

ORDINANCE NO. 6-15-2023-12

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA
AMENDING CHAPTERS 51 AND 52
OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES
WATER AND SEWER UTILITY RATE INCREASE

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 of Bristol (the “Water Utility”), and a municipal sewer and treatment system for the transportation and treatment of wastewater and sewage for the Town of Bristol (the “Sewer Utility”) (the Water Utility and Sewer Utility collectively the “Utilities”); and

WHEREAS, the Town Council has established rates and charges for the Sewer Utility and Water Utility for customers connected to the Town’s municipal water and sewage systems; 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, this Council may modify or adjust its existing schedule of fees 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 with 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 Town Council that the existing rates for the Utilities will be insufficient to meet the costs and demands of the Utilities Expansion Project and, therefore, 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 that a public hearing on the proposed schedule of rates and charges has been duly held on June 15, 2023;

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, 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 51.06 attached as Exhibit C hereto and incorporated herein.
- Section 5. As of the effective date of this Ordinance, Section 51.05 of the Code, entitled "Monthly Billing Charts for 40,000 Gallons or More," shall be deleted in its entirety and replaced with the notation "Repealed by Ord. 6-15-2023-12."
- Section 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 adoption and publication as required by law. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

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 July 1, 2023	
		Inside Town	Outside Town ¹
First	15,000 Gallons	\$5.58	\$6.36
Next	105,000 Gallons	\$5.29	\$6.02
Over	120,000 Gallons	\$3.92	\$4.47

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	Rate per month effective July 1, 2023	
	Inside Town	Outside Town ¹
5/8 inch meter	\$11.15	\$12.72
1 inch meter	\$19.42	\$22.15
1 1/4 inch meter	\$29.56	\$33.71
1 1/2 inch meter	\$40.68	\$46.40
2 inch meter	\$72.63	\$82.84
3 inch meter	\$173.40	\$197.64
4 inch meter	\$333.31	\$379.78
6 inch meter	\$849.39	\$967.90

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 July 1, 2023, a copy of which is on file in the office of the Clerk-Treasurer during regular business hours.

Hydrant Type	Fee per hydrant per annum	
	Inside Town	Outside Town ¹
Municipal	\$612.21	\$697.92
Private	\$378.45	\$431.43

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:

Size of Line	Annual Fee	
	Inside Town	Outside Town ¹
4 inch	\$130.29	\$148.53
6 inch	\$378.45	\$431.43
8 inch	\$806.51	\$919.42

¹ Represents 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.)

EXHIBIT D

§ 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 July 1, 2023	
	Inside Town	Outside Town ¹
5/8 – 3/4 inch meter	\$14.80	\$16.88
1 inch meter	\$37.05	\$42.24
1 1/4 inch meter	\$59.20	\$67.49
1 1/2 inch meter	\$85.85	\$97.87
2 inch meter	\$148.00	\$168.72
3 inch meter	\$340.40	\$388.06
4 inch meter	\$592.00	\$674.88
6 inch meter	\$1,346.00	\$1,535.35

Minimum Monthly Rates for Unmetered Users		
Class of User	Rate per month effective July 1, 2023	
	Inside Town	Outside Town ¹
Single family residence/unit	\$45.15	\$51.47

Monthly Metered Flow Rates		
Flow	Rate per 1,000 Gallons effective July 1, 2023	
	Users Inside Town	Users Outside Town ¹
All Gallons	\$7.40	\$8.44

¹ Represents 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 E

§ 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:

(1) There shall be an additional charge of \$0.31 per pound of biochemical oxygen demand for BODs received in excess of 200 milligrams per liter of fluid.

(2) There shall be an additional charge of \$0.27 per pound of suspended solids for total suspended solids received in excess of 200 milligrams per liter of fluid.

(3) There shall be an additional charge of \$1.19 per pound of ammonia for ammonia received in excess of 20 milligrams per liter of fluid.

(4) There shall be an additional charge of \$5.04 per pound of phosphorous for phosphorous received in excess of 10 milligrams per liter of fluid.

(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; 6-15-2023-12, passed 6-15-23.)