercise powers to regulate the furnishing of water to the public; establish, maintain, and operate waterworks; and regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage within four (4) miles of the Town’s corporate boundaries; and

WHEREAS, the Town has caused a rate study to be completed by Baker Tilly Municipal Advisors, LLC, for the purpose of determining whether the current rates charged for the Town’s Utilities produce an income sufficient to properly maintain and operate the Utilities through and after the completion of the Utilities Expansion Project; and

WHEREAS, it has been determined by the Council that the existing rates for the Utilities will be insufficient to meet the costs and demands of the Utilities Expansion Project and, therefore, such rates for the Utilities should be amended and modified as provided for in this Ordinance; and

WHEREAS, the Council now determines that proper notice has been duly given as required by Indiana Code §§ 8-1.5-3-8.1 and 36-9-23-26, and that a public hearing on the proposed schedule of rates and charges has been duly held on April 16, 2024;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, and after considering the needs of the Town’s Utilities, determines it is necessary to make changes and amend the sewer and water rates and charges in the Town of Bristol, Elkhart County, Indiana in the following manner:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. As of the effective date of this Ordinance, Section 51.01 of the Code of Ordinances for the Town (the “Code”), entitled “Metered Water Rates and Charges,” shall be amended and replaced in its entirety with the new Section 51.01 attached as Exhibit A hereto and incorporated herein.
- Section 3. As of the effective date of this Ordinance, Section 51.02 of the Code, entitled “Minimum Water Charges,” shall be amended and replaced in its entirety with the new Section 51.02 attached as Exhibit B hereto and incorporated herein.
- Section 4. As of the effective date of this Ordinance, Section 51.04 of the Code, entitled “Hydrant Rental,” shall be amended and replaced in its entirety with the new Section 51.04 attached as Exhibit C hereto and incorporated herein.
- Section 5. As of the effective date of this Ordinance, Section 51.06 of the Code, entitled “Rates for Sprinkler Systems and Public Drinking Fountains,” shall be amended and replaced in its entirety with the new Section 51.06 attached as Exhibit D hereto and incorporated herein.
- Section 6. As of the effective date of this Ordinance, Section 52.142 of the Code, entitled “Sewage Rates Schedule,” shall be amended and replaced in its entirety with the new Section 52.142 attached as Exhibit E hereto and incorporated herein.
- Section 7. As of the effective date of this Ordinance, Section 52.156 of the Code, entitled “Surcharge Fees for Conventional Pollutants,” shall be amended and replaced in its entirety with the new Section 52.156 attached as Exhibit F hereto and incorporated herein.
- Section 8. As of the effective date of this Ordinance, a new Section 51.13, entitled “Water System Development Charge,” attached as Exhibit G hereto and incorporated herein, shall be added to the Code.
- Section 9. As of the effective date of this Ordinance, a new Section 52.157, entitled “Sewer System Development Charge,” attached as Exhibit H hereto and incorporated herein, shall be added to the Code.

Section 10. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Code that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.

Section 11. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 12. The rates and charges herein set forth shall be in full force and effect for all billings of Water Utility and Sewer Utility services at the first full monthly billing therefor following the final passage and adoption of this Ordinance. All other provisions of this Ordinance shall be in full force and effect from and after its publication and adoption as required by Indiana law. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS 16th DAY OF APRIL, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

§ 51.01 METERED WATER RATES AND CHARGES.

There shall be and there are established for the use of and the service rendered by the waterworks systems of the town rates and charges based on the use of water supplied by the waterworks system determined by the Town Council and adopted herein by reference.

Monthly Metered Rates		Rate per 1,000 Gallons effective:			
		May 1, 2024		May 1, 2025	
		Inside Town	Outside Town ¹	Inside Town	Outside Town ¹
First	15,000 Gallons	\$9.14	\$10.42	\$10.92	\$12.45
Next	105,000 Gallons	\$8.97	\$10.23	\$10.81	\$12.32
Over	120,000 Gallons	\$6.14	\$7.00	\$7.25	\$8.27

¹ Represents a 14% increase from Inside Town rates.

(‘97 Code, § 9-10) (Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 6-15-2023-12, passed 6-15-23.)

EXHIBIT B

§ 51.02 MINIMUM WATER CHARGES.

Each user shall pay a minimum charge in accordance with the size of meter installed for which the user will be entitled to the quantity of water set by the Town Council from time to time.

Minimum Water Charges					
Meter Size	Allowed Flow (in gallons)	Rate per month effective:			
		May 1, 2024		May 1, 2025	
		Inside Town	Outside Town ¹	Inside Town	Outside Town ¹
5/8-inch	2,000	\$18.28	\$20.84	\$21.84	\$24.90
1 inch	3,483	\$31.83	\$36.29	\$38.03	\$43.36
1 1/4-inch	5,300	\$48.44	\$55.23	\$57.88	\$65.99
1 1/2-inch	7,295	\$66.68	\$76.01	\$79.66	\$90.82
2-inch	13,025	\$119.05	\$135.72	\$142.23	\$162.16
3-inch	31,983	\$289.44	\$330.04	\$347.39	\$395.98
4-inch	62,240	\$560.84	\$639.57	\$674.46	\$768.75
6-inch	173,780	\$1,409.16	\$1,606.91	\$1,688.76	\$1,925.11

¹ Represents a 14% increase from Inside Town rates.

(‘97 Code, § 9-11) (Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 6-15-2023-12, passed 6-15-23.)

EXHIBIT C

§ 51.04 HYDRANT RENTAL.

The fire hydrant rental shall hereafter be charged at the following rates per annum, per hydrant, effective May 1, 2024, a copy of which is on file in the office of the Clerk-Treasurer during regular business hours.

Hydrant Rental Rates				
Hydrant Type	Fee per hydrant per annum effective:			
	May 1, 2024		May 1, 2025	
	Inside Town	Outside Town¹	Inside Town	Outside Town¹
Municipal	\$1,209.57	\$1,378.91	\$1,458.16	\$1,662.30
Private	\$729.08	\$831.15	\$873.78	\$996.11

¹ Represents a 14% increase from Inside Town rates.

(‘97 Code, § 9-13) (Ord. 12-12-96, passed 12-12-96; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 9-16-04, passed 9-16-04; Am. Ord. 8-21-08B, passed 8-21-08; Am. Ord. 6-15-2023-12, passed 6-15-23.)

EXHIBIT D

§ 51.06 RATES FOR SPRINKLER SYSTEMS AND PUBLIC DRINKING FOUNTAINS.

(A) The rates for sprinkler systems and public drinking fountains shall be determined by the town.

(B) Until otherwise modified, the rate for building sprinkler systems as determined by the diameter of the service line for the system is as follows:

Sprinkler Systems and Public Drinking Fountain Rates				
Size of Line	Annual Fee effective:			
	May 1, 2024		May 1, 2025	
	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹
4-inch	\$250.99	\$286.13	\$300.81	\$342.92
6-inch	\$729.08	\$831.15	\$873.78	\$996.11
8-inch	\$1,553.73	\$1,771.25	\$1,862.10	\$2,122.79
10-inch	\$2,715.89	\$3,096.11	\$3,348.65	\$3,817.46

¹Represents a 14% increase from Inside Town rates.

(‘97 Code, § 9-15) (Ord. 5-21-1966, passed 5-2-66; Am. Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 2-21-13, passed 2-21-13; Am. Ord. 6-15-2023-12, passed 6-15-23; Am. Ord. 11-02-2023-24, passed 11-02-23.)

EXHIBIT E

§ 52.142 SEWAGE RATES SCHEDULE.

For sewage customers who are metered customers of the municipal water system and industrial customers with private supply of water, the charge for sewage service shall be based upon the quantity of water used and returned to the sewage plant for treatment as determined by the Town Council.

Base Monthly Charges (includes 2,000 gallons of usage)						
Meter Size	Rate per month effective:					
	May 1, 2024		May 1, 2025		May 1, 2026	
	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹
5/8 – 3/4-inch	\$22.80	\$25.99	\$26.80	\$30.55	\$28.80	\$32.83
1 inch	\$57.05	\$65.04	\$67.05	\$76.44	\$72.05	\$82.14
1 1/4-inch	\$91.33	\$104.12	\$107.24	\$122.25	\$115.20	\$131.33
1 1/2-inch	\$132.28	\$150.80	\$155.49	\$177.26	\$167.10	\$190.49
2-inch	\$228.00	\$259.92	\$268.00	\$305.52	\$288.00	\$328.32
3-inch	\$524.00	\$597.82	\$616.40	\$702.70	\$662.40	\$755.14
4-inch	\$912.00	\$1,039.68	\$1,072.00	\$1,222.08	\$1,152.00	\$1,313.28
6-inch	\$2,074.46	\$2,364.88	\$2,438.69	\$2,780.11	\$2,620.80	\$2,987.71

Monthly Metered Flow Rates						
Flow Rate	Rate per 1,000 gallons effective:					
	May 1, 2024		May 1, 2025		May 1, 2026	
	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹
All Gallons	\$15.46	\$17.62	\$19.49	\$22.22	\$21.50	\$24.51

Minimum Monthly Rates for Unmetered Users						
Class of User (Assuming 4,100 gallons per month)	Rate per month effective:					
	May 1, 2024		May 1, 2025		May 1, 2026	
	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹	Inside Town	Outside Town ¹
Single family residence/unit	\$86.18	\$98.25	\$106.70	\$121.64	\$116.96	\$133.33

¹Represents a 14% increase from Inside Town rates.

(‘97 Code, § 9-30) (Ord. 12-11-97(B), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 6-15-2023-12, passed 6-15-23.)

EXHIBIT F

§ 52.156 SURCHARGE FEES FOR CONVENTIONAL POLLUTANTS.

(A) Surcharge fees (additional charges) based on the strength of sewage and liquid wastes shall be made on the following basis:

Pollutant	Rate per 1,000 gallons		
	May 1, 2024	May 1, 2025	May 1, 2026
Biochemical oxygen demand (“BOD”) ²	\$0.53	\$0.64	\$0.70
Suspended Solids (“SS”) ²	\$0.46	\$0.55	\$0.60
Ammonia ³	\$2.07	\$2.51	\$2.73
Phosphorous ⁴	\$8.77	\$10.64	\$11.57

² Rate per 1,000 gallons for each 10 mg/l of BOD and SS in excess of 200 mg/l per day

³ Rate per 1,000 gallons for each 1 mg/l of ammonia in excess of 20 mg/l per day

⁴ Rate per 1,000 gallons for each 1 mg/l of phosphorous in excess of 10 mg/l per day

(B) The surcharge will remain in effect until the user provides proof satisfactory to the Bristol Utility Director that the strength of liquid wastes and sewage being disposed of by user have been reduced to levels that would cause the surcharge to be no longer appropriate. For purposes of calculating the surcharge, the Director may consider either actual measured flowage or estimate using available information. The user shall have burden of showing the surcharge is excessive.

(Ord. 10-21-99(A), passed 10-21-99; Am. 6-15-2023-12, passed 6-15-23.)

EXHIBIT G

§ 51.13 WATER SYSTEM DEVELOPMENT CHARGE.

(A) There shall be established a System Development Charge (“Water SDC”) for all permanent connections to the Bristol Municipal Water Utility service, which shall be determined by the Town.

