

ORDINANCE NO. 3/4/2024-4

AN ORDINANCE TO ESTABLISH THE BRISTOL WASHINGTON TOWNSHIP FIRE PROTECTION TERRITORY, AND TO ADOPT THE BRISTOL WASHINGTON TOWNSHIP FIRE PROTECTION TERRITORY AGREEMENT, AND TO ESTABLISH AN EQUIPMENT REPLACEMENT FUND

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, Indiana Code § 36-8-19 permits two (2) or more participating units of local government to establish a fire protection territory to provide fire protection services to those participating units; and

WHEREAS, the Town and Washington Township, Elkhart County, Indiana (the "Township") currently collaborate with each other to provide or receive fire protection and emergency medical services within the Town and the Township through a contractual agreement with the Bristol Fire Department Corp., an Indiana nonprofit corporation (the "Fire Department"); and

WHEREAS, the Township and the Town are contiguous to one another; and

WHEREAS, in the formation of a fire protection territory, the participants are permitted to establish an Equipment Replacement Fund pursuant to Indiana Code § 36-8-19-8.5; and

WHEREAS, the Council and the Board of the Township have determined that it will be in the best interests of the citizens of their units of government to enter into an interlocal agreement to form a fire protection territory pursuant to Indiana Code § 36-8-19.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. The Council hereby joins together with Board of the Township, both of Elkhart County, Indiana, under the provisions of Indiana Code § 36-8-19, et seq. to establish a fire protection territory called the "Bristol Washington Township Fire Protection Territory" (the "Territory").
- Section 3. The boundaries of the Territory are and extend to the municipal boundaries of the Town and the boundaries of the Township.
- Section 4. The provider unit, as defined in Indiana Code § 36-8-19-3, shall be the Township (the "Provider Unit").

- Section 5. The participating units, as defined in Indiana Code § 36-8-19-2, shall be the Town and the Township (the “Participating Units”). All units involved shall be participating units.
- Section 6. Upon the adoption of this Ordinance by the Town and a corresponding resolution by the Township, the Participating Units agree that the property tax rates imposed on all taxable property in the Town and the Township, for the services provided by the Territory, shall be the same.
- Section 7. The agreement to establish the Territory shall include the creation of a Fire Protection Territory Operation Fund (the “Operating Fund”) by the Provider Unit, from which all expenses of operating and maintaining the fire protection services within the Territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and other expenses lawfully incurred within the Territory, shall be paid. The money in the Operating Fund may be used to repay any advances made by either the Township or the Town to the fund, if any, or to transfers to the Fire Protection Equipment Replacement Fund.
- Section 8. The budget for the Fire Protection Territory Fund shall be approved by the Provider Unit, subject to the procedures detailed in the Agreement titled the “Interlocal Cooperation Agreement for the Bristol Washington Township Fire Protection Territory” (the “Interlocal Agreement”). The budget shall be set in an amount sufficient to meet the expenses of operation and maintenance of fire protection services within the Territory and to maintain an appropriate operating reserve. After adoption of the fire protection budget, the Participating Units shall establish the tax levy required to fund the budget, as estimated by the Provider Unit, subject only to any applicable property tax levy controls.
- Section 9. The Interlocal Agreement shall include the establishment of a Fire Protection Equipment Replacement Fund (the “Equipment Replacement Fund”), to be used to purchase fire protection equipment, or other capital needs, including but not limited real estate or buildings. There shall be a separate levy, on all taxable property. The property tax rate for the Equipment Replacement Fund levy may not exceed three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100) of assessed value.
- Section 10. The Interlocal Agreement provides for the establishment of an executive board which shall perform certain administrative, planning, and operating business of the Territory with the involvement of all the Participating Units subject to the terms of the Interlocal Agreement. The Participating Units may delegate such other administrative, budget, and fiscal responsibilities of the Territory to the joint executive board of the Territory as provided for in the Interlocal Agreement.

Section 11. The Participating Units designate and establish the Provider Unit as the enforcing authority for any uniform fire and building codes of the County or State of Indiana, any ordinances or resolutions of the Participating Units pertinent to the Territory, ambulance fee schedule, fireworks or amusement permitting and inspection procedures to be enforced throughout the Territory, including but not limited to Indiana Code §§ 36-8-17-7 and 36-8-17-7.5, and to collect any fines or penalties payable to the Territory for violations of any such laws or ordinances. Enforcement may be performed through the Fire Department, which may be contracted through the joint executive board.

Section 12. The Interlocal Agreement shall also authorize the Participating Units to do all other acts provided under the provisions of Indiana Code § 36-8-19 not otherwise agreed upon or limited by the Interlocal Agreement.

Section 13. The Interlocal Agreement shall detail how property held by the Territory will be disposed if a participating unit withdraws from the Territory or the Territory is dissolved.

Section 14. All prior Resolutions, Ordinances, or parts thereof that are inconsistent with any provisions of this Ordinance are hereby repealed.

Section 15. A copy of the Interlocal Agreement is attached hereto and included as part of and incorporated by reference into this Ordinance and enforceable as an Ordinance of the Town and pursuant to the Laws of the State of Indiana.

Section 16. In accordance with Indiana Code § 36-8-19-6(f), this Ordinance is hereby adopted as of the date set forth below and shall take effect as of July 1, 2024.

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ORDAINED THIS __ DAY OF MARCH 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Raymond Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer