

ORDINANCE NO. 08/15/2024-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING SECTIONS OF TITLE V OF THE CODE OF ORDINANCES FOR THE TOWN OF BRISTOL, INDIANA

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 municipal water and sewer works, and storm water systems (collectively the “Utilities”) for the benefit of the residents and industries of the Town; 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 with four (4) miles of the Town’s corporate boundaries; and

WHEREAS, Title V of the Code of Ordinances for the Town (the “Code”) concerns Town utilities and the provision and regulation of the Utilities; and

WHEREAS, the Council has seen fit to update and amend certain provisions of the Code for the benefit of the Utilities and the residents and industries of the Town.

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

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Section 50.03 of the Code, entitled “Authority to Regulate the Disposal of Sanitary Sewage,” shall be amended to include a new subsection “(C)” as follows:

“(C) Pursuant to and in compliance with Indiana and/or federal law, the Town may:

(1) Develop and enforce specific limits on prohibited substances;

(2) Enter the premises of any Industrial User to conduct inspections, surveillance, record review and/or monitoring, as necessary to determine compliance with this title and, if applicable, any effective industrial wastewater pretreatment permit;

(3) Accept or deny any new or increased discharges from any indirect discharger;

(4) Immediately halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;

(5) Require compliance with all applicable pretreatment standards and requirements by indirect dischargers;

(6) Impose fees, if necessary, to offset the cost incurred by the Town for administering the pretreatment program requirements established in the POTW IDEM permit.”

Section 3. As of the effective date of this Ordinance, Section 50.43 of the Code, entitled “Administrative Fines,” shall be amended and replaced in its entirety as follows:

“When the Director finds that a user has violated, or continues to violate, any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may request the Town Manager to fine the user in an amount not more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with I.C. 36-1-3-8(a)(10)(B). The Director will follow the developed Enforcement Response Plan to provide consistent enforcement responses and fines for similar violations and circumstance for IWP permits.”

Section 4. As of the effective date of this Ordinance, Section 52.004 of the Code, entitled “Specific Prohibitions,” subsection (A)(5), shall be amended to replace “140 degrees F (60 degrees C)” with “104 degrees F (40 degrees C)”.

Section 5. As of the effective date of this Ordinance, Section 53.03 of the Code, entitled “Definitions,” shall be amended to include the following definition to be codified in alphabetical order:

“INDUSTRIAL WASTEWATER PRETREATMENT (“IWP”). Industrial Wastewater Pretreatment is the process of removing pollutants from industrial wastewater before it is released into a municipal sewer system or domestic wastewater treatment facility.”

Section 6. If any portion of 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 7. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Bristol Code of Ordinances that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.

Section 8. 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 9. This Ordinance shall be in full force and effect from and after its adoption in accordance with Indiana Law, and upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

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ADOPTED THIS ____ DAY OF _____, 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