(B) Until otherwise modified, the Water SDC as determined by the diameter of the service line for the user is as follows:

Water System Development Charge effective May 1, 2024	
Meter Size	Water System Development Charge
5/8-inch	\$810.00
3/4-inch	\$1,215.00
1 inch	\$2,025.00
1 1/2-inch	\$4,050.00
2-inch	\$6,480.00
3-inch	\$12,150.00
4-inch	\$20,250.00
6-inch	\$40,500.00
8-inch	\$64,800.00
10-inch	\$93,150.00
12-inch	\$174,150.00

(Ord. 04-16-2024-9, passed 04-16-2024.)

EXHIBIT H

§ 52.157 SEWER SYSTEM DEVELOPMENT CHARGE.

(A) There shall be established a System Development Charge (“Sewage SDC”) for all permanent connections to the Bristol Municipal Sewage Works, which shall be determined by the Town.

(B) Until otherwise modified, the Sewage SDC as determined by the diameter of the service line for the user is as follows:

Sewer System Development Charge per new connection effective May 1, 2024	
Meter Size	Sewage System Development Charge
5/8-inch	\$2,140.00
3/4-inch	\$2,996.00
1 inch	\$5,350.00
1 1/2-inch	\$12,198.00
2-inch	\$21,400.00
3-inch	\$49,220.00
4-inch	\$85,600.00
6-inch	\$194,740.00
8-inch	\$346,680.00
10-inch	\$541,420.00
12-inch	\$780,244.00

(Ord. 04-16-2024-9, passed 04-16-2024.)

COMMISSIONER ORDINANCE NO. CO-2024-_____

AN ORDINANCE AMENDING THE ELKHART COUNTY CODE REGARDING
CHAPTERS 74 AND 76: OFF-ROAD VEHICLES AND SNOWMOBILES

WHEREAS I.C. 36-1-3 permits any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs which is not prohibited by the Constitution of the United States or the Constitution of the State of Indiana or denied or pre-empted by any other law or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County legislative body and is by law authorized to adopt ordinances and resolutions with respect to public health, safety, and welfare;

WHEREAS I.C. 9-21-1-3, I.C. 9-21-1-3.3, and I.C. 14-16-1-20 grant the County the authority to regulate the use of Off-road Vehicles and Snowmobiles on public roads in a county road system outside the corporate limits of a city or town;

WHEREAS it has been recommended that the Elkhart County Code be amended with respect to the Chapters pertaining to Off-road Vehicles and Snowmobiles;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana, as the executive and legislative body of Elkhart County Government and as the head of the Elkhart County Highway Department which has jurisdiction over the public roads in the county road system for the purposes of I.C. 14-16-1-20, desires to adopt an ordinance consistent with I.C. 14-16-1-1 et seq. relative to Off-road Vehicles and Snowmobiles on public roads within the Elkhart County road system;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. Amendment of Elkhart County Code, Section 74.01 ADOPTION OF STATE LAW is hereby repealed and replaced to read as follows:

§ 74.01 ADOPTION OF STATE LAW.

This chapter adopts all mandatory provisions of state law relating to Regulated Vehicles, including those set forth at I.C. 14-16-1.

2. Further Amendment of Elkhart County Code, Section 74.02 DEFINITIONS is hereby repealed and replaced to read as follows:

§ 74.02 DEFINITIONS.

The following definitions apply throughout this Chapter:

COUNTY ROAD means any highway, road, street, or other right-of-way open to the public for travel under the jurisdiction of the Elkhart County Highway Department.

OFF-ROAD VEHICLE has the meaning set forth in I.C. 14-8-2-185. This definition excludes farm vehicles being used for farming.

REGULATED VEHICLE means an Off-road Vehicle or Snowmobile.

SNOWMOBILE has the meaning set forth in I.C. 14-8-2-261.

3. Further Amendment of Elkhart County Code, Section 74.03 OPERATION ON HIGHWAYS AND STREETS is hereby repealed and replaced to read as follows:

§ 74.03 OPERATION ON COUNTY ROADS.

(A) The Elkhart County Highway Department hereby designates all County Roads for the operation of Regulated Vehicles, subject to the requirements of this Chapter and applicable law.

(B) Regulated Vehicles may be operated on County Roads subject to the requirements of this Chapter and applicable law.

4. Further Amendment of Elkhart County Code. Section 74.04 REGULATION OF OFF-ROAD VEHICLES AND SNOWMOBILES is hereby added to read as follows:

§ 74.04 REGULATION OF OFF-ROAD VEHICLES AND SNOWMOBILES

(A) When operating a Regulated Vehicle on a County Road, an individual shall:

(1) Have financial responsibility in effect for the Regulated Vehicle consisting of at least the following types in the following amounts:

- i. Twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual;
- ii. Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident; and
- iii. Twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.

(2) Obey all applicable traffic laws as if the Regulated Vehicle were a passenger motor vehicle as defined in I.C. 9-13-2-123; and

(3) Have no more passengers than the number of seats for which the Regulated Vehicle is rated by its manufacturer.

(B) When more than one Regulated Vehicle is present, the Regulated Vehicles shall travel in single file except when passing or overtaking another vehicle.

(C) An Off-road Vehicle which is only operated at twenty-five (25) miles per hour or less shall display the slow-moving vehicle emblem described by I.C. 9-21-9-2.

(D) An individual may not transport a bow in a Regulated Vehicle unless the bow is secured in a case.

(E) Except as otherwise provided, this Ordinance does not affect the rights, responsibilities, or duties of individuals operating or owning a Regulated Vehicle under Indiana law, including those with respect to:

(1) Operating a vehicle at speeds compliant with posted speed limits or at reduced speeds when required by law;

(2) The prohibition on operating:

- i. At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another;
- ii. Without proper registration;

- iii. While under the influence of an alcoholic beverage or unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulating drug;
- iv. Without displaying a lighted headlight and a lighted taillight during the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise or when other conditions limit visibility;
- v. Without a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke;
- vi. Within one hundred (100) feet of another's dwelling between midnight and 6:00 a.m.;
- vii. While transporting on or in the vehicle a firearm, except as provided by state law;
- viii. Without adequate brakes and lights;
- ix. On a public highway or street without a valid motor vehicle driver's license;
- x. Without a helmet if less than eighteen (18) years of age; or
- xi. To hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

(3) The duty to notify a conservation or law enforcement officer with jurisdiction where an accident involving a Regulated Vehicle occurs by the quickest means of communication.

5. Further Amendment of the Elkhart County Code. Section 74.99 PENALTY is hereby repealed and replaced to read as follows:

§ 74.99 PENALTY.

- (A) Any person who violates 74.04(A)(1) of this Chapter while on a County Road will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. 9-25-8-2 but in no case be fined more than a maximum of \$2,500.00.
- (B) Any person who violates 74.04(A)(2) of this Chapter while on a County Road will be deemed to have committed an ordinance violation and may be fined as if the offense had been committed with a passenger motor vehicle as defined in I.C. 9-13-2-123 but in no case be fined more than a maximum of \$2,500.00.
- (C) Any person who violates 74.04(C) of this Chapter while on a County Road will be deemed to have committed an ordinance violation and may be fined as if the person had violated I.C. 9-21-9-2 but in no case be fined more than a maximum of \$2,500.00.

(D) Any person who violates any provision of this Chapter for which a penalty is not otherwise provided will be deemed to have committed an ordinance violation and may be fined not more than \$500 for each offense.

(E) This Ordinance does not affect the sanctions and penalties for violating a state statute or regulation concerning Regulated Vehicles, including the provisions of I.C. 14-16-1.

6. Further amendment of Elkhart County Code, Chapter 76 Schedule VIII OFF-ROAD VEHICLES AND SNOWMOBILES is hereby repealed.

7. Effective Date. This Ordinance will be effective April 15, 2024, subject to publication in accordance with applicable legal requirements and the posting of the regulations as required by I.C. 9-21-1-3(b).

BOARD OF COMMISSIONERS OF
THE COUNTY OF ELKHART, INDIANA

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