TITLE I

GENERAL PROVISIONS

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CHAPTER 10: GENERAL PROVISIONS

§ 10.01 TITLE OF CODE.

All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the "Town Code," for which designation "Code of Ordinances," "Codified Ordinances," or "Code" may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.
(Code 2002, § 10.01)

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.
(Code 2002, § 10.02)

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically

provided.
(Code 2002, § 10.03)

§ 10.04 CONSTRUCTION OF CODE.

(A) This code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between two or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or subsection.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters, or sections of this code, as originally enacted, or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(G) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.
(Code 2002, § 10.04)

(I.C. 1-1-1-5)

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

(A) Rules of interpretation. This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to three or more persons shall be construed as

imputing authority to a majority of such persons, unless otherwise declared in the section giving such authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) Definitions. For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLERK-TREASURER. The Clerk-Treasurer of the Town Council.

COUNCIL. The Town Council.

COUNTY. Elkhart County.

HIGHWAY. Includes bridges, roads, and streets, unless otherwise expressly provided.

MONTH. One calendar month.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING and FOLLOWING. When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

TOWNSHIP. The township or townships in which the town is located.

WRITTEN and IN WRITING. Include printing, lithographing, or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person, or the person's mark.

YEAR. One calendar year, unless otherwise expressly provided.
(Code 2002, § 10.05)

(I.C. 1-1-4-5)

§ 10.06 SEVERABILITY.

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections

that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a nonseverability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.
(Code 2002, § 10.06)
(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section, reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.
(Code 2002, § 10.07)

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) Reference to offices. Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) Name designations. Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then such named board, bureau, commission, department, division, officer, agency, authority or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which such duties, liabilities, powers, and rights were transferred.
(Code 2002, § 10.08)
(I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the

use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.
(Code 2002, § 10.09)

§ 10.10 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday, or a state holiday, it shall be excluded.
(Code 2002, § 10.10)

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture, or liability incurred under such section, unless the repealing section so expressly provides. Such section shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.
(Code 2002, § 10.11)
(I.C. 1-1-5-1)

§ 10.12 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, to the prosecution of offenses or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code shall not be affected by the repeal and reenactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.
(Code 2002, § 10.12)
Statutory reference: Periods of limitation, see I.C. 1-1-1-7

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

(Code 2002, § 10.13)

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.
(Code 2002, § 10.14)

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (I.C. 36-5-2-2) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.
(Code 2002, § 10.15)

Statutory reference: For provisions concerning the inspection of public records, see I.C. 5-14-3-1 et seq.

§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all

respects, as if this code had not been enacted.
(Code 2002, § 10.16)

§ 10.17 TOWN SEAL.

(A) The Clerk-Treasurer shall be the custodian of the town seal and affix it to such documents and instruments as required.

(B) The town seal shall be the form and style as affixed to the binder cover of this code of ordinances.
(Code 2002, § 10.17)
Statutory reference: Town to have a corporate seal, see I.C. 36-1-4-4

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding $2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
(Code 2002, § 10.99)
Statutory reference: Power to prescribe fines up to $2,500 granted, see I.C. 36-1-3-8(a)(10)

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ORDINANCE NO. 06-8-21

AN ORDINANCE TO ESTABLISH SIGNATORY AUTHORITY ON INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) LOCAL PUBLIC AGENCY (LPA) CONTRACTS AND GRANTS AGREEMENTS

The purpose of this ordinance is to designate the Town Council President (currently Jeff Beachy) as the individual on behalf of the Town who will have authority to sign INDOT-LPA documents.

THEREFORE, BE IT ESTABLISHED, ORDERED, RESOLVED AND ORDAINED BY TOWN COUNCIL OF BRISTOL, INDIANA AS FOLLOWS:

Pursuant to the authority granted, the Town Council of the Town of Bristol, Indiana, the Council hereby designates the Town Council President (currently Jeff Beachy) as the individual designated and authorized to sign on behalf of the Town of Bristol applications, documents and contracts to pursue and obtain INDOT-LPA contracts and grant agreements.

The authority granted herein to the Town Council President whoever he or she may be

from year to year shall remain in effect until rescinded or modified by further action of the Town Council.
(Ord. No. 06-8-21, 6-17-2021)

ORDINANCE NO. 5.5.2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA, ALLOWING PRE-APPROVED PAYMENT OF CLAIMS

WHEREAS, the Bristol Town Council is the legislative body of the Town of Bristol, Indiana; and

WHEREAS, the Bristol Town Council is empowered pursuant to I.C. 36-5-4-12 to allow money disbursements

in advance of council allowance.

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

1.
The Clerk-Treasurer of the Town is authorized to make claim payments in advance of council allowance for the following kinds of expenses:

a) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions

b) Licenses or permit fees

c) Insurance premiums

d) Utility payments or utility connection charges

e) Federal grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced

f) Grants of state funds authorized by statute

g) Maintenance or service agreements

h) Leases or rental agreements

i) Principal and interest payable on bonds

j) Payroll and all employee funds withheld from his/her pay

k) Federal, State, or County taxes

l) Expenses that must be paid because of emergency circumstances

m) Expenses described in an ordinance

n) Fuel bills

o) Park deposit refund or park rental cancellation refund; or

p) Any claim that will incur a late charge if due date falls before a scheduled council meeting
(Ord. No. 5-5-2022, § 1, 5-5-2022)

2.

Each payment of expense under this resolution must be supported by a fully itemized invoice or bill and certification by the fiscal officer or board.
(Ord. No. 5-5-2022, § 2, 5-5-2022)

3.

The Town Council having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.
(Ord. No. 5-5-2022, § 3, 5-5-2022)

4.

This Ordinance shall be considered consistent with and in compliance of Bristol Town Ordinance Chapter 35.18, Title III Administration.
(Ord. No. 5-5-2022, § 4, 5-5-2022)

CHAPTER 30: TOWN GOVERNMENT

GENERAL PROVISIONS

§ 30.01 ESTABLISHMENT OF WHOLE TOWN AS A SINGLE LEGISLATIVE DISTRICT.

The Wards and/or Districts that have heretofore existed within the town for the purpose of electing town officers are abolished. For the purpose of conducting elections of town officers in 1983 and thereafter, the town is to be deemed a single district, and all five members of the Town Council shall be elected from the whole town as a single district.
(Code 1997, § 3-1; Code 2002, § 30.01; Ord. 12-31-82, 12-31-82; Am. Ord. 12-10-92, 12-10-92; Ord. 11-20-14(d), 11-20-14)
Statutory reference: Establishment of election districts, see I.C. 36-5-2-4.1

§ 30.02 TOWN COUNCIL TO BE ELECTED AT LARGE.

The members of the Town Council are to be elected at large by the voters of the whole town.
(Code 1997, § 3-2; Code 2002, § 30.02; Ord. 12-31-82, 12-31-82; Am. Ord. 12-10-92, 12-10-92)

§ 30.03 STAGGERED TERMS OF OFFICE FOR TOWN COUNCIL.

At the election of all four members of the Town Council to be held in 1983, the two candidates receiving the largest and second largest numbers of votes for the office shall be deemed elected to the office for terms of four years beginning January 1, 1984, and the two candidates receiving the third and fourth largest numbers of votes for the office shall be deemed elected to the office for terms of three years beginning January 1, 1984. Commencing with the elections to be held in 1986 and 1987 and, respectively, every four years thereafter, all members of the Council shall be elected for terms of four years beginning January 1 following the respective elections.
(Code 1997, § 3-3; Code 2002, § 30.03; Ord. 12-31-82, 12-31-82; Ord. 12-10-92, 12-10-92)

Statutory reference: Terms of office, see I.C. 36-5-2-3 and 36-5-2-4.5

§ 30.04 DESIGNATION OF LEGISLATIVE BODY AND TOWN EXECUTIVE.

The Town Council elected under this chapter is the town legislative body. The President of the Town Council selected under § 30.16 is the Town Executive.
(Code 1997, § 3-5; Code 2002, § 30.04)
(I.C. 36-5-2-6)

§ 30.05 ESTABLISHING PRIMARY ELECTIONS FOR CITY OFFICE CANDIDATES.

(A) As provided by I.C. 3-8-5-2(a) and (c), candidates for town offices shall be nominated by the use of primary elections beginning calendar year 2003 and continuing thereafter until this section is repealed or modified.

(B) These primary elections shall be governed by all relevant provisions of state law including but not limited to the provisions of I.C. 3-8-5-2(c).
(Code 2002, § 30.05; Ord. 6-20-02, 6-20-02)

TOWN COUNCIL

§ 30.15 RESIDENCY.

An at-large member of the Town Council forfeits his or her office if he or she ceases to be a resident of the town.
(Code 1997, § 3-6; Code 2002, § 30.15)

Statutory reference: Residency requirement, see I.C. 36-5-2-6

§ 30.16 PRESIDENT OF THE TOWN COUNCIL.

The Town Council shall select one of its members to be its President for a definite term which may not exceed his or her term of office as a member of the Town Council.
(Code 1997, § 3-7; Code 2002, § 30.16)
(I.C. 36-5-2-7)

§ 30.17 POWERS AND DUTIES.

The Council may:

(A) Adopt ordinances and resolutions for the performance of functions of the town;

(B) Purchase, hold and convey any interest in property for the use of the town;

(C) Adopt and use a common seal; and

(D) Exercise all powers that are needed for the effective operation of local government.
(Code 1997, § 3-8; Code 2002, § 30.17)
(I.C. 36-5-2-7)

§ 30.18 QUORUM.

A majority of all elected members of the Town Council constitutes a quorum.
(Code 1997, § 3-9; Code 2002, § 30.18)
(I.C. 36-5-2-9.2)

§ 30.19 MAJORITY VOTE; TWO-THIRDS VOTE.

(A) A requirement that an ordinance, resolution or other action of the Town Council be passed by a majority vote means at least a majority vote of all the elected members.

(I.C. 36-5-2-9.2)

(B) A requirement that an ordinance, resolution or other action of the Town Council be passed by a two-thirds vote means at least a two-thirds vote of all the elected members.

(I.C. 36-9-2-9.4)

(C) A majority vote of the Town Council is required to pass an ordinance, unless a greater vote is required by statute.

(I.C. 36-9-2-9.6)

(D) A two-thirds vote, with unanimous consent of the members present, is required to pass an ordinance of the Town Council on the same day or at the same meeting at which it is introduced.
(Code 1997, § 3-10; Code 2002, § 30.19)
(I.C. 36-9-2-9.8)

§ 30.20 PUBLICATION.

(A) An ordinance, order or resolution passed by the Town Council is considered adopted when it is signed by the President of the Town Council. If required by statute, an adopted ordinance, order or resolution must be promulgated or published before it takes effect.

(B) An ordinance prescribing a penalty for a violation must, before it takes effect, be published in the manner prescribed by I.C. 5-3-1-1 through 5-3-1-9, unless:

(1) It is published under I.C. 36-1-5-1 through 36-1-5-6; or

(2) It declares an emergency requiring its immediate effectiveness and is posted in one public place in the town.
(Code 1997, § 3-11; Code 2002, § 30.20)
(I.C. 36-5-2-10)

§ 30.21 RECORDING ORDINANCES.

(A) Within a reasonable time after an ordinance of the Town Council is adopted, the Clerk-Treasurer shall record it in a book kept for that purpose. The record must include:

(1) The signature of the executive;

(2) The attestation of the Clerk-Treasurer; and

(3) The date of each recorded item.

(B) The record or a certified copy of it constitutes presumptive evidence of the adoption of the ordinance.
(Code 1997, § 3-12; Code 2002, § 30.21)
(I.C. 36-5-2-10.2)

§ 30.22 RULES OF ORDER.

The most recent version of Robert=s Rules of Order shall govern all meetings of the Town Council, unless an ordinance or statute provides otherwise.
(Code 1997, § 3-13; Code 2002, § 30.22)

§ 30.23 COMPENSATION OF THE TOWN COUNCIL.

(A) The Town Council shall, by ordinance, fix the compensation of its own members.

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year.
(Code 1997, § 3-14; Code 2002, § 30.23)
(I.C. 36-5-3-2)

§ 30.24 TOWN CLERK-TREASURER AUTHORIZED TO BREAK TIES.

The Town Clerk-Treasurer is the Clerk of the Town Council. Whenever there is a tie vote for any particular issue, the Clerk-Treasurer is an ex officio member for purposes of casting the deciding vote to break a tie.
(Code 1997, § 3-15; Code 2002, § 30.24)
(I.C. 36-5-2-8)

§ 30.25 REGULAR AND SPECIAL MEETINGS OF THE TOWN COUNCIL.

(A) The Town Council shall meet for regular meetings as the council agrees to schedule and will schedule no less than one regular meeting each calendar month.

(B) In all cases where a special meeting or called meeting is called, at least 48 hours written notice shall be given to the Town Council, Clerk-Treasurer and the public, pursuant to I.C. 5-14-1.5-5.

(C) Special or called meetings may be called by the President of the Council, or in his or her absence, sickness, inability or refusal to make the call, by the Vice President of the Council, and in his or her absence, sickness, inability or refusal to make the call, then by a majority of the Council when deemed necessary. The President and Vice President may by verbal notice at the public meeting, when all members of the Council are present, call a special meeting of the Council, and in all cases where the provisions of the statutes of Indiana regulating the calling of the special meeting do not forbid such action by prescribing differently. In all cases where provisions of the statute prescribe the method of the call, the provisions must be strictly followed.

(D) Executive sessions shall be conducted in strict compliance with I.C. 5-14-1.5-6.1. (Code 1997, § 3-16; Code 2002, § 30.25; Ord. No. 11-18-21, § III, 11-18-2021)

§ 30.26 AMENDING ORDINANCES.

All ordinances which are of a general and permanent nature and which would amend the town code shall be in the following form:

[See form beginning on following page.]

Ord. No.

(Include the month-day calendar year: Ex. 1-1-96)

(Short Title)

AN ORDINANCE of THE TOWN COUNCIL, of THE TOWN OF BRISTOL, INDIANA,

AMENDING CHAPTER , ARTICLE ,

SECTION(s) , of THE BRISTOL TOWN CODE

BY THE INCLUSION/DELETION OF SECTION(S),

ENTITLED

Whereas, (background statements setting forth the purpose or background of the Ordinance where appropriate)

Whereas,

Whereas,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN of BRISTOL, INDIANA, AS FOLLOWS:

Section I. Chapter , Article , Section(s) , of the Bristol Town Code, is/are hereby amended to read as follows: (set forth specific amendatory language).

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section III. This Ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Bristol, Indiana, this day of , 20 .

By:

President

Town Council Member

Attest:

Town Council Member

Town Council Member

County Auditor
Town Council Member
(Code 1997, § 3-17; Code 2002, § 30.26)

§ 30.27 ORDER OF BUSINESS AT COUNCIL MEETINGS.

The following order of business shall be followed at regular meetings of the Town Council:

(A) Call to order.

(B) Approval of minutes.

(C) Police Department report.

(D) Maintenance Department report.

(E) Utility Department report.

(F) Old business.

(G) New business.

(H) Town Council member items.

(I) Payment of claims.

(J) Adjournment.
(Code 1997, § 3-18; Code 2002, § 30.27)

CHAPTER 31: TOWN OFFICIALS

TOWN CLERK-TREASURER

§ 31.01 TERM OF OFFICE.

(A) The Town Clerk-Treasurer is an elected position whose term of office is for four years, beginning at noon on January 1 after his or her election and continuing until a successor is elected and qualified.

(I.C. 36-5-6-3(b))

(B) The Town Clerk-Treasurer shall be elected by the voters of the whole town.
(Code 1997, § 2-1; Code 2002, § 31.01)
(I.C. 36-5-6-4)

§ 31.02 POWERS AND DUTIES.

(A) The Town Clerk-Treasurer may administer oaths, take depositions and take acknowledgments of instruments as required by law.

(I.C. 36-5-6-5)

(B) The Town Clerk-Treasurer may perform all duties prescribed by law, which include, but are not limited to, the following:

(1) Receive and care for all town monies and pay them out upon order of the Town Council;

(2) Keep accounts of all town monies;

(3) File monthly reports with the Town Council showing all receipts and disbursements of the Town Treasury for the preceding month;

(4) Maintain records which are open for inspection by the Town Council;

(5) Collect fines resulting from ordinance violations;

(6) Issue all licenses; and

(7) Attend all Town Council meetings and maintain a recording of its proceedings.

(C) The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer pursuant to I.C.

36-5-6-2.
(Code 1997, § 2-2; Code 2002, § 31.02)

Statutory reference: Statutory duties of clerk, see I.C. 36-5-6-6

§ 31.03 COMPENSATION.

The compensation for the services of the person holding the office of Clerk-Treasurer shall be fixed by the Town Council.
(Code 1997, § 2-3; Code 2002, § 31.03)

§ 31.04 DEPUTIES OF CLERK-TREASURER.

(A) The Clerk-Treasurer of the town is authorized to appoint Deputy Clerk-Treasurers to assist him or her in all of the duties of this office. The Deputy Clerk-Treasurers shall serve at the pleasure of the Clerk-Treasurer.

(B) The Clerk-Treasurer may appoint the number of deputies and employees with salaries being approved by the Town Council. Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.
(Code 1997, § 2-4; Code 2002, § 31.04)

Statutory reference: Appointment of deputies, see I.C. 36-5-6-7

§ 31.05 CLERK OF THE TOWN COUNCIL.

(A) The Town Clerk-Treasurer is the Clerk of the Town Council.

(B) Whenever the Town Council has an even number of members for any reason, the Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.
(Code 1997, § 2-5; Code 2002, § 31.05)

§ 31.06 AUTHORIZED AGENT IN PERF FUND.

Pursuant to I.C. 5-10.3-6-1.5, the Clerk-Treasurer is the authorized agent for all matters concerning the PERF fund.
(Code 1997, § 2-6; Code 2002, § 31.06)

§ 31.07 RIGHT TO HIRE ATTORNEY.

The Clerk-Treasurer may hire or contract for legal assistance pursuant to I.C. 36-5-6-8.
(Code 1997, § 2-7; Code 2002, § 31.07; Ord. 12-12-96, 12-12-96)

TOWN MANAGER

§ 31.20 EMPLOYMENT OF TOWN MANAGER AUTHORIZED; TERM.

(A) The Town Council may employ a Town Manager to be the administrative head of

the town government and may fix his or her compensation and terms of employment.

(B) The Manager may be employed to serve:

(1) At the pleasure of the Town Council; or

(2) For a definite tenure not to exceed the longest remaining term in office of a member of the Town Council, in which case he or she may be dismissed only for cause.
(Code 1997, § 2-10; Code 2002, § 31.20)
(I.C. 36-5-5-2)

§ 31.21 QUALIFICATIONS AND BOND REQUIREMENTS.

(A) The Town Council may not employ one of its members as the Manager.

(I.C. 36-5-5-3)

(B) The Manager must, in the manner prescribed by I.C. 5-4-1-18, execute a bond for the faithful performance of his or her duties.
(Code 1997, § 2-11; Code 2002, § 31.21)
(I.C. 36-5-5-5)

§ 31.22 TOWN MANAGER PROHIBITED FROM ISSUING WARRANTS.

The Town Council may not authorize the Town Manager to issue or execute bonds, notes or warrants of the town.
(Code 1997, § 2-12; Code 2002, § 31.22)
(I.C. 36-5-5-7)

§ 31.23 POWERS AND DUTIES OF TOWN MANAGER.

(A) The Manager, under the direction of the Town Council, is responsible for the administrative duties of the Town Council.

(B) Unless a written order or ordinance of the Town Council provides otherwise, the Manager:

(1) Shall attend the meetings of the Town Council and recommend actions he or she considers advisable;

(2) Shall hire town employees according to the pay schedules and standards fixed by the Town Council or by statute;

(3) Shall suspend, discharge, remove or transfer town employees, if necessary for the welfare of the town;

(4) May delegate any of his or her powers to an employee responsible to him or her;

(5) Shall administer and enforce all ordinances, orders and resolutions of the Town Council;

(6) Shall see that all statutes that are required to be administered by the Town Council or a town officer subject to the control of the Town Council are faithfully administered;

(7) Shall prepare budget estimates and submit them to the Town Council when required;

(8) Shall execute contracts on behalf of the town for materials, supplies, services or improvements, after the completion of the appropriations, notice and competitive bidding required by statute; and

(9) May receive service of summons on behalf of the town.
(Code 1997, § 2-13; Code 2002, § 31.23)
(I.C. 36-5-5-8)

§ 31.24 ACTING TOWN MANAGER.

Pursuant to I.C. 36-5-5-6, the Town Council may appoint a qualified person to perform the duties of the Manager whenever he or she is absent or unable to perform his or her duties.
(Code 1997, § 2-14; Code 2002, § 31.24)

§ 31.25 JOINT EMPLOYMENT OF A TOWN MANAGER.

Pursuant to I.C. 36-5-5-4, the Town Councils of two or more towns may employ the same person as the Manager of their respective towns.
(Code 1997, § 2-15; Code 2002, § 31.25)

§ 31.26 DISCIPLINARY RESTRICTIONS PLACED ON TOWN MANAGER.

Pursuant to I.C. 36-5-5-9, the Town Manager may not serve as a member of any body which hears disciplinary charges against the Town Marshal or a member of the Town Marshal=s office.
(Code 1997, § 2-16; Code 2002, § 31.26)

TOWN MARSHAL

§ 31.40 APPOINTMENT AND COMPENSATION.

The Town Council shall appoint a Town Marshal and shall fix his or her compensation.
(Code 1997, § 2-25; Code 2002, § 31.40)
(I.C. 36-5-7-2)

§ 31.41 REMOVAL AND/OR DISCIPLINE.

The Marshal serves at the pleasure of the Town Council. However, before terminating or suspending a Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9, the Town Council must conduct the disciplinary removal and appeals procedure prescribed by I.C. 36-8-1-1 through 36-8-2-13 for City

Fire and Police Departments.
(Code 1997, § 2-26; Code 2002, § 31.41)
(I.C. 36-5-7-3)

§ 31.42 POWERS AND DUTIES.

(A) The Town Marshal is the Chief Police Officer of the town and has the powers of other law enforcement officers of the Town Council and enforcing laws.

(B) The Marshal or his or her deputy:

(1) Shall serve all process directed to him or her by a town court (if established) or Town Council;

(2) Shall arrest without process all persons who commit an offense within his or her view, take them before a court having jurisdiction and detain them in custody until the cause of the arrest has been investigated;

(3) Shall suppress breaches of the peace;

(4) May, if necessary, call the power of the town to his or her aid;

(5) May execute search warrants and arrest warrants; and

(6) May pursue and jail persons who commit an offense.
(Code 1997, § 2-27; Code 2002, § 31.42)
(I.C. 36-5-7-4)

§ 31.43 ADDITIONAL POSITIONS HELD BY TOWN MARSHAL.

The Town Council may require the Marshal to serve as Street Commissioner, Chief of the Fire Department or both.
(Code 1997, § 2-28; Code 2002, § 31.43)
(I.C. 36-5-7-5)

§ 31.44 DEPUTY MARSHALS AND THE HUMANE OFFICER.

(A) The Town Council may by ordinance authorize the Marshal to appoint Deputy Marshals. Deputy Marshals have the powers and liabilities of the Marshal in executing the orders of the Town Council or enforcing laws.

(I.C. 36-5-7-6)

(B) One Deputy Marshal may be designated as the Town Humane Officer. He or she has the duties prescribed by I.C. 36-8-3-18 for City Humane Officers.

(I.C. 36-5-7-6)

(C) The Town Council shall fix the amount of bond, compensation and term of service of Deputy Marshals. The Marshal may dismiss a Deputy Marshal at any time. However, a

Deputy Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9 may be dismissed only if the procedure prescribed by § 31.41 of this chapter is followed.

(I.C. 36-5-7-6)

(D) The Town Council designates, subject to further increase or decrease by the Town Council, the number of Deputy Marshal positions for the town not to exceed five. (Code 1997, § 2-29; Code 2002, § 31.44; Ord. 6-17-99, 6-17-99)

31.45 ORDINANCE COMPLIANCE OFFICER

A) The Ordinance Compliance Officer shall be an individual who is appointed by the Town who shall work under the direct supervision of the Town Marshal, or in the absence of such person, shall be any Town of Bristol law enforcement employee, or any Bristol Department head or their designee who handles the compliance with town ordinances.

B) The Ordinance Compliance Officer shall have authority to conduct inspections and investigations and is authorized to issue notices/warnings of potential ordinance violations, and citations for violations. For those purposes, the Ordinance Compliance Officer shall have the authority to enter upon private property except where specifically instructed not to enter.

C) Notices/warnings shall be issued in writing and shall, when possible, reference the Ordinance alleged to be violated.

D) When required to enter upon private property to conduct the performance of their duties, the Ordinance Compliance Officer shall attempt to contact the occupant of the property, or where vacant, the owner.

E) The Ordinance Compliance Officer shall, by copy, provide the Town Marshal, the ordinance violation clerk (Title II, Chapter 36), and any other appropriate enforcement authority notice of the date, time and location of any warnings or citations issued. (Ord. No. 06-17-21, § 31.45, 6-17-2021)

CHAPTER 32: TOWN POLICIES

§ 32.01 ORGANIZATIONAL CHART.

(Code 1997, § 2-45; Code 2002, § 32.01)

§ 32.02 PERSONNEL POLICIES AND PROCEDURES.

(A) The Polices and Procedures Manual and Employee Handbook for the town are incorporated herein by reference with copies of the same being available for public inspection in the Office of the Clerk-Treasurer during regular business hours.

(B) The Town Council adopts the Policy and Procedure Manual Employee Handbook which was originally effective October 1, 1995, and the amendment thereto of August 20, 2009 eliminating from the prior version of the Town Policy and Procedure Manual Section 3.02 providing for a "Sick Leave Policy" and replacing it with a new Section 3.02 providing for a "Short Term Disability/Illness/Unpaid Sick Leave/Family Medical Leave".
(Code 1997, § 2-46; Code 2002, § 32.02; Res. No. 090795(B), 9-7-95; Ord. No. 8-20-09A, 8-20-09)

§ 32.03 COMPENSATION OF OFFICERS AND EMPLOYEES.

Pursuant to I.C. 36-1-4-15, the town may fix the level of compensation for its officers and employees.
(Code 1997, § 2-47; Code 2002, § 32.03)

§ 32.04 AGENT FOR FEDERAL ASSISTANCE APPLICATION.

The Town Manager is authorized by the Town Council to execute all documents, applications and forms requesting assistance and to provide necessary responses to questions or requests from the U.S. Department of Agriculture in order to seek and obtain, if available, from the U.S. Department of Agriculture federal assistance for the plan, design and construction of both the Bristol Sewer Plant Expansion Project and the Bristol Water Tower Construction Project to the extent the financial assistance is available through the U.S. Department of Agriculture.
(Code 1997, § 2-48; Code 2002, § 32.04; Res. No. 5-8-97R, 5-8-97)

§ 32.05 PERF RETIREMENT FUND ENLARGED.

(A) The Town Council elects to enlarge its participation in the Public Employees= Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and supplemental thereto. This agreement supplements the original dated January 1, 1996.

(B) The Town Council agrees to make the required contributions under the Public Employees= Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as AThe Indiana Public Employees= Social Security Integration and Supplemental Retirement Benefit Act.@

(C) The positions listed on Appendix A are declared to be covered by the Fund, with the Appendix maintained in the office of the Clerk-Treasurer.

(D) It is declared that none of the classifications or positions specified in division (C) of this section are compensated on a fee basis or of an emergency nature or in a part-time category.

(E) The active participating membership of the town shall begin on January 1, 1998.

(F) This section shall be in full force and effect from the date of passage and upon approval of the Board of Trustees of the Public Employees= Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in division

(E) of this section.
(Code 1997, § 2-49; Code 2002, § 32.05; Res. 8-4-97, 8-4-1997)

§ 32.06 MEMBERSHIP IN THE ELKHART COUNTY PUBLIC SAFETY COMMUNICATIONS SYSTEMS DISTRICT.

The town elects to and does join the Elkhart County Public Safety Communications Systems District and elects to have its public safety agency served by the District.
(Code 1997, § 2-68; Code 2002, § 32.06; Ord. No. 8-14-86(A), 8-14-1986)

§ 32.07 FOOD PER DIEM AND MILEAGE RATE.

(A) The town establishes the rate of $.50 per mile for use of personal vehicle for travel outside of the town for employees conducting town business. The mileage shall be calculated on a round trip basis. The town employees requesting reimbursement shall submit written request or appropriate claim form stating the total mileage.

(B) The town hereby establishes the per diem rate of $30 per day for food expense reimbursement. Said amount may be paid in advance by employee=s supervisor or employee may submit a claim for reimbursement after incurring said expense. In either event, a claim form shall document the name of the employee, the date or days of reimbursement and any other pertinent information.

(C) Overnight accommodation expenditures when required of employees may be submitted for reimbursement, utilizing an appropriate claim form. No specific dollar amount is established by this section for said expenditures.
(Code 2002, § 32.07; Ord. 4-19-07C, 4-19-2007; Ord. 6-20-13, 6-20-2013)

§ 32.08 NATIONAL INCIDENT MANAGEMENT SYSTEM.

The town hereby adopts the National Incident Management System, dated March 1, 2004.
(Code 2002, § 32.08; Ord. 11-16-06(B), 11-16-2006)

§ 32.09 INTERNAL CONTROL STANDARDS.

The Town of Bristol hereby adopts the Indiana uniform control standards for Indiana Political Subdivisions and directs the personnel defined in the statute receive training concerning the standards, and the fiscal officer shall certify in writing that the personnel as defined in the statute have received training, and said fiscal officer shall further submit to the State Board of Accounts and certify with the Annual Financial Report the adoption of the standards.
(Code 2002, § 32.09; Res. No. 05-19-16)

CHAPTER 33: DEPARTMENTS AND BOARDS

DEPARTMENT OF ECONOMIC DEVELOPMENT

§ 33.01 CREATION.

The new department to be known and designated as the Bristol Department of Economic

Development be and the same is created and established with full power and authority to act and to do such acts and things as provided by law.
(Code 1997, § 2-50; Code 2002, § 33.01 ; Ord. 3-13-80(A), 3-13-1980)

§ 33.02 ECONOMIC DEVELOPMENT COMMISSION TO OVERSEE.

The Bristol Department of Economic Development shall be under the control of a commission to be known as the Town of Bristol Economic Development Commission; and the Town of Bristol Economic Development Commission shall consist of three members to be appointed by the President of the Town Council as follows:

(A) One member shall be nominated and selected by the President of the Town Council;

(B) One member shall be nominated by the County Council of Elkhart County and for appointment by the President of the Town Council; and

(C) The remaining member shall be nominated by the Town Council and for appointment by the President of the Town Council.
(Code 1997, § 2-51; Code 2002, § 33.02; Ord. 3-13-80(A), 3-13-1980)

§ 33.03 APPOINTMENT OF COMMISSIONERS AND TERM.

The Commissioners thus appointed shall take office upon their appointment, and their terms shall run the following number of years from February 1 following such appointment:

(A) The Commissioner selected by the Town Council: three years;

(B) The Commissioner nominated by the Town Council: two years;

(C) The Commissioner nominated by the County Council of Elkhart County: one year.
(Code 1997, § 2-52; Code 2002, § 33.03; Ord. 3-13-80(A), 3-13-1980)

§ 33.04 REPLACEMENT OF COMMISSIONERS; COMPENSATION.

At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated before the expiration of the term in the manner as the original appointee, and each such succeeding member shall serve for a term of four years; in the event that any governing bodies shall fail to make a nomination within the time specified by law, the President of the Town Council may select and appoint a person without a nomination. Each electee and nominee thus appointed shall be notified in writing and shall be appointed by the President of the Town Council within ten days after receiving the nominations. In the event that any person appointed as Commissioner shall fail to qualify by taking and subscribing an oath of office within the ten-day period, or if any Commissioner, after qualifying, shall die, resign or vacate the office or be removed from office, a new Commissioner shall be selected or nominated and appointed to fill the vacancy in the same manner as Commissioner in respect to whom vacancy occurs and the Commissioner so appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed

and have qualified. The Commissioners shall receive no salaries but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.
(Code 1997, § 2-53; Code 2002, § 33.04; Ord. 3-13-80(A), 3-13-80)

§ 33.05 POWERS AND DUTIES.

The Town Economic Development Commission thus constituted and appointed shall have all the powers and duties as are provided by law.
(Code 1997, § 2-54; Code 2002, § 33.05; Ord. 3-13-80(A), 3-13-80)

PARK BOARD CREATED

§ 33.20 CREATION.

(A) The Bristol Park Board consisting of four members is created.

(B) The Bristol Park Board shall fix the time and place of its regular meetings, but shall meet at least quarterly. All meetings of the Bristol Park Board are to be open to the public. Special meetings can be called as provided by I.C. 36-10-3-8. The election of officers and all other action taken by the Bristol Park Board shall be in accordance with I.C. 36-10-3-8 as said Indiana statute currently exists and/or as it may be amended from time to time.
(Code 1997, § 2-60; Code 2002, § 33.20; Ord. 7-16-09(b), 7-16-09)

§ 33.21 STAGGERED TERMS FOR PARK BOARD MEMBERS.

(A) Existing Park Board members shall be designated a number, one through four, and shall serve the following term:

(1) Number one: one member for a term of one year.

(2) Number two: one member for a term of two years.

(3) Number three: one member for a term of three years.

(4) Number four: one member for a term of four years.

(B) As a term expires, each new appointment or reappointment of a Park Board member shall be for a four-year term. All terms shall expire on the first Monday in January, but a member continues in office until his or her successor is appointed.
(Code 1997, § 5-7; Code 2002, § 33.21; Ord. 8-13-87(B), 8-12-87)

§ 33.22 POWERS AND DUTIES.

(A) The members of the Park Board shall be appointed pursuant to the Indiana Park and Recreation Law.

(B) The Board shall have the duties, powers and authority set forth in the Indiana Park and Recreation Law, I.C. 36-10-3-1 et seq.
(Code 1997, § 2-61; Code 2002, § 33.22)

§ 33.23 RULES AND REGULATIONS.

Chapter 91 sets forth specific rules and regulations governing parks and recreational activities in the town.
(Code 1997, § 2-62; Code 2002, § 33.23)

DEPARTMENT OF REDEVELOPMENT

§ 33.30 REDEVELOPMENT COMMISSION.

There is hereby created a Department of Redevelopment. To control such Department, there is hereby also created the Redevelopment Commission which Commission shall be composed of five members, three of whom shall be appointed by the President of the Town Council and two of whom shall be appointed by the Town Council. Such Commission shall possess all the rights, powers, and responsibilities established for it by law.
(Code 2002, § 33.30; Ord. 3-15-07(B), 3-15-07)

CHAPTER 34: POLICE RESERVES AND FIRE DEPARTMENT

POLICE RESERVES

§ 34.01 POLICE RESERVE UNIT ESTABLISHED.

The town establishes a police reserve unit for the town and designates that the police reserve unit shall consist of seven police reserve officers or such additional numbers as the Town Marshal shall approve from time to time subject to the reserve unit not exceeding a total number of ten police reserve officers without Town Council approval.
(Code 1997, § 2-35; Code 2002, § 34.01; Ord. 12-9-93, 12-9-93)

Statutory reference: Authorization for police reserves, see I.C. 36-8-3-20

§ 34.02 APPOINTMENT AND REMOVAL OF POLICE RESERVES.

The police reserve shall be appointed by the same authority that appoints the regular members of the Department upon recommendation of the Town Marshal. Police reserves shall serve at the discretion of the Town Council or Town Marshal and may be relieved of their duties or removed by either the Town Marshal or a majority decision by the Town Council.
(Code 1997, § 2-36; Code 2002, § 34.02; Ord. 12-9-93, 12-9-93)

Statutory reference: Appointment of reserves, see I.C. 36-8-3-20(c)

§ 34.03 POWERS AND RULES.

Police reserves may not be members of the regular Police Department. Police reserves shall have all the same powers as regular members, except as limited by rules established by the Town Marshal. The Town Marshal shall adopt rules setting forth the limits of the authority for police reserves. The rules shall be reduced to writing and a copy of which

shall be provided to each police reserve officer at such time as he or she is appointed to the Department.
(Code 1997, § 2-37; Code 2002, § 34.03; Ord. 12-9-93, 12-9-93)

Statutory reference: Powers of police reserves, see I.C. 36-8-3-20(e)

§ 34.04 COMPENSATION AND OTHER BENEFITS.

Police reserves shall not be eligible to participate in any pension program provided for regular members of the Department and shall receive only that compensation or financial benefits provided for by the Town Council.
(Code 1997, § 2-38; Code 2002, § 34.04; Ord. 12-9-93, 12-9-93)

Statutory reference: Reserve officers= compensation, ineligibility for pension plan, see I.C. 36-8-3-20(f) and (g)

§ 34.05 PROBATIONARY PERIOD AND OTHER RESTRICTIONS.

(A) A police reserve officer may not be appointed until he or she has completed the training and probationary period specified by the rules of the Department.

(B) A police reserve officer appointed to the Department after June 30, 1993, may not:

(1) Make an arrest;

(2) Conduct a search or seizure of person or property; or

(3) Carry a firearm, unless the police reserve officer successfully completes a pre-basic course as provided by I.C. 5-2-1-9(f).
(Code 1997, § 2-39; Code 2002, § 34.05; Ord. 12-9-93, 12-9-93)
(I.C. 36-8-3-10(h) and (I))

§ 34.06 UNIFORMS AND EQUIPMENT.

The Town Marshal shall establish, subject to Town Council approval, the uniform to be worn by reserve officers when on duty. If the uniforms or any other equipment are supplied by the town, the uniforms and equipment shall remain the property of the town and shall be returned to the town if a reserve officer terminates his or her membership in the Reserve Department.
(Code 1997, § 2-40; Code 2002, § 34.06; Ord. 12-9-93, 12-9-93)

§ 34.07 ASSIGNMENTS BY TOWN MARSHAL.

Reserve officers= duties and times of performance shall be as assigned from time to time by the Town Marshal.
(Code 1997, § 2-41; Code 2002, § 34.07; Ord. 12-9-93, 12-9-93)

§ 34.08 PRESERVATION OF PUBLIC PEACE AND ORDER.

The town may establish, maintain and operate a police and law enforcement system to

preserve public peace and order and may provide facilities and equipment for that system.
(Code 1997, § 6-2; Code 2002, § 34.08)
(I.C. 36-8-12-3)

FIRE DEPARTMENT

§ 34.20 CONTRACTUAL AGREEMENTS FOR FIRE SERVICES.

(A) I.C. 36-8-12-2 defines a volunteer fire department.

(B) The town may engage services of such a volunteer fire company for fire protection and ambulance service.

(C) Any agreement for such services must be approved by the Town Council before taking effect.
(Code 1997, § 2-75; Code 2002, § 34.20)

Statutory reference: Authority to contract with volunteer fire department, see I.C. 36-8-12-3

§ 34.21 AUTHORITY TO ESTABLISH A FIRE DEPARTMENT.

The Town may establish, maintain and operate a fire fighting and fire prevention system and may provide facilities and equipments for that system.
(Code 1997, § 6-5; Code 2002, § 34.21)
(I.C. 36-8-2-3)

CHAPTER 35: FINANCE AND PURCHASING

BUDGET PROCEDURES

§ 35.01 PREPARATION OF BUDGET ESTIMATES.

(A) Before the publication of notice of budget estimates required by I.C. 6-1.1-17-3, the town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner.

(B) Each department head shall prepare for his or her department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he or she anticipates.

(C) The Clerk-Treasurer shall prepare an itemized estimate of revenues available for the ensuing budget year and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(D) The President of the Town Council shall meet with the department heads and the Clerk-Treasurer to review and revise their various estimates.

(E) After the President of the Town Council=s review and revision, the Clerk-Treasurer will prepare for the President of the Town Council a report of the estimated department

budgets, miscellaneous expenses and revenues necessary or available to finance the estimate.
(Code 1997, § 2-80; Code 2002, § 35.01)
(I.C. 36-5-3-3)

§ 35.02 TAX RATE AND ANNUAL APPROPRIATIONS.

The Clerk-Treasurer shall present the report of budget estimates to the Town Council under I.C. 6-1.1-17-1 through 6-1.1-17-19. After reviewing the report, the Town Council shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other town purposes during the ensuing budget year. The Town Council, in the appropriation ordinance, may change any estimated item from the figure submitted in the report of the Clerk-Treasurer. The Town Council shall promptly act on the appropriation ordinance.
(Code 1997, § 2-81; Code 2002, § 35.02)
(I.C. 36-5-3-4)

§ 35.03 REVISING APPROPRIATIONS.

After the passage of the appropriation ordinance, the Town Council may make further or additional appropriations by ordinance, unless their result is to increase the tax levy set under I.C. 6-1.1-17-1 through 6-1.1-17-19. The Town Council may, by ordinance, decrease any appropriation set by ordinance.
(Code 1997, § 2-82; Code 2002, § 35.03)
(I.C. 36-5-4-5)

FINANCIAL ADMINISTRATION

§ 35.15 ISSUE AND SALE OF BONDS.

(A) The Town Council may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(B) Bonds issued under this section are payable in the amounts and at the times determined by the Town Council.

(C) Bonds issued under this section are subject to the provisions of I.C. 5-1 and 6-1.1-20-1 through 6-1.1-20-9 relating to the filing of a petition requesting the issuance of bonds and giving notice of the petition, the giving of notice of a hearing on the appropriation of the proceeds of bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the State Board of Tax Commissioners, the right of taxpayers to remonstrate against the issuance of bonds and the sale of bonds at public sale for not less than their par value.
(Code 1997, § 2-88; Code 2002, § 35.15)
(I.C. 36-5-2-11)

§ 35.16 APPROPRIATION REQUIRED FOR DISBURSEMENTS.

Unless a statute provides otherwise, town monies may be disbursed only after an

appropriation is made by ordinance of the Town Council and recorded in a book kept for that purpose by the Town Council. Each appropriation must be made from the fund against which the expenses arose.
(Code 1997, 2-89; Code 2002, § 35.16)
(I.C. 36-5-4-2)

§ 35.17 ISSUE OF WARRANTS.

(A) The Town Council or any other board of the town may order the issuance of warrants for payment of money by the town only at a meeting of the Town Council or such other board.

(B) A town officer who violates this section forfeits his or her office.
(Code 1997, § 2-90; Code 2002, § 35.17)
(I.C. 36-5-4-3)

§ 35.18 PAYMENT OF CLAIMS.

Pursuant to I.C. 36-5-4-12, the town may, by ordinance, list the items which may be paid by the fiscal officer before Town Council allowance.
(Code 1997, § 2-91; Code 2002, § 35.18)

Statutory reference: Payment of claims, see I.C. 36-5-4-12

FUNDS ESTABLISHED

§ 35.30 MUNICIPAL INDIVIDUAL RETIREMENT ACCOUNT PROGRAM.

(A) Municipal individual retirement account program. The Town Council does establish and authorize the Clerk-Treasurer of the town to establish a municipal individual retirement account with a qualified and designated funding entity in accordance with this section and the rules and regulations of the Internal Revenue Service.
(Code 1997, § 2-95)

(B) Eligibility requirements. The eligibility requirements for any municipal employee of the town to be a beneficiary and participant of this plan are as follows:

(1) The subject employee must be a full-time employee of the town.

(2) The employee must be of a minimum age of 25 years at the time of his or her entry into the retirement plan.

(3) Employees who are in excess of 60 years of age at the time of hiring by the town will not be eligible to participate in the plan.

(4) Employees will become eligible to participate in the plan on June 30 or December 30 immediately following the completion of one year of service as a town employee.
(Code 1997, § 2-98)

(C) Role of Clerk-Treasurer. The Clerk-Treasurer and the funding entity shall

administer the retirement plan as follows:

(1) The town will make an annual contribution to the fund on a specific day of each year, the amount of contribution to be established annually during the preparation of the budget by the Town Council.

(2) The Town Council designates an annual contribution for the year 1980 to be $500 for each eligible employee participant as set forth in this section, and the employee participants shall contribute $100 to the fund to be paid by payroll deduction. The town=s contributions shall be contingent upon the employee contributing his or her share as hereafter determined annually and if the employee participant does not contribute to the retirement program, then the town shall have no obligation to contribute to that specific employee's fund.

(3) The town shall make no further contribution to the employee participant=s fund if the employee voluntarily or involuntarily terminates his or her employment with the town or if the employee at any time withdraws any sums from the fund.

(4) The Clerk-Treasurer shall, upon approval by the Town Council, designate a funding entity for purposes of investment of the annual town contribution and the contribution of the employee participants. The Town Council may from time to time designate other funding entities for purposes of transferring the funds paid or otherwise Arolling over@ the fund to any other designated funding entity.

(5) The eligibility requirements and the administration of the town=s individual retirement account retirement program as herein set forth shall be subject at all times to the rules and regulations of the Internal Revenue Service and any amendments thereto.
(Code 1997, § 2-97; Code 2002, § 35.30; Ord. 3-13-80(C), 3-13-80)

§ 35.31 NONREVERTING CAPITAL FUND OF THE BRISTOL PARK AND RECREATION DEPARTMENT.

(A) In accordance with the requirements of Section 220 of Chapter 311, Acts 1955 General Assembly, being I.C. 36-10-3-20, and amendments thereto, it is created a special fund to be known as the Nonreverting Capital Fund of the Bristol Park and Recreation Department. The fund shall be cumulative and all of the monies deposited into the fund shall be appropriated and used solely for capital improvements as hereinafter defined, or acquiring land, and none of the money shall revert to the General Fund or be used for any purposes other than capital improvements.

(B) The term CAPITAL IMPROVEMENT means the improvement of any property owned by the town or the Bristol Park and Recreation Department, including, but not limited to: buildings, thoroughfares, fixed recreational equipment, tennis courts, basketball courts and baseball diamonds.
(Code 1997, § 2-100; Code 2002, § 35.31; Ord. 5-12-77, 5-12-77)

§ 35.32 CUMULATIVE FIRE AND POLICE EQUIPMENT FUND.

The establishment of a Cumulative Fire and Police Equipment Fund and tax levy is approved and the levying of a tax in the amount of $.04 on each $100 of tangible

personal and real property within the taxing district, subject to existing maximum levy limits pursuant to I.C. 6-1.1-18-3(b), such tax to be first levied in 1980, payable in 1981, and continuing until reduced or rescinded. Any levy previously established for this purpose is rescinded.
(Code 1997, § 2-101; Code 2002, § 35.32; Res. of 10-9-80)

§ 35.33 LAW ENFORCEMENT CONTINUING EDUCATION FUND.

(A) Pursuant to I.C. 5-2-8-2 which took effect on March 18, 1994 as emergency legislature, all fees collected under I.C. 9-29-4-2, 9-29-11-1 and 35-47-2-3 shall be deposited in the Law Enforcement Continuing Education Fund.

(B) The Funds shall be used for the continuing education and training of law enforcement officers and for equipment and supplies for law enforcement purposes.
(Code 1997, § 2-102; Code 2002, § 35.33)

§ 35.34 LOCAL ROAD AND STREET FUND (LRS).

The Local Road and Street Fund (LRS, Fund No. 202) is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.
(Code 1997, § 2-103; Code 2002, § 35.34)

Statutory reference: Local Road and Street Fund, see I.C. 8-14-2-1 et seq.

§ 35.35 MOTOR VEHICLE HIGHWAY FUND (MVH).

1. The "Motor Vehicle Highway Fund" Unallocated MVH 201 be renamed "Fund 201 MVH".

a. The fund will receive fifty percent (50%) of all State of Indiana Motor Vehicle Highway distributions received after January 1, 2019.

b. The fund will retain any cash balance, including investment and interest, as of January 1, 2019.

c. The fund will receive all miscellaneous revenues related to either Motor Vehicle Highway Fund, or Motor Vehicle Highway Restricted Fund.

d. The fund will be used for any legal expenditure of Motor Vehicle Highway dollars.

2. The "Motor Vehicle Highway Fund- Allocated (203) ("Allocated") is created.
a. The Allocated Fund will receive fifty percent (50%) of all State of Indiana Motor Vehicle Highway distributions received after June 30, 2017.
b. The Allocated Fund will be used solely for construction, reconstruction and maintenance of highways as defined in Indiana Code 8-14-1-1.
c. The Allocated Fund balances will not be eligible for transfer to the Rainy Day Fund 424.

2. The sub-fund "Motor Vehicle Highway Fund--Restricted" to be known as: "Fund 203 MVH Restricted".

a. The Restricted Fund (Fund 203 MVH Restricted) will received fifty percent (50%) of all State of Indiana Motor Vehicle Highway distributions after January 1, 2019.

b. The Restricted Fund (Fund 203 MVH Restricted) will be used solely for construction, reconstruction, and preservation of highways as defined in Indiana Code § 8-14-1-1(4), § 8-14-1-1(5), and § 8-14-1-1(7), respectively.
(Code 1997, § 2-104; Code 2002, § 35.35; Ord. No. 6-22-17A, §§ 1, 2, 6-22-2017; Ord. No. 3-21-19, §§ 1, 2, 3-21-2019)

§ 35.36 TOWN MARSHAL=S INCIDENT REPORT ACCOUNT.

(A) There is established an incident report account to be designated as the ATown Marshal=s Incident Report Account.@

(B) There are further established fees which may be collected by the Town Marshal=s Office for certain reports, photographs and videotapes, and the fees shall be computed as follows:

(1) Five dollars for the first page of an Incident Report, and $3 for each page thereafter;

(2) Three dollars for each photograph or copy thereof furnished by the Town Marshal;

(3) Fifty dollars for a video tape or copy thereof furnished by the Town Marshal.

(C) Fees collected pursuant to this section shall be deposited in the Town Marshal=s Incident Report Account and expended pursuant to applicable procedures established by the State Board of Accounts.
(Code 1997, § 2-105; Code 2002, § 35.36; Ord. 12-12-96, passed 12-12-96)

§ 35.37 MISCELLANEOUS FUND CONTINUED.

The following funds are continued in effect. Each shall be funded and operated in accordance with all statutory requirements. These funds are as follows:

(A) Fund No. 212, Bristol Police Reserve;

(B) Fund No. 205, Cemetery;

(C) Fund No. 425, Cumulative Capital Development;

(D) Fund No. 401, Cumulative Capital Improvement;

(E) Fund No. 426, EDIT;

(F) Fund No. 101, General;

(G) Fund No. 436, Golf Course Cumulative Capital;

(H) Fund No. 440, Levy Excess Fund;

(I) Fund No. 204, Park;

(J) Fund No. 403, Park Nonreverting;

(K) Fund No. 435, Raber Golf Course Fund;

(L) Fund No. 607, Sewer Bond and Interest;

(M) Fund No. 608, Sewer Debt;

(N) Fund No. 609, Sewer Improvement;

(O) Fund No. 606, Sewer Operating;

(P) Fund No. 602, Water Bond and Interest;

(Q) Fund No. 603, Water (Dep) Special;

(R) Fund No. 604, Water Meter; and

(S) Fund No. 601, Water Operation.
(Code 1997, § 2-106; Code 2002, § 35.37)

§ 35.38 POLICE EQUIPMENT AND ACQUISITION AND REPLACEMENT FUND.

(A) Effective immediately, the town establishes the Police Equipment Acquisition and Replacement Fund as the fund for receipt and deposit of the revenue available to the town pursuant to I.C. 33-19-7-3. Only those revenues received pursuant to I.C. 33-19-7-3 shall be deposited into the Fund.

(B) The purposes for which expenditures can be made from the Fund shall be the purchase of equipment for the use of the Bristol Police Department or for purchases of equipment to replace existing equipment.

(C) The Fund and any balance in the Fund shall be considered a nonreverting fund and shall be perpetual until terminated by further action of the Town Council of the town by adoption of a new ordinance or by amendment to this section. In the event a balance remains in the Fund at the end of each year during the existence of the Fund, the balance shall not revert to the General Fund but shall be carried over and become a part of the balance in the Fund in the following year until expended for those expenditures permitted herein.

(D) Upon the termination of the Fund, any balance remaining at the time of termination shall transfer to the General Fund of the town.
(Code 1997, § 2-107; Code 2002, § 35.38; Ord. 7-9-98, passed 7-9-98)

§ 35.39 RAINY DAY FUND.

(A) Pursuant to I.C. 36-1-8-5.1, there is hereby established a Rainy Day Fund and all revenue pursuant to Ord. 3-18-04 shall be receipted into the fund or any other funding source not otherwise prohibited by law.

(B) The revenue receipted into the the Rainy Day Fund shall be used for any governmental purpose.

(C) The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money. The fiscal body shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the fund.
(Code 2002, § 35.39; Ord. 3-18-04, passed 3-18-04; Am. Ord. 3-15-07a, passed 3-15-07)

§ 35.40 STORM WATER UTILITY FUND.

(A) Fund establishment. Pursuant to I.C. 8-1.5-5 et seq., there is hereby established a separate and distinct fund for the Department of Storm Water Management which shall be known as the Storm Water Utility Fund.

(B) Fiscal administration. The Town Clerk/Treasurer is hereby appointed as the fiscal agent for and authorized to administer the Storm Water Utility Fund. The Town Clerk/Treasurer is appointed hereby to oversee the administration of the Storm Water Utility Fund.

(C) Receipts. All receipts of the Department of Storm Water Management, including but not limited to, storm water assessments, storm water permit and clearance fees, civil penalties, and any other revenues of the Department shall be deposited in the Storm Water Utility Fund.

(D) Expenditures. All expenditures of the Department of Storm Water Management shall be paid from the Storm Water Utility Fund. The Department of Storm Water Management is hereby directed to prepare, file, and submit an annual budget to the Town Council at the same time and in the same manner as is required by other town departments.

(E) Appropriations. All monies to be expended by the Department of Storm Water Management shall be subject to appropriation by the Town Council.

(F) Separate fund. Any and all monies remaining in the Town Storm Water Utility Fund at the end of the calendar year shall not revert to the General Fund or any other fund of the town, but shall remain in said fund for the purposes of the Department of Storm Water Management.
(Code 2002, § 35.40; Ord. 10-19-06(B), passed 10-19-06)

§ 35.41 MAJOR MOVES CONSTRUCTION FUND.

(A) Fund establishment. There is hereby established a separate and distinct fund for the town which shall be known as the Major Moves Construction Fund.

(B) Fiscal administration. The Town Clerk/Treasurer is hereby appointed as the fiscal agent for and authorized to administer the Major Moves Construction Fund.

(C) Receipts. All receipts of the Major Moves Construction Fund, including but not limited to, any distribution received pursuant to I.C. 8-14-16-3 shall be receipted to the Major Moves Construction Fund.

(D) Expenditures. All expenditures of the Major Moves Construction Fund shall be for permissible use as described in I.C. 8-14-16-5.

(E) Appropriations. All monies to be expended by the Major Moves Construction Fund shall be subject to appropriation by the Town Council.

(F) Separate Fund. Any and all monies remaining in the Major Moves Construction Fund at the end of the calendar year shall not revert to the General Fund or any other fund of the town, but shall remain in said fund for use for those permitted under I.C. 8-14-16-5.
(Code 2002, § 35.41; Ord. 11-16-06(A), passed 11-16-06)

§ 35.42 MS4 FUND.

(A) The town hereby establishes a fund to be known as the Town MS4 (Storm Water) Fund within the general funds of the town and hereby directs the Town Clerk/Treasurer to utilize said funds for the deposit of revenues received, including accrued interest, for MS4 (storm water) compliance purposes.

(B) The funds deposited in said account shall be utilized only as approved by the Town Council and as provided by law.
(Code 2002, § 35.42; Ord. 10-18-07, passed 10-18-07)

§ 35.43 SOUTH STATE ROAD 15 FUND AND NORTH STATE ROAD 15 FUND.

(A) Fund establishment. There are hereby established two separate and distinct funds for the Town of Bristol, the first to be known as the South State Road 15 Fund and a second, separate and distinct fund for the Town of Bristol to be known as the North State Road 15 Fund.

(B) Fiscal administration. The Town Treasurer is hereby appointed as the fiscal agent for and authorized to administer both the North State Road 15 Fund and the South State Road 15 Fund.

(C) Receipt. All receipts from TIF District distribution for taxes generated in the area known as the South State Road 15 Allocation Area/TIF District shall be receipted and deposited into the South State Road 15 Fund. All receipts from TIF District distribution for taxes generated in the area known as the North State Road 15 Allocation Area/TIF District shall be receipted and deposited into the North State Road 15 Fund.

(D) Expenditures. All expenditures of funds from either the North State Road 15 Fund or the South State Road 15 Fund shall be as permitted by statute and the resolution fo the Bristol Redevelopment Commission subject to final appropriation by the Town Council.

(E) Separate fund. Any and all monies remaining in either of the above-described Funds at the end of any calendar year shall not revert to the general fund or any other fund of the Town of Bristol but shall remain in said Funds for use for those purposes permitted under Indiana law.
(Code 2002, § 35.43; Ord. 3-19-09(A), passed 3-19-09)

§ 35.44 BRISTOL TOWN PARKS CHARITABLE FUND.

The fund, to be known as the ABristol Town Parks Charitable Fund,@ is hereby established pursuant to Indiana law, and the Clerk/Treasurer of the Town of Bristol is hereby directed to establish on her books and records said fund in compliance with Indiana law and to receipt and to deposit into said fund, and to disburse from said fund for appropriate purposes and uses, charitable donations to the Bristol Town Parks Department.
(Code 2002, § 35.44; Ord. 04-21-16, passed 4- -16)

§ 35.45 LOIT SPECIAL DISTRIBUTION FUND.

Per the direction given by the State Board of Accounts (SBOA) in accordance with the terms of a memorandum dated April 22, 2016 (SBOA SEA 67 Memorandum) at least 75% of the Special Distribution must be deposited into Fund 257 titled LOIT Special Distribution and be used exclusively for local road construction, maintenance, or repair, or capital projects for aviation, including capital projects of an airport authority. The remaining 25% may be deposited into fund 257 LOIT Special Distribution, the general fund, or into the rainy day fund and used for any purposes of the town.
(Code 2002, § 35.45; Ord. 6-16-16, passed 6-16-16)

PURCHASING

§ 35.50 PURCHASING AGENCY.

The Town Council determines that it is and shall be the purchasing agency for the town. The Purchasing Agency for the town shall have all powers and duties authorized under I.C. 5-22 et seq., as amended, and this section shall not be construed in any manner that would limit the power.
(Code 2002, § 35.50 ; Ord. 1-14-99, passed 1-14-99)

§ 35.51 PURCHASING AGENTS.

(A) The Purchasing Agents for the town shall have all of the powers and duties authorized under I.C. 5-22 et seq., as amended, subject to the dollar limits herein. The Purchasing Agency may also designate in writing additional Purchasing Agents as it determines to be necessary and appropriate from time to time. The Town Council designates the following representatives of the town to serve as Purchasing Agents for the town, subject to the specified dollar limit authority assigned for each as designated below.

Town of Bristol Representative	Dollar Limit Purchasing Authority
Bristol Clerk-Treasurer	Not to exceed $2,500

Bristol Town Manager	Not to exceed $2,500
Department Heads with prior approval	
of Town Manager	Not to exceed $500

(B) Purchases in excess of $2,500 shall only be made by the Clerk-Treasurer or the Town Manager with the prior approval of the Purchasing Agency, and whenever possible without undue inconvenience, purchases for $500 to $2,500 should be approved in advance by the Town Council President.
(Code 2002, § 35.51; Ord. 1-14-99, passed 1-14-99)

§ 35.52 PURCHASE OF SUPPLIES LESS THAN $25,000.

Subject to the purchasing limitations contained in § 35.51, the Purchasing Agency and/or the Purchasing Agents may purchase supplies with an estimated cost of less than $25,000 on the open market without inviting or receiving quotes or bids.
(Code 2002, § 35.52; Ord. 1-14-99, passed 1-14-99)

§ 35.53 PURCHASE OF SERVICES.

Subject to the purchasing limitations contained in § 35.51, the Purchasing Agents may purchase services for the town in whatever manner they determine to be reasonable and appropriate.
(Code 2002, § 35.53; Ord. 1-14-99, passed 1-14-99)

§ 35.54 PURCHASES BETWEEN $25,000 AND $75,000.

Subject to the purchasing limitations contained in § 35.51, the Purchasing Agents for the town may make purchases between $25,000 and $75,000 in accordance with the procedures established under I.C. 5-22-8 et seq.
(Code 2002, § 35.54; Ord. 1-14-99, passed 1-14-99)

CHAPTER 36: ORDINANCE VIOLATIONS BUREAU

§ 36.01 BUREAU ESTABLISHED; VIOLATIONS CLERK.

(A) There shall be created an Ordinance Violations Bureau for the town, and the receptionist for the Police Department, subject to the supervision for the collection and handling of money by the Town Clerk/Treasurer shall serve as the Violations Clerk of the Bureau.

(B) The Violations Clerk shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties of not more than $250 in ordinance violations cases.
(Code 2002, § 36.01; Ord. 8-18-11, passed 8-18-11)

§ 36.02 OFFENSES FILED WITH BUREAU; PENALTIES.

(A) The following ordinances of the Town Code shall be subject to admission of violation

before the Violations Bureau Clerk where the enforcement authority chooses to file the ordinance violation with the Ordinance Violations Bureau.

(B) The penalties amend all specific or general penalty sections of the Town Code only as they relate to offenses filed with the Ordinance Violations Bureau and only as they relate to the specific ordinances or offenses adopted in division (A) of this section.

(C) The delineation of penalties, maximum or otherwise, as set forth in division (A) of this section relates only to ordinance violations that an enforcement authority chooses to file with the Ordinance Violations Bureau, and which are then subject to admission before the Violations Clerk, and for which an admission is entered by an individual appearing before the Violations Bureau Clerk.

(D) However, the delineation of penalties in division (A) of this section is in no way intended to limit the imposition of any civil penalty available as set forth in any penalty section of the Town Code, if the violation if filed other than in the Ordinance Violations Bureau. In those cases, all other penalties and manner of enforcing ordinances shall remain, and the penalty provisions set forth in this section shall have no effect whatsoever on any penalty section of the Town Code in cases that are not filed in the Ordinance Violations Bureau.

Code Reference	Violation Description	Civil Penalties
TITLE VII Chapter 70: General Provisions		
	General Provisions	
§ 70.02	Required obedience to traffic directions	$100
§ 70.05	Temporary regulations	$75
	Traffic Control Devices	
§ 70.22	Obedience to signals	$100
§ 70.23	Interference with signals	$100

§ 70.24	Unauthorized signals or markings	$100
TITLE VII Chapter 71: Traffic Regulations		
§ 71.01	Obstructing traffic	$100
§ 71.02	Reverse or U Turns	$100
§ 71.03	Backing vehicles	$100
§ 71.04	Vehicles crossing sidewalks	$100
TITLE VII Chapter 72: Parking Regulations		
	General Regulations	
§ 72.01	Obstructional parking; double parking	$50
§ 72.02	Manner of parking	$50
§ 72.03	Limitations on stopping and parking; no signage required	$50
§ 72.04	Restrictions and prohibitions where signage is erected	$50
§ 72.05	Parking restricted to allow street cleaning	$50
§ 72.06	All night parking on street prohibited	$50

§ 72.07	Parking on parade route prohibited	$50
Code Reference	Violation Description	Civil Penalties
§ 72.08	Parking on off-street facility	$50
§ 72.10	Parking in parks	$50
§ 72.11	Display of parked vehicle for sale	$50
§ 72.11	Removal of parked vehicles	$50
	Snow Emergencies	
§ 72.25	Announcement of snow emergency	$75
TITLE VII Chapter 73: Snowmobiles		
§ 73.01	Snowmobile restricted; location	$100
§ 73.02	Mandatory compliance required	$100
§ 73.03	Maximum speed limits for snowmobiles	$100
TITLE VII Chapter 75: Traffic Schedule		
Ch. 75, Schedule I	Stop intersection	$100
Ch. 75, Schedule II	Yield signs	$100

Ch. 75, Schedule III	Speed limits	$100
Ch. 75, Schedule IV	Load limitations	$100
Ch. 75, Schedule V	Temporary signs	$100
Ch. 75, Schedule VI	No passing zones	$100
Ch. 75, Schedule VII	No through truck zones	$100
TITLE VII Chapter 76: Parking Schedules		
Ch. 76, Schedule I	Specific areas where parking prohibited	$50
Ch. 76, Schedule II	Parking regulations on Kesco Drive	$50
Code Reference	Violation Description	Civil Penalties
TITLE VII Chapter 77: Golf Cart Ordinance		
§ 77.01	Golf cart definition	$75
§ 77.02	Operation golf cart	$75
§ 77.03	Operator	$75
§ 77.04	Proof of financial responsibility	$75
§ 77.05	Time of operation	$75

§ 77.06	Place of operation	$75
§ 77.07	Occupants	$75
§ 77.08	Traffic rules	$75
§ 77.09	Slow moving vehicle sign	$75
§ 77.10	Speed limit	$75
§ 77.12	Safety equipment	$75
§ 77.13	Parking	$75
TITLE IX Chapter 91: Parks and Recreation		
§ 91.05	Parking in parks	$50
TITLE IX Chapter 92: Cemeteries		
§ 92.23	Speed limit in cemetery	$100
§ 92.24	Conduct requirement	$100
§ 92.25	Alcohol prohibited in cemetery	$100
§ 92.26	Firearms restricted	N/A
Code Reference	Violation Description	Civil Penalties

TITLE IX Chapter 93: Fire Prevention; Fireworks		
	General Regulations	
§ 93.01	Burning restricted	$75
§ 93.02	Burning on street and alleys prohibited	$75
§ 93.03	Extinguishing fires	$75
	Fireworks Regulations	
§ 93.21	Fireworks display; certificate of insurance	$100
TITLE IX Chapter 94: Animals		
	General Provisions	
§ 94.06	Quarantine of biting dogs	$100 First offense $200 Second and each recurring offense
§ 94.20	Control measures regarding barking, biting and damage	$100 First offense $200 Second and each recurring offense
§ 94.21	Abandonment of animals	$100
§ 94.22	Running at large	$100 First offense

		$200 Second and each recurring offense
§ 94.23	Confinement of certain dogs and other animals	$100
§ 94.25	Keeping farm animals or exotic animals	$100 First offense $200 Second and each recurring offense
TITLE IX Chapter 95: Nuisances; Health and Sanitation		
	General Provisions	
§ 95.06	Certain conditions declared a nuisance	$100
§ 95.08	Nuisance created by others	$100
Code Reference	Violation Description	Civil Penalties
§ 95.10	Removal of ice and snow	$50
§ 95.11	Garage, porch, patio and yard sales	$50
	Litter and Dumping Regulations	
§ 95.25	Throwing litter from vehicle	$100
§ 95.26	Tracking foreign matter on streets	$100
§ 95.27	Hauling loose material	$100

§ 95.28	Sweeping litter into gutters	$100
§ 95.29	Merchants to keep sidewalks free of litter	$100
§ 95.30	Posting notices	$100
§ 95.31	Litter on private property	$100 plus removal cost
§ 95.32	Dumping of trash prohibited	$100 plus removal cost
	Weeds and Rank Vegetation	
§ 95.45	Unlawful growth and responsible department	$50
§ 95.46	Notice to remove	$50
	Tree Trimming	
§ 95.60	Restricted by sidewalks	$50
§ 95.61	Obstruction of street lights prohibited	$50
	Noise	
§ 95.75	Loud and unnecessary noise prohibited	$100
§ 95.76	Enumeration of certain prohibited acts	$100
	Parking Restrictions	

§ 95.80	Parking restrictions	$50
	Enforcement; Abatement and Appeal Procedures	
§ 95.91	Non-private real estate violation and general violations	$100 First offense $200 Second and each recurring offense
Code Reference	Violation Description	Civil Penalties
TITLE IX Chapter 96: Abandoned and Junk Vehicles		
§ 96.03	Abandonment	$50
§ 96.04	Financial responsibility	$100
TITLE XI Chapter 110: General Licensing and Regulations		
	Licenses	
§ 110.018	Duration and inspections	$50
	Trades, Businesses and Professional Licensing	
§ 110.045	Licenses required to engage in certain trade, businesses and professions	$50
§ 110.050	License certificate to be displayed	$50

	Precious Metal Dealers	
§ 110.066	License application	$75
§ 110.067	Record keeping	$75
§ 110.068	Retention period of items	$75
§ 110.069	Bond	$75
§ 110.070	Regulations of transaction	$75
	Outdoor Theaters, Carnivals and Street Fairs	
§ 110.080	Location restrictions	N/A
§ 110.081	License required	N/A
§ 110.083	Transfer of license	N/A
	Parades	
§ 110.101	Permit required	
§ 110.109	Duties of permitee	
Code Reference	Violation Description	Civil Penalties
TITLE XI Chapter 111: Peddlers, Itinerant Merchants and Solicitors		
§ 111.02	License requirement; fees	Free

§ 111.08	Service of process	$50
§ 111.09	Exhibition of licenses and badges	$50
§ 111.10	Transfer of license	$50
TITLE XIII Chapter 130: General Offenses		
	General Provisions	
§ 130.02	Resisting official action	$150
	Weapons	
§ 130.21	Shooting of firearms prohibited	$100 - First offense $200 - Second offense and each recurring offense
TITLE XV Chapter 152: Sign and Billboard Regulations		
§ 152.03	Exemptions	
§ 152.04	Permit procedures	$50
	Regulations	
§ 152.20	Location	$75

§ 152.21	Size	$75
§ 152.22	Height restrictions	$75
§ 152.23	Specifications	$75
§ 152.24	Spacing	$75
Code Reference	Violation Description	Civil Penalties
§ 152.25	Setback requirements	$75
§ 152.27	Nonconforming displays	$75
§ 152.28	Lighting	$75

(Code 2002, § 36.02; Ord. 8-18-11(a), passed 8-18-11; Am. Ord. 7-19-12, passed 7-19-12; Am. Ord. 1-17-13, passed 1-17-13; Am. Ord. 9-19-13, passed 9-19-13; Am. Ord. 8-21-14(b), passed 8-21-14; Am. Ord. 12-18-14(b), passed 12-18-14; Am. Ord. 12-17-15(b), passed 12-17-15)

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CHAPTER 50: UTILITIES GENERALLY

GENERAL PROVISIONS

§ 50.01 AUTHORITY TO ESTABLISH UTILITY SERVICE.

The town may furnish or regulate the furnishing of utility service to the public.
(Code 1997, § 9-1; Code 2002, § 50.01; Ord. 10-21-99(A), passed 10-21-99)
(I.C. 36-9-2-15)

§ 50.02 AUTHORITY TO ESTABLISH WATERWORKS.

The town may regulate the furnishing of water to the public and may establish, maintain and operate waterworks.
(Code 1997, § 9-2; Code 2002, § 50.02; Ord. 10-21-99(A), passed 10-21-99)
(I.C. 36-9-2-14)

§ 50.03 AUTHORITY TO REGULATE THE DISPOSAL OF SANITARY SEWAGE.

(A) The town may regulate the furnishing of the service of collecting, processing and disposing of waste substances and domestic or sanitary sewage, which includes the power

to fix the price to be charged for that service.

(I.C. 36-9-2-16)

(B) The town may collect, process and dispose of waste substances and domestic or sanitary sewage and may establish, maintain and operate sewers, sewage disposal systems and systems to collect and dispose of waste substances.
(Code 1997, § 9-3; Code 2002, § 50.03;Ord. 10-21-99(A), passed 10-21-99)
(I.C. 36-9-2-17)

§ 50.04 DEFINITIONS AND ABBREVIATIONS.

(A) Abbreviations.

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
IDEM	Indiana Department of Environmental Management
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act, 42 USC 6901 et seq.
SIC	Standard Industrial Classification
SIU	Significant Industrial User
TSS	Total Suspended Solids
USC	United States Code

(B) Definitions. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

APPROVAL AUTHORITY. The Regional Administrator of the United States Environmental Protection Agency or delegated designee thereof.

ASTM. The American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE OF THE USER.

(a) If the user is a corporation:

1. The President, Secretary, Treasurer or a Vice President of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one or more manufacturing, production or operation facilities employing more than five persons or having gross annual sales or expenditures exceeding $500,000 if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

(d) The individuals described in subsections (a) through (c) may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the town.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§ 307(b) and (c) of the Act (33 USC 1317(a) and (b)) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, parts 405-471.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater taken at selected intervals based on an increment of flow and time.

DIRECTOR. The DIRECTOR or the UTILITIES DIRECTOR is the person designated by the town to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this title, or a duly authorized representative. The UTILITIES DIRECTOR is not, and the town shall not have, a “Utilities Superintendent,” as that term is

defined in I.C. 8-1.5-3-5, and the responsibilities provided by I.C. 8-1.5-3-5(a) shall be assigned to the Town Manager.

DWELLING UNIT. A room or rooms or any other space or spaces in which cooking facilities are provided and having individual sink and toilet facilities. The term shall include, but not be limited to single-family residences, duplexes, apartment houses and mobile homes.

EMPLOYEE. Any owner, employee, agent, inmate, customer or any other person regularly in or on the premises not less than 20 hours per week.

ENVIRONMENTAL PROTECTION AGENCY or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of the agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with § 307 of the Act, 33 USC 1317.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB SAMPLE. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE or DISCHARGE. The introduction of pollutants into the POTW from any nondomestic source regulated under § 307(b), (c) or (d) of the Act, 33 USC 1317(b), (c) or (d).

INDUSTRIAL USERS. Any user in the business of manufacturing or processing and shall include laundries and dry cleaning plants who use water for cleaning processes, excluding coin operated laundries.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

INSPECTOR. The person duly authorized by the town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system. This term includes, but is not limited to: Town Manager, Utility Department Director or designated agent of either.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations

or its sludge processes, use or disposal and therefore is a cause of a violation of the town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent state or local regulations: § 405 of the Act, 33 USC 1345; the Solid Waste Disposal Act, 42 USC 6901 et seq., including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subchapter IV of the Solid Waste Disposal Act, 42 USC 6941 et seq.; the Clean Air Act, 42 USC 4701 et seq.; the Toxic Substances Control Act, 15 USC 2601 et seq.; and the Marine Protection, Research and Sanctuaries Act, 33 USC 1401 et seq.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NEW SOURCE.

(a) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act, 33 USC 1317 which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at the site at which no other source is located;

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (a)(2) or (3) above but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a new source as defined under this section has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program:

a. Any placement, assembly or installation of facilities or equipment; or

b. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this section.

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS), formerly known as the STANDARD INDUSTRIAL CLASSIFICATION (SIC) SYSTEM. A classification pursuant to the North American Industrial Classification System Manual, formerly published as the Standard Industrial Classification Manual.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conduction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the town's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal agricultural and industrial wastes and certain characteristics of wastewater (for example, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing the pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS. Pretreatment standards shall mean prohibited discharge standards and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in §§ 52.003 and 52.004.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

PUBLICLY OWNED TREATMENT WORKS or POTW. A "treatment works," as defined by § 212 of the Act (33 USC 1292) which is owned by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

SANITARY BUILDING DRAIN. That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building which receives the discharge from soil or waste stacks and branches and conveys the same to a point three feet outside the building walls where it connects with its respective building sewer.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEPTIC TANK WASTE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWER. A pipe or conduit for carrying sewage.

SHOP IN RESIDENCE. Residences with shop facilities located therein such as beauty shops, barber shops, small retail shops and repair facilities.

SIGNIFICANT INDUSTRIAL USER.

(a) A user subject to categorical pretreatment standards; or

(b) A user that:

1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

2. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(c) Upon a finding that a user meeting the criteria in subsection (b) has no reasonable

potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that the user should not be considered a significant industrial user.

SLUDGE. Biomass residue generated from the treatment process of water pollution control facilities.

SLUG. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

SLUG LOAD or SLUG. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in §§ 52.003 and 52.004 or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

STORM DRAIN or STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquid and which is removable by laboratory filtering.

TOWN MANAGER. The person designated by the town to supervise all town activities, including operation of the POTW, and who is charged with certain duties and responsibilities by this title, or a duly authorized representative.

TOXIC POLLUTANT. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of § 307 (33 USC 1317) of the Act.

USER or INDUSTRIAL USER. A source of indirect discharge. A USER shall also mean any person, entity or business which is required to collect or use or is actually connected to or using the POTW.

WASTEWATER. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT. That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WPCF. The Water Pollution Control Federation.
(Code 1997, § 9-60; Code 2002, § 50.04; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 5-18-00, passed 5-18-00)

§ 50.05 COMPLIANCE MONITORING PROCEDURES.

(A) Compliance monitoring activities conducted by the Director shall be necessary to identify and document violations that can be presented as admissible and irrefutable evidence in administrative actions and legal proceedings.

(B) Industrial compliance with applicable regulations is determined and evaluated through:

(1) Self-monitoring data from industrial users;

(2) Inspections conducted by the Director;

(3) Surveillance sampling and analysis conducted by the Director;

(4) Self-monitory data is required by most permitted industrial users. All reports are monthly on the same forms which are required by IDEM to ensure all necessary information is submitted. Each report must also be signed by an authorized representative of the industry. The data is in itself evidence if violations are identified.

(C) Inspections by the Director shall be conducted to verify compliance and to identify any potential problems or violations. A standard inspection shall be used to ensure all areas are evaluated and documented on the same form as used by the IDEM inspectors and will be signed and dated by the Director. If noncompliance situations are noted, follow up inspections will be conducted with the industry.

(D) Compliance monitoring requires strict adherence to standard procedures by the Director or the industry if self-monitored. Personnel trained in sampling and inspection protocol are required to collect samples and complete a field chain-of-custody form which accompanies each sample. This form shall follow the sample through the analytical process to maintain its identity and to assign to it the proper results. Each person receiving custody of the sample is required to sign the chain-of-custody form.

(E) Information submitted by industrial users on the industrial discharge permit application must be evaluated for compliance. The Director must also determine if the industrial user has failed to document information necessary to complete the application. Failure to disclose vital information is a violation of 40 CFR 403 regulations. The application form shall contain a statement attesting to the accuracy and completeness of the information submitted which must also be signed by an authorized representative of the industrial user.
(Code 2002, § 50.05; Ord. 10-21-99(A), passed 10-21-99)

§ 50.06 DATA MANAGEMENT.

The majority of data to be screened and evaluated shall be generated through industrial

self-monitoring and compliance monitoring by the Director. All data gathered by these activities shall be reviewed by the Director. Noncompliance and violations shall be tracked monthly by the Director and the appropriate enforcement action initiated.
(Code 2002, § 50.06; Ord. 10-21-99(A), passed 10-21-99)

§ 50.07 IDENTIFICATION OF VIOLATIONS.

(A) Violation identification pretreatment requirements, regardless of the severity, shall initiate the enforcement procedures. Discovery of a violation may occur as a result of the following activities:

(1) Review of pretreatment sampling results;

(2) Review of industrial user self-monitoring results;

(3) Spill/accidental discharge reports from industrial users;

(4) Twenty-four-hour notification by industrial user of violations;

(5) Site visits/inspections by the Director;

(6) Information provided by the public;

(7) Observations by field personnel;

(8) Review of compliance schedule requirements.

(B) Once violations are identified, it shall be the responsibility of the Director to implement the appropriate enforcement response.
(Code 2002, § 50.07; Ord. 10-21-99(A), passed 10-21-99)

§ 50.08 TRACKING SYSTEM.

(A) Industrial users shall be required to submit various reports and information as a result of a number of compliance activities. Reports or information required from industry on a regular basis must be logged and tracked to ensure compliance with deadlines and submittal dates.

(B) The following items are required to be submitted on specific dates:

(1) Monthly discharge reports;

(2) Industrial discharge permit applications;

(3) Compliance schedule progress reports;

(4) Accidental discharge reports following spills;

(5) Written response to notices of violation;

(6) Baseline monitoring reports; and

(7) Special correspondence.
(Code 2002, § 50.08; Ord. 10-21-99(A), passed 10-21-99)

UTILITY FUNDS

§ 50.20 SEWAGE WORKS AND REVENUE FUNDS.

There is created a fund known as the Sewage Works Revenue Fund (the "Revenue Fund") into which all income and revenues of the sewage works shall be deposited upon receipt. This Fund shall be maintained separate and apart from all other accounts of the town. All monies deposited in the Revenue Fund may be invested in accordance with I.C. 5-13-9 and other applicable laws.
(Code 1997, § 9-115; Code 2002, § 50.20; Ord. 3-29-89(A), passed 4-27-89; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.21 OPERATION AND MAINTENANCE FUND.

Any Operation and Maintenance Fund monies accumulated for the refunded bonds and not a part of the issuer's funds shall be credited to and become a part of the Operation and Maintenance Fund (the "Operation and Maintenance Fund") created as of the date of the refunding of the refunded bonds. There shall be credited on the last day of each calendar month a sufficient amount of the revenues of the sewage works so that the balance in the Operation and Maintenance Fund shall be sufficient to pay its expenses of operation, repair and maintenance for the next succeeding two calendar months. The monies credited to the Operation and Maintenance Fund shall be used for the payment of the reasonable and payable operation, repair and maintenance expenses of the sewage works on a day to day basis, but none of the monies in the Operation and Maintenance Fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in the Operation and Maintenance Fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works.
(Code 1997, § 9-116; Code 2002, § 50.21; Ord. 3-29-89(A), passed 4-27-89; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.22 SEWAGE WORKS SINKING FUND.

(A) Sinking Fund. There is created a Sinking Fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the net revenues of the sewage works and the payment of any fiscal agency charges in connection with the payment of bonds and interest, which fund shall be designated the Sewage Works Sinking Fund (the "Sinking Fund"). There shall be set aside and deposited in the Sinking Fund, as available, and as provided below, a sufficient amount of the net revenues of the sewage works to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account created in the Sinking Fund. The payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account described below, equals the amount needed to redeem all of the then outstanding bonds.

(B) Bond and Interest Account. Any monies accumulated to pay principal and interest on the refunded bonds and not a part of the issuer's funds shall be credited to and become a part of the Bond and Interest Account created as of the date of the refunding of the refunded bonds. Beginning as of the date of issuance of the refunding bonds, there shall be transferred, on the last day of each calendar month, from the Revenue Fund and credited to the Bond and Interest Account an amount of the net revenues equal to at least the sum of 1/12 of the principal and 1/6 of the interest on all then outstanding bonds payable from net revenues on the next succeeding principal and interest payment dues, until the amount so credited shall equal the principal payable during the next succeeding 12 calendar months and the interest payable during the next succeeding six calendar months. There shall similarly be credited to the Account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The town shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient monies to pay the principal and interest on their due dates together with the amount of bank fiscal agency charges.

(C) Debt Service Reserve Account.

(1) Monies currently held as a reserve for the refunded bonds and not a part of the issuer's funds shall be credited to and become a part of the Debt Service Reserve Account created as of the date of the refunding of the refunded bonds. The town shall deposit as a reserve for the refunding bonds, into the Debt Service Reserve Account, either net revenues of the works on a monthly basis or funds of the works now on hand so that the reserve equals but does not exceed the least of:

(a) The maximum annual debt service on the refunding bonds;

(b) One-hundred twenty-five percent of average annual debt service on the refunding bonds; or

(c) Ten percent of the proceeds of the refunding bonds plus a minor portion as defined in the Internal Revenue Code of 1986 (the "Reserve Requirement").

(2) If the town deposits net revenues into the Debt Service Reserve Account on a monthly basis, the amount of each monthly deposit shall be equal in amount and sufficient to accumulate the reserve requirement within five years from the date of delivery of the refunding bonds. The balance in the Debt Service Reserve Account shall never exceed the reserve requirement. The Debt Service Reserve Account shall constitute the margin for safety and as protection against default in the payment of principal and interest on the refunding bonds and the monies in the Reserve Account shall be used to pay current principal and interest on the refunding bonds to the extent that monies in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Debt Service Reserve Account shall be promptly made up from the next available net revenue remaining after credits into the Bond and Interest Account. If monies in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on refunding bonds, then this depletion of the balance in the Debt Service Reserve Account shall be made up from the next available net revenues after the credits into the Bond and Interest Account. Any monies in the Debt

Service Reserve Account in excess of the reserve requirement may be used for the prepayment of installments of principal on the then outstanding bonds which are then callable or prepayable or for the purchase of outstanding bonds or installments of principal of fully registered refunding bonds and accrued interest or shall be transferred to the Sewage Works Improvement Fund.
(Code 1997, § 9-117; Code 2002, § 50.22; Ord. 3-29-89(A), passed 4-27-89; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.23 SEWAGE WORKS IMPROVEMENT FUND.

After meeting the requirements of the Operation and Maintenance Fund and the Sinking Fund, any excess revenues may be transferred or credited to a fund designated the "Sewage Works Improvement Fund," and this Fund shall be used for improvements, replacement, additions and extensions of the sewage works. Monies in the Sewage Works Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sinking Fund or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation and maintenance of the sewage works.
(Code 1997, § 9-118; Code 2002, § 50.23; Ord. 3-29-89(A), passed 4-27-89; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.24 INVESTMENT OF FUNDS.

The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single account, or accounts, but the account or accounts shall likewise be maintained separate and apart from all other accounts of the town and apart from the Sinking Fund Account or accounts. All monies deposited in the accounts shall be deposited, held and secured as a public fund in accordance with the public depository laws of the state, provided that these monies may be invested in obligations in accordance with the applicable laws, including particularly, I.C. 5-13-19, as amended or supplemented. The income from the investment shall become a part of the funds invested and shall be used only as provided in this subchapter.
(Code 1997, § 9-119; Code 2002, § 50.24; Ord. 3-29-89(A), passed 4-27-89; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.25 WATERWORKS AND CONSTRUCTION FUND.

Deposits for the water funds of the town shall be deposited in a special account or accounts to be designated as Town of Bristol Waterworks Construction Account. All funds so deposited in the special funds or accounts shall be deposited, held and secured or invested in accordance with the laws of the state relating to the depositing, holding and securing or investing of public funds, including particularly Chapter 9 of the Acts of 1945, as amended. The funds in the special funds or accounts shall be expended only for the purpose of paying the cost of construction of the municipal water works hereinbefore referred to, the incidental expenses incurred in connection therewith or in connection with the issuance of the bonds herein authorized, including necessary legal and engineering expenses. Any balance remaining after completion of the construction and acceptance of

the waterworks shall be placed in the Waterworks Bond and Interest Sinking Fund Account hereinafter referred to.
(Code 1997, § 9-120; Code 2002, § 50.25; Ord. 4-5-1966, passed 4-5-66; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.26 WATERWORKS UTILITY FUND.

(A) All of the net earnings of the town's waterworks shall be and are irrevocably pledged to the payment of the principal of and interest on the bonds issued pursuant to the provisions of this subchapter and any bonds hereafter issued ranking on a parity therewith to the extent necessary for that purpose. The term "net earnings" as used in this section shall be construed to mean the revenues remaining after the reasonable cost of operation and maintenance has been paid.

(B) Beginning as of the date of issuance of the bonds herein authorized, all income and revenues derived thereafter from the operation of the waterworks shall be segregated and kept separate and apart from all other funds of the town and shall be deposited in a fund to be known as the "Town of Bristol, Waterworks Utility Fund." The Fund shall be deposited in lawful depositories of the town and continuously held and secured or invested as provided by the last of the state relating to the depositing, securing and holding or investing of public funds. The Funds shall be used solely for the purpose of paying the cost of operation and maintenance of the waterworks, the payment of the principal of and interest on all bonds which by their terms are payable from the revenues of the waterworks, the making good of depreciation in the waterworks and the construction of improvements, betterments, additions and extensions to the waterworks. No part of the monies in the Fund shall be transferred to the General Fund or other funds of the town unless and until all bonds payable from the revenues of the waterworks has been redeemed or retired. The sums in the Waterworks Utility Fund shall be set aside, deposited, allocated and disbursed through the accounts of the Fund as follows.
(Code 1997, § 9-121; Code 2002, § 50.26; Ord. 4-5-1966, passed 4-5-66; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.27 OPERATION AND MAINTENANCE ACCOUNT.

There is created an account to be known as the "Operation and Maintenance Account" in which shall be deposited all receipts and revenues of the waterworks as received. Except as hereinafter provided, the funds in the account shall be used for the purpose only of paying the reasonable costs of operation and maintenance of the waterworks monthly as the same accrue and become payable. The costs of operation and maintenance shall only be those incurred in the normal operation of the waterworks as it exists on a day to day basis and shall not include the cost of replacements, improvements, betterments, additions, extensions or other capital improvements or the making good of depreciation. At the close of each calendar month, there shall be retained in the account only a sum sufficient to pay the estimated cost of operation and maintenance for the then next succeeding calendar month.
(Code 1997, § 9-122; Code 2002, § 50.27; Ord. 4-5-1966, passed 4-5-66; Ord. 10-21-99(A), passed 10-21-99)

§ 50.28 WATERWORKS BOND AND INTEREST SINKING FUND ACCOUNT.

There is created an account to be known as the "Waterworks Bond and Interest Sinking Fund Account" from which the principal of and interest on all bonds payable from the revenues of the waterworks shall be paid. On the last day of each calendar month there shall be paid into the account from the Operation and Maintenance Account all revenues remaining after the setting aside in the Operation and Maintenance Account of the estimated operation and maintenance requirements for the next succeeding calendar month. All of the said remaining revenues shall be so deposited in the Waterworks Bond and Interest Sinking Fund Account until the account contains a sufficient amount to pay the interest and the principal of all outstanding bonds which will be due and payable on the then next succeeding principal payment date. In no event shall the amounts set aside in the Waterworks Bond and Interest Sinking Fund Account be less than sufficient to meet the payment of the principal of and interest on said bonds as the same become due and payable.
(Code 1997, § 9-123; Code 2002, § 50.28; Ord. 4-5-1966, passed 4-5-66; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 50.29 SPECIAL WATERWORKS UTILITY FUND ACCOUNT.

(A) There is created an account to be known as the "Special Waterworks Utility Fund Account" into which there shall be paid on the last day of each calendar month all of the revenues remaining after the reserving in the Operation and Maintenance Account of an amount sufficient to pay the estimated cost of operation and maintenance for the then next succeeding month and making the payments required to be made into the Waterworks Bond and Interest Sinking Fund Account.

(B) The monies in the Special Waterworks Utility Fund Account may be expended in making good depreciation in the waterworks construction of improvements, betterments, additions and extensions to the waterworks or may be applied in the purchase or redemption of bonds payable from the revenues of the waterworks prior to maturity; provided however, that no such expenditures for such purposes shall be made from the Special Waterworks Utility Fund Account so as to reduce the balance therein below a sum equal to the average annual principal and interest requirements on the then outstanding bonds payable from the revenues of the waterworks (herein sometimes referred to as "minimum reserve"), unless the expenditures be required for the continued operation of the waterworks or to prevent a default in the payment of the interest on and principal of bonds payable from the revenues of the waterworks or to pay the actual cost of connecting new customers to existing water distribution mains, it being deemed necessary for the protection of the town and the bond holders to maintain and reserve in the Special Waterworks Utility Fund Account for the purpose of assuring against default in the payment of principal or of interest on bonds payable from the revenues of the waterworks.

(C) The monies represented by the minimum balance shall be available solely for the benefit of the bonds payable from the revenues of the waterworks, and the Clerk-Treasurer or proper officers of the Board of Public Works and Safety having custody of the funds of the waterworks shall, if needed to prevent a default in the payment of the interest on or principal of the bonds, transfer to the Waterworks Bond and Interest Sinking Fund Account a sufficient amount of the monies then in the Special Waterworks Utility Fund Account to prevent the default.

(D) In the event of reduction of the funds in the Special Waterworks Utility Fund Account below the minimum reserve hereinbefore specified, then no further expenditures from the Fund shall be made for making good depreciation, construction of improvements, betterments, additions and extensions or purchase or redemption of bonds prior to maturity until the Fund shall have again attained the minimum reserve.

(E) In the event the Special Waterworks Utility Fund Account shall exceed the minimum reserve, then the Clerk-Treasurer or officers of the Town Council having custody of the waterworks funds may apply any or all of the funds in excess of the minimum reserve to the purchase or call for redemption of outstanding bonds payable from the revenues of the waterworks at a price not exceeding the then applicable redemption price. All bonds so purchased or redeemed by call shall immediately be canceled and shall not thereafter be reissued. Any accumulation in the Special Waterworks Utility Fund Account may also be invested in direct obligations of the United States Government to the extent permitted by law.
(Code 1997, § 9-124; Code 2002, § 50.29; Ord. 4-5-1966, passed 4-5-66; Ord. 10-21-99(A), passed 10-21-99)

§ 50.30 METER DEPOSIT FUND.

Meter deposits shall be deposited and maintained in a separate fund. All monies deposited in this account shall be deposited, held, and secured as a public fund. Earnings, if any, on funds invested from this account shall be the property of the Town of Bristol Water Utility. Records shall be maintained of the names from whom the original deposits were received. In accordance with procedure provided by the state law and town ordinances, the Clerk/Treasurer may use a customer's deposit to refund deposits to customers, pay delinquent water bills, and/or apply towards new meter deposits, turn on or shut-off fees, or any other amount owed by Bristol's Town Water Utilities by the customer.
(Code 2002, § 50.30; Ord. 8-19-04, passed 8-19-04)

ENFORCEMENT REMEDIES

§ 50.40 NOTIFICATION OF VIOLATION.

When the Director finds that a user has violated, or continues to violate, any provision of this title or order issued hereunder, the Director may serve upon that user a written notice of violation. Within ten days of the receipt of this notice, the user shall submit to the Director an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
(Code 2002, § 50.40; Ord. 10-21-99(A), passed 10-21-99)

§ 50.41 COMPLIANCE ORDERS.

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 issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Code 2002, § 50.41; Ord. 10-21-99(A), passed 10-21-99)

§ 50.42 CEASE AND DESIST ORDERS.

(A) When the Director finds that a user has violated, or continues to violate, any provision of this title, or order issued hereunder, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(B) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Code 2002, § 50.42; Ord. 10-21-99(A), passed 10-21-99)

§ 50.43 ADMINISTRATIVE FINES.

(A) 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 to exceed $2,500. The fines shall be assessed on a per violation, per day basis.

(B) Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 12% of the unpaid balance and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property may be sought for unpaid charges, fines and penalties.

(C) Users desiring to dispute the fines shall file a written request for the Town Manager to reconsider the fine along with full payment of the fine amount within three days of being notified of the fine. In the event the request for reconsideration is successful, the payment shall be returned to the user.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for,

taking any other action against the user.
(Code 1997, § 9-163; Code 2002, § 50.43; Ord. 10-21-99(A), passed 10-21-99)

§ 50.44 EMERGENCY SUSPENSIONS.

(A) The Director may immediately suspend a user's discharge, after informal notice to the user, whenever the suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, which threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in § 50.45 are initiated against the user.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to the date of any show cause or termination under § 50.45.

(B) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
(Code 2002, § 50.44; Ord. 10-21-99(A), passed 10-21-99)

§ 50.45 TERMINATION OF DISCHARGE.

(A) In addition to the provisions in § 52.101, any user who violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

(5) Violation of the pretreatment standards in §§ 52.006 and 52.007 or the prohibited discharge standards found in §§ 52.004 and 52.008.

(B) The user will be notified of the proposed termination of its discharge. When possible, notice will be mailed by first class mail to the billing address for the user 14 days before the effective date of the termination. The user must obtain a court order prohibiting the action if the user disputes the right of the town to take the action. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.
(Code 2002, § 50.45; Ord. 10-21-99(A), passed 10-21-99)

§ 50.46 INJUNCTIVE RELIEF.

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 petition the Elkhart County Court through the town's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or any other requirement imposed by this title on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
(Code 2002, § 50.46; Ord. 10-21-99(A), passed 10-21-99)

§ 50.47 CIVIL PENALTIES.

(A) A user who has violated, or continues to violate, any provision of this title, a wastewater discharge permit, order issued hereunder or any other pretreatment standard or requirement shall be liable to the town for a maximum civil penalty of $2,500 per violation, per day. Each day the violation occurs is to be considered a separate offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(B) The Director may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the town as well as imposing the penalty described in division (A) of this section.

(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
(Code 2002, § 50.47; Ord. 10-21-99(A), passed 10-21-99)

§ 50.48 REMEDIES NONEXCLUSIVE.

The remedies provided for in this title are not exclusive. The Director may take any, all or any combination of these actions against a noncompliant user. Enforcement of

pretreatment violations will generally be in accordance with the town's enforcement response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.
(Code 2002, § 50.48; Ord. 10-21-99(A), passed 10-21-99)

§ 50.49 PERFORMANCE BONDS.

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this title, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user first files a satisfactory bond, payable to the town, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.
(Code 2002, § 50.49; Ord. 10-21-99(A), passed 10-21-99)

§ 50.50 LIABILITY INSURANCE.

The Director may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this title, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
(Code 2002, § 50.50; Ord. 10-21-99(A), passed 10-21-99)

§ 50.51 WATER SUPPLY SEVERANCE.

Whenever 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, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
(Code 2002, § 50.51; Ord. 10-21-99(A), passed 10-21-99)

§ 50.52 PUBLIC NUISANCES.

A violation of any provision of this title, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of this code governing such nuisances, including reimbursing the town for any costs incurred in removing, abating or remedying the nuisances.
(Code 2002, § 50.52; Ord. 10-21-99(A), passed 10-21-99)

§ 50.53 INFORMANT REWARDS.

The Director may pay up to $500 for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty levied against the user, the Director may disperse up to 10% of the collected fine or penalty to the informant. However, a single reward payment may not exceed $500.
(Code 2002, § 50.53; Ord. 10-21-99(A), passed 10-21-99)

§ 50.54 CONTRACTOR LISTING.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the town. Existing contracts for the sale of goods or services to the town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director.
(Code 2002, § 50.54; Ord. 10-21-99(A), passed 10-21-99)

CHAPTER 51: WATERWORKS

§ 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 Town1
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.)
(Code 1997, § 9-10; Code 2002, § 51.01; Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Ord. No. 3-20-14; Ord. No. 8-15-19, § 51.01, 5-15-2019: Ord. No. 9-19-19(b), § 51.01, 9-19-2019; Ord. No. 6-15-2023-12, exh. A, 6-15-2023)

§ 51.02 MINIIMUM 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 Town1
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.

(Code 1997, § 9-11; Code 2002, § 51.02; Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Ord. No. 3-20-14; Ord. No. 6-20-19; Ord. No. 8-15-19, § 51.02, 5-15-2019; Ord. No. 9-19-19(b), § 51.02, 9-9-2019; Ord. No. 6-15-2023-12, exh. B, 6-15-2023)

§ 51.03 TAPPING FEES AND METER DEPOSIT.

(A) A tap charge shall be collected from each customer prior to connection to the water system. The charge shall cover the cost of tapping the main, furnishing and laying service pipe, corporation and stop cocks, service and meter box and installing the meter.

(B) (1) The charge for a 5/8-inch or 3/4-inch meter tap shall be $400.

(2) The charge for a one-inch and a larger size meter tap shall be the actual construction cost (labor, equipment and material) but in no event less than $400.

(C) Separate from and in addition to the tapping charges described in this section, subparagraphs (A) and (B), there shall be a requirement that each water utility customer shall pay a $100 meter deposit at the time water service is turned on. The meter deposit charge shall be due from and charged to the party who shall be responsible for payment of the water bill. In the event water service is disconnected for non-payment of a water bill, but thereafter subsequently reconnected for the same customer, said reconnection shall not occur until an additional meter deposit is paid and any meter deposit previously paid by said customer shall be immediately applied to any water bill, shut-off, or turn-on charge due and owing from said customer, with the balance thereof and a full accounting being sent to the last known address of said customer. Meter deposits previously paid in the amount of $40 rather than the $100 provided herein are specifically "grandfathered" at said $40 amount and no additional deposit shall be required from said customers at this time.

(D) All future meter deposits, however, whether water service is requested by existing customers or new customers, shall be at the amount of $100. Meter deposit charges are separate charges from turn-on and shut-off charges.
(Code 1997, § 9-12; Code 2002, § 51.03; Ord. 3-13-80(D), passed 3-13-80; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 8-19-04, passed 8-19-04; Am. Ord. 8-21-08B, passed 8-21-08)

§ 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 Town1
Municipal	$612.21	$697.92
Private	$378.45	$431.43

1 Represents a 14% increase from Inside Town rates.(Code 1997, § 9-13; Code 2002, § 51.04; 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; Ord. No. 6-15-2023-12, exh. C, 6-15-2023)

§ 51.05 MONTHLY BILLING CHARTS FOR 40,000 GALLONS OR MORE.

Repealed by Ord. 6-15-2023-12.
(Code 1997, § 9-14; Code 2002, § 51.05; Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Ord. No. 6-15-2023-12, § 5, 6-15-2023)

§ 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 Town1
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.(Code 1997, § 9-15; Code 2002, § 51.06; 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; Ord. No. 6-15-2023-12, exh. D, 6-15-2023)

§ 51.07 BASE WINTER ESTIMATE FOR WATER BILLINGS.

In order that the users of the town water utility service will not be penalized for maintaining their water system during the winter months to avoid freezing and further to facilitate the billing by the town to the water customer services, the town establishes a "base winter estimate for billing" (BWCE). The BWCE will be derived for each customer by averaging the last reading in October (payable in November) and the May meter reading (payable in June) to establish the BWCE. The base winter estimate will then be applied for the months of November, December, January, February and March to the water customer user for calculating the customer's water rate charge for the months of

November, December, January, February and March.
(Code 1997, § 9-16; Code 2002, § 51.07; Ord. 12-11-97(A), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 51.08 SPRINKLING RATES.

(A) In order that single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the months of June, July, August and September, the billing for sewage service for single-family users for the months of June, July, August and September shall be based upon the water usage for the previous months of December, January, February and March. In the event the water usage for the previous months of December, January, February and March is greater than the water usage for the months of June, July, August and September, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single-family residence.

(B) The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.
(Code 1997, § 9-17; Code 2002, § 51.08; Ord. 12-12-74, passed 12-12-74; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 51.09 COLLECTION OR DEFERRED PAYMENT CHARGE.

(A) All bills for water service shall be rendered monthly and if not paid within 15 days from the due date thereof, as stated in the bills, shall be subject to a collection or deferred payment charge of 10% on the first $3 and 3% on the excess over $3. If the bill is not paid within 45 days from due date, the service shall be disconnected as provided in this section.
(Code 1997, § 9-18)

(B) All bills are due and payable on or before the date set forth on the bill. If, after its due date, any portion of a monthly bill remains unpaid, the following month's bill will be mailed containing a notice that if all of the previous month's bill is not paid within 15 days of the notice date, service will be discontinued for non-payment. Partial payment may be made. However, if all past due amounts shown on the notice are not paid in full with 15 days of the notice date, the disconnect will still occur unless a reprieve has been granted from the disconnect pursuant to paragraph (C) below.

(C) Any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer’s service not be disconnected and shall have the

authority to make a final determination of the customer's complaint. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered.

(D) In the absence of payment of the bill rendered or resort to the hearing procedure and the reprieve granted as provided in paragraph (C) above, service will be discontinued at the time specified in the second bill described in paragraph (B), but in no event until at least some portion of the charges has been past due and unpaid for at least 45 days.
(Codde 1997, § 9-18; Code 2002, § 51.09; Ord. 5-2-1966, passed 5-2-66; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 8-21-08B, passed 8-21-08)

§ 51.10 SHUT-OFF AND TURN-ON CHARGE.

A charge of $60 shall be imposed for shut-off and turn-on made at the request of the user or for turn-on after shut-off for nonpayment or delinquency in the payment of a bill. All delinquent charges shall be paid before resumption of service will be permitted.
(Code 1997, § 9-19; Code 2002, § 51.10; Ord. 12-12-96, passed 12-12-96; Am. Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 8-21-08B, passed 8-21-08)

§ 51.11 TEMPORARY USERS.

Water furnished to temporary users, such as contractors, circuses and the like shall be charged for on the basis of the quantity rates as estimated by the Waterworks Director.
(Code 1997, § 9-20; Code 2002, § 51.11; Ord. 5-2-1966, passed 5-2-66; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 51.12 LOCAL OR LATERAL WATER MAINS OR LINES.

A subdivider, developer or other owner or user shall be required to pay for extensions of local and lateral water mains or lines and the local and lateral water mains or lines shall be constructed to the specifications of the town on the streets, rights-of-way or other easements as may be available, and the subdivider, developer or other owner or user shall dedicate the extended local and lateral water mains or lines and appurtenances hereto to the town.
(Code 1997, § 9-21; Code 2002, § 51.12; Ord. 6-8-78(A), passed 7-10-78; Am. Ord. 10-21-99(A), passed 10-21-99)

CHAPTER 52: SEWERS

GENERAL PROVISIONS AND REGULATIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for users of the publicly owned treatment works for the town and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR 403). The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the publicly owned treatment works

that will interfere with its operation;

(2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works;

(3) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and

(6) To enable the town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other federal or state laws to which the publicly owned treatment works is subject.

(B) This chapter shall apply to all users of the publicly owned treatment works. This chapter provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
(Code 2002, § 52.001; Ord. 10-21-99(A), passed 10-21-99)

§ 52.002 ADMINISTRATION.

Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other personnel.
(Code 2002, § 52.002; Ord. 10-21-99(A), passed 10-21-99)

§ 52.003 GENERAL PROHIBITIONS.

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
(Code 2002, § 52.003; Ord. 10-21-99(A), passed 10-21-99)

§ 52.004 SPECIFIC PROHIBITIONS.

No user shall:

(A) Introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than three inches in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD and the like) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 140°F (60°C) or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the treatment plant to exceed 140°F (60°C);

(6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(7) Pollutants that result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems as defined in the Occupational Safety and Health Act, 29 USC 651;

(8) Trucked or hauled pollutants, except as designated by the Director in accordance with § 52.072;

(9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the treatment plant’s effluent thereby violating the town’s NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Director;

(13) Sludges, screenings or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;

(15) Wastewater causing, alone or in conduction with other sources, the treatment plant’s effluent to fail a toxicity test;

(16) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils or greases of animal or vegetable origin in concentrations greater than 100 mg/l;

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.

(B) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human excrement, garbage or other objectionable waste.

(C) No person shall discharge or cause to be discharged to any sanitary sewer or combined sewer, either directly or indirectly, storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, sump pump discharges from any exterior origin or unpolluted industrial process water. The town shall require the removal of unpolluted wastewater or treatment effluent if the removal is cost-effective and in the best interest of all users of this facility.

(D) Storm water, surface water, ground water, roof run-off, subsurface drainage, NPDES permitted cooling water and permitted unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodations. No person shall use such sewers, however, without the specific permission of the Director. No new connection shall be made unless there is capacity available to all downstream sewers.

(E) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(F) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

(G) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(H) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley or right-of-way in which there is now or hereafter located a public sanitary sewer of the town is required at their expense to install suitable toilet facilities in the house or building or on the property and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter within no less than 90 days after date of official notice is served upon them by certified mail by the Director notifying them to make the connection, provided that the public sewer is within 300 feet of the

owner's property line.
(Code 2002, § 52.004; Ord. 10-21-99(A), passed 10-21-99; Am. Ord. 5-18-00, passed 5-18-00) Penalty, see § 10.99

§ 52.005 POLLUTANTS.

Pollutants, substances or wastewater prohibited by § 52.004 must not be processed or stored in such a manner that they could be discharged to the POTW.
(Code 2002, § 52.005; Ord. 10-21-99(A), passed 10-21-99)

§ 52.006 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

(A) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, parts 405-471 are incorporated.

(B) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(C) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(D) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.

(E) A user may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(Code 2002, § 52.006; Ord. 10-21-99(A), passed 10-21-99)

§ 52.007 STATE PRETREATMENT STANDARDS.

State pretreatment standards, 327 I.A.C. Art. 5 Rule 16 and any or all standards promulgated after the date of this chapter are incorporated.
(Code 2002, § 52.007; Ord. 10-21-99(A), passed 10-21-99)

§ 52.008 LOCAL LIMITS.

(A) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

Pollutant	Maximum allowable discharge limit
Ammonia	20 mg/l
Arsenic	0.1 mg/l

Benzene	2.13 mg/l
Beryllium	2.0 mg/l
BOD5	200 mg/l
Cadmium	0.7 mg/l
Chromium, total	1.0 mg/l
Copper	0.7 mg/l
Cyanide	0.4 mg/l
Lead	0.5 mg/l
Mercury	0.10 mg/l
Nickel	2.0 mg/l
Pollutant	Maximum allowable discharge limit
Oil and grease	100 mg/l
Phosphorus	10 mg/l
Selenium	0.1 mg/l
Silver	0.3 mg/l
Total phenols (This compound by itself or in combination with any other organic priority pollutants shall not exceed 2.13 mg/l)	2.13 mg/l
Total suspended solids	200 mg/l
1, 1, 1 trichloroethane (This compound by itself or in combination with any other organic priority pollutants shall not exceed 2.13 mg/l)	2.13 mg/l
Trichloroethylene (This compound by itself or in combination with any other organic priority pollutants shall not exceed 2.13 mg/l)	2.13 mg/l
Zinc	2.0 mg/l

(B) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
(Code 2002, § 52.008; Ord. 10-21-99(A), passed 10-21-99)

§ 52.009 RIGHT OF REVISION.

The town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
(Code 2002, § 52.009; Ord. 10-21-99(A), passed 10-21-99)

§ 52.010 DILUTION.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.
(Code 2002, § 52.010; Ord. 10-21-99(A), passed 10-21-99)

§ 52.011 INDUSTRIAL WASTES.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.
(Code 1997, § 9-67;Code 2002, § 52.011; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.012 DESTROYING OR TAMPERING WITH MUNICIPAL SEWAGE WORKS EQUIPMENT.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this section shall be subject to immediate arrest under charge or disorderly conduct.
(Code 1997, § 9-68; Code 2002, § 52.012; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)
Penalty, see § 10.99

PRIVATE SEWAGE DISPOSAL

§ 52.025 CONNECTING BUILDING SEWER TO PRIVATE SEWAGE DISPOSAL SYSTEM.

Where a public sanitary or combined sewer is not available under the provisions of § 52.004, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.
(Code 1997, § 9-75; Code 2002, § 52.025; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.026 WRITTEN PERMIT TO BE OBTAINED; APPLICATION; INSPECTION FEE.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Director. The application for the permit shall be made on a form furnished by the town which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Director. A permit and inspection fee of $10 shall be paid to the town at the time the application is filed.
(Code 1997, § 9-76Code 2002, § 52.026; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.027 DIRECTOR TO INSPECT INSTALLATION.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt or notice by the Director.
(Code 1997, § 9-77; Code 2002, § 52.027; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.028 COMPLIANCE WITH STATE BOARD OF HEALTH.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge into any natural outlet.
(Code 1997, § 9-78; Code 2002, § 52.028; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99) Penalty, see § 10.99

§ 52.029 CONNECTING PRIVATE SEWAGE DISPOSAL SYSTEM TO PUBLIC SEWER.

At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 52.028, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Code 1997, § 9-79; Code 2002, § 52.029; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99) Penalty, see § 10.99

§ 52.030 MAINTENANCE OF PRIVATE SEWAGE DISPOSAL FACILITIES.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the town.
(Code 1997, § 9-80; Code 2002, § 52.030; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.031 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Code 1997, § 9-81; Code 2002, § 52.031; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.032 CONNECTING BUILDING SEWER TO PUBLIC SEWER.

When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.
(Code 1997, § 9-82; Code 2002, § 52.032; Ord. 6-30-73(C), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

CONSTRUCTION OF SEWERS AND APPURTENANCES

§ 52.045 ALTERING PUBLIC SEWER.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk- Treasurer.
(Code 2002, § 52.045; Ord. 10-21-99(A), passed 10-21-99) Penalty, see § 10.99

§ 52.046 SEWER PERMITS.

(A) There shall be two classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes.

(B) In either case, the owner or their representative shall make application on a form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of $20 for a residential or commercial building sewer and $50 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time application is filed.
(Code 2002, § 52.046; Ord. 10-21-99(A), passed 10-21-99)

§ 52.047 INSTALLATION AND CONNECTION EXPENSES.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Code 2002, § 52.047; Ord. 10-21-99(A), passed 10-21-99)

§ 52.048 SEPARATE SEWER FOR EVERY BUILDING.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear

building and the whole considered as one building sewer.
(Code 2002, § 52.047; Ord. 10-21-99(A), passed 10-21-99)

§ 52.049 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination by the authorized representative of the town, to meet all requirements of this chapter and corresponding permit and inspection fees.
(Code 2002, § 52.049; Ord. 10-21-99(A), passed 10-21-99)

§ 52.050 SIZE, SLOPE AND ALIGNMENT.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing, infiltration/exfiltration testing and back filling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 and 10 States Standards or any specifications as required by IDEM shall apply.
(Code 2002, § 52.050; Ord. 10-21-99(A), passed 10-21-99)

§ 52.051 ELEVATION OF BUILDING SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an accepted means and discharged to the building sewer.
(Code 2002, § 52.051; Ord. 10-21-99(A), passed 10-21-99)

§ 52.052 PUBLIC SANITARY SEWER CONNECTIONS.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. All interior structurally generated wastes or waters, directly or indirectly generated, will be discharged into the sanitary sewer and all exterior generated waters will remain outside and will not be discharged to the sanitary sewer. All roof drains on large buildings will be allowed to enter the facility but must be demonstrated to the satisfaction of the Director not to be discharged into the sanitary sewer.
(Code 2002, § 52.052; Ord. 10-21-99(A), passed 10-21-99) Penalty, see § 10.99

§ 52.053 CONNECTION OF BUILDING SEWER.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 and 10 States Standards. All such connections shall be made gas tight and water tight.
(Code 2002, § 52.053; Ord. 10-21-99(A), passed 10-21-99)

§ 52.054 SUPERVISION OF CONNECTIONS.

The applicant for the building sewer into the public sewer shall notify the town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the town or their representatives during their normal business hours. All connections will be left open and uncovered until the town's representative can finish their inspection. The inspection shall be made within the next working day or within 24 hours of the receipt of notice by the Director.
(Code 2002, § 52.054; Ord. 10-21-99(A), passed 10-21-99)

§ 52.055 BUILDING EXCAVATIONS.

All excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to their original condition and to the satisfaction of the town.
(Code 2002, § 52.055; Ord. 10-21-99(A), passed 10-21-99)

PRETREATMENT OF WASTEWATER

§ 52.070 PRETREATMENT FACILITIES.

Users must provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in §§ 52.003 and 52.004 within the time limitations specified by the EPA, the state or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing the facilities and operating procedures shall be submitted to the Director and IDEM for review 180 days prior to construction and approved by the Director and IDEM before construction of the facility. The review of the plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facilities as necessary to produce a discharge acceptable to the town under the provisions of this chapter.
(Code 2002, § 52.070; Ord. 10-21-99(A), passed 10-21-99)

§ 52.071 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(B) The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil and sand interceptors must be provided when, in the opinion of the

Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil and sand, except that the interceptors shall not be required for residential lasers. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. The interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at their expense.

(D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Code 2002, § 52.071; Ord. 10-21-99(A), passed 10-21-99)

§ 52.072 HAULED WASTEWATER.

(A) Septic tank waste may not be introduced into the POTW at any location. This prohibition includes any wastes collected from portable toilets.

(B) Commercial and industrial waste haulers may not discharge into the POTW at any location.

(C) The Director may, in an emergency situation as determined by the Director to exist, allow another municipality to introduce waste into the POTW at a designated location. The contributing municipality will pay an appropriate charge as determined by the Director. The contribution can only occur on an emergency basis and must not be allowed by the Director on a regular basis.
(Code 2002, § 52.072; Ord. 10-21-99(A), passed 10-21-99)

§ 52.073 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

(A) At the least once every two years the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval and implement such a plan.

(B) Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Director of any accidental or slug discharge, as required by § 52.120; and

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.
(Code 2002, § 52.073; Ord. 10-21-99(A), passed 10-21-99)

§ 52.074 SAMPLE MANHOLE REQUIREMENTS.

(A) When required and deemed necessary by the Director, the owner(s) of any property serviced by the town's sewer system shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be maintained by the owner(s) so as to be safe and accessible at all times. The sample manhole shall be inspected and approved by the Director.

(B) The sample manhole shall be water tight, sealed at all joints, seams, risers and at the frame. The sample manhole shall be a minimum of four feet in diameter and five feet in height and shall have only one sewer line through the bottom with the top half cut out. Minimum pipe diameter through the manhole shall be six inches. The floor of the manhole must drain down into the pipe as it passes through the manhole.

(C) Agents of the town, IDEM and the EPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing at all times. (Code 2002, § 52.074; Ord. 10-21-99(A), passed 10-21-99)

§ 52.075 TENANT RESPONSIBILITY.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. (Code 2002, § 52.075; Ord. 10-21-99(A), passed 10-21-99)

§ 52.076 PRETREATMENT CHARGES AND FEES.

(A) The town may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the town's pretreatment program, which may include:

(1) Fees for wastewater discharge permit applications, including the cost of processing such applications;

(2) Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction; and

(4) Other fees as the town may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the town. (Code 2002, § 52.076; Ord. 10-21-99(A), passed 10-21-99)

§ 52.077 INDUSTRIAL USER INVENTORY.

(A) In order to implement general pretreatment regulations, an industrial use survey shall be conducted to identify all current user's volume and pollutant characteristics. From this information, site visits and inspections, user status and necessity for a discharge permit will be determined. To maintain and update the industrial users in the town, the following methods will be used:

(1) Chamber of Commerce lists;

(2) Previous survey lists;

(3) Sewer connection permits;

(4) Contacts from potential industries;

(5) Field inspections;

(6) Industrial discharge permit applications; and

(7) Monthly discharge reports.

(B) New industries subject to pretreatment requirements will be issued a wastewater discharge permit and added to the master list of regulated industries and categorized either categorical or noncategorical by volume and nature of discharge. This list is maintained and reviewed and will be part of the annual pretreatment compliance report to IDEM.
(Code 2002, § 52.077; Ord. 10-21-99(A), passed 10-21-99)

WASTEWATER DISCHARGE PERMIT

§ 52.090 WASTEWATER ANALYSIS.

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater 180 days prior to commencing their discharge and/or beginning construction. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
(Code 2002, § 52.090; Ord. 10-21-99(A), passed 10-21-99)

§ 52.091 WASTEWATER DISCHARGE PERMIT REQUIREMENTS.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to § 52.072 may continue to discharge for the time period specified therein.

(B) The Director may require other users to obtain wastewater discharge permits as is necessary to carry out the purposes of this chapter.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in this title. Obtaining a wastewater discharge permit does not relieve a

permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.
(Code 2002, § 52.091; Ord. 10-21-99(A), passed 10-21-99)

§ 52.092 EXISTING CONNECTIONS.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue the discharges in the future shall, within 180 days after the date, apply to the Director for a wastewater discharge permit in accordance with § 52.094 and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this chapter, except in accordance with a wastewater discharge permit issued by the Director.
(Code 2002, § 52.092; Ord. 10-21-99(A), passed 10-21-99)

§ 52.093 NEW CONNECTIONS.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain the permit prior to the beginning or recommencing of the discharge. An application for this wastewater discharge permit, in accordance with § 52.094, must be filed at least 180 days prior to the date upon which any discharge will begin or recommence.
(Code 2002, § 52.093; Ord. 10-21-99(A), passed 10-21-99)

§ 52.094 PERMIT APPLICATION CONTENTS.

(A) All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information:

(1) All information required by § 52.115;

(2) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW;

(3) Number and type of employees, hours of operation and proposed or actual hours of operation both now and in the future;

(4) Each product produced by type, amount, process or processes and rate of production;

(5) Type and amount of raw materials processed (average and maximum per day);

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge;

(7) Time and duration of discharges; and

(8) Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

(B) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
(Code 2002, § 52.094; Ord. 10-21-99(A), passed 10-21-99)

§ 52.095 APPLICATION SIGNATORIES AND CERTIFICATION.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
(Code 2002, § 52.095; Ord. 10-21-99(A), passed 10-21-99)

§ 52.096 PERMIT DECISIONS.

The Director will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.
(Code 2002, § 52.096; Ord. 10-21-99(A), passed 10-21-99)

§ 52.097 PERMIT DURATION.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.
(Code 2002, § 52.097; Ord. 10-21-99(A), passed 10-21-99)

§ 52.098 PERMIT CONTENTS.

(A) A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

(B) Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event

shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the town in accordance with § 52.100 and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. The schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(C) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;

(2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties;

(3) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;

(4) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

(8) Compliance schedules for meeting permit conditions; and

(9) Other conditions as deemed appropriate by the Director to ensure compliance with this chapter and state and federal laws, rules and regulations.
(Code 2002, § 52.098; Ord. 10-21-99(A), passed 10-21-99)

§ 52.099 PERMIT MODIFICATION.

The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the town's POTW, town personnel or the receiving waters;

(E) Violation of any terms or conditions of the wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(H) To correct typographical or other errors in the wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator.
(Code 2002, § 52.099; Ord. 10-21-99(A), passed 10-21-99)

§ 52.100 PERMIT TRANSFER.

(A) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the Director and the Director approves the wastewater discharge permit transfer.

(B) The notice to the Director must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Code 2002, § 52.100; Ord. 10-21-99(A), passed 10-21-99)

§ 52.101 PERMIT REVOCATION.

(A) The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Director of changed conditions pursuant to § 52.119;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Director timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

(13) Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this chapter.

(B) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
(Code 2002, § 52.101; Ord. 10-21-99(A), passed 10-21-99)

§ 52.102 PERMIT REISSUANCE.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with §§ 52.094 and 52.095, a minimum of 180 days prior to the expiration of the user’s existing wastewater discharge permit.

(Code 2002, § 52.102; Ord. 10-21-99(A), passed 10-21-99)

§ 52.103 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS.

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by division (A) of this section, the Director shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Director may deem necessary.

(C) An intermunicipal agreement, as required by division (A) of this section, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in § 52.008. The requirement shall specify that ordinance and limits must be revised as necessary to reflect changes made to this chapter or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling and enforcement will be conducted by the contributing municipality, which of these activities will be conducted by the Director and which of these activities will be conducted jointly by the contributing municipality and the Director;

(4) A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality and volume of the contributing municipality’s wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality’s discharge;

(7) A provision ensuring the Director access to the facilities of users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling and any other duties deemed necessary by the Director; and

(8) A provision specifying remedies available for breach of the terms of the

intermunicipal agreement.
(Code 2002, § 52.103; Ord. 10-21-99(A), passed 10-21-99)

REPORTING REQUIREMENTS

§ 52.115 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing users, who by reason of their discharge are subject to the standards currently discharging to or scheduled to discharge to the POTW, shall submit to the Director a report which contains the information listed in division (B) of this section. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Director a report which contains the information listed in division (B) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth below.

(1) Identifying information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental permits. A list of any environmental control permits held by or for the facility.

(3) Description of operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by the user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.119.

(c) Sampling must be performed in accordance with procedures set out in § 52.125.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.116.

(8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 52.095.
(Code 2002, § 52.115; Ord. 10-21-99(A), passed 10-21-99)

§ 52.116 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.115(B)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation);

(B) No increment referred to above shall exceed nine months;

(C) The user shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule; and

(D) In no event shall more than nine months elapse between the progress reports to the Director.
(Code 2002, § 52.116; Ord. 10-21-99(A), passed 10-21-99)

§ 52.117 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to the pretreatment standards and requirements shall submit to the Director a report containing the information described in § 52.115(B)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c),

this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.095.
(Code 2002, § 52.117; Ord. 10-21-99(A), passed 10-21-99)

§ 52.118 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 52.095.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in § 52.125, the results of this monitoring shall be included in the report.
(Code 2002, § 52.118; Ord. 10-21-99(A), passed 10-21-99)

§ 52.119 REPORTS OF CHANGED CONDITIONS.

(A) Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 60 days before the change.

(B) The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.094.

(C) The Director may issue a wastewater discharge permit under § 52.096 or modify an existing wastewater discharge permit under § 52.099 in response to changed conditions or anticipated changed conditions.

(D) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.
(Code 2002, § 52.119; Ord. 10-21-99(A), passed 10-21-99)

§ 52.120 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug

load that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following the discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall the notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

(D) Failure to notify the town of potential problems discharges shall be deemed a separate violation of this chapter.
(Code 2002, § 52.120; Ord. 10-21-99(A), passed 10-21-99)

§ 52.121 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.
(Code 2002, § 52.121; Ord. 10-21-99(A), passed 10-21-99)

§ 52.122 NOTICE OF VIOLATION; REPEAT SAMPLING AND REPORTING.

If sampling performed by a user indicates a violation, the user must notify the Director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within 30 days after becoming aware of the violation. The user is not required to resample if the Director monitors at the user's facility at least once a month, or if the Director samples between the user's initial sampling and when the user receives the results of this sampling.
(Code 2002, § 52.122; Ord. 10-21-99(A), passed 10-21-99)

§ 52.123 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES.

(A) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. The notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent the information is known and readily available to the user: an identification of the hazardous constituents contained in

the wastes, an estimation of the mass and concentration of the constituents in the waste stream discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under § 52.119. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 52.115, 52.117 and 52.118.

(B) Discharges are exempt from the requirements of division (A) of this section during a calendar month in which they discharge no more than 15 kilograms of nonacute hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under Section 3001 of RCRA, 42 USC 6921 identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Waste Division Director and state hazardous waste authorities of the discharge of the substances within 90 days of the effective date of the regulations.

(D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder or any applicable federal or state law.
(Code 2002, § 52.123; Ord. 10-21-99(A), passed 10-21-99)

§ 52.124 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
(Code 2002, § 52.124; Ord. 10-21-99(A), passed 10-21-99)

§ 52.125 SAMPLE COLLECTION.

(A) Except as indicated in division (B) of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates

that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, hexavalent chromium and volatile organic compounds must be obtained using grab collection techniques.
(Code 2002, § 52.125; Ord. 10-21-99(A), passed 10-21-99)

§ 52.126 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
(Code 2002, § 52.126; Ord. 10-21-99(A), passed 10-21-99)

§ 52.127 DETERMINATION OF NONCOMPLIANCE.

The Director may use a grab sample(s) to determine noncompliance with pretreatment standards.
(Code 2002, § 52.127; Ord. 10-21-99(A), passed 10-21-99)

§ 52.128 RECORD KEEPING.

Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of the requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of the analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the town or where the user has been specifically notified of a longer retention period by the Director.
(Code 2002, § 52.128; Ord. 10-21-99(A), passed 10-21-99)

§ 52.129 RIGHT OF ENTRY; INSPECTION AND SAMPLING.

(A) The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

(B) (1) Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Director shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at their own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(4) Any temporary or permanent obstruction to the safe and easy access of the facility to be inspected and/or sampled must be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the user.

(5) Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this chapter.
(Code 2002, § 52.129; Ord. 10-21-99(A), passed 10-21-99)

RATES AND CHARGES

§ 52.140 OWNER'S RESPONSIBILITY FOR PAYMENT.

For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determined by the Town Council.
(Code 1997, § 9-28; Code 2002, § 52.140; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.141 BASIS OF CHