

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 Town¹ | Inside Town | Outside Town¹ |
| 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 Town¹ | Inside Town | Outside Town¹ |
| 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 Town¹ | Inside Town | Outside Town¹ | Inside Town | Outside Town¹ |
| 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 Town¹ | Inside Town | Outside Town¹ | Inside Town | Outside Town¹ |
| 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 water meter 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.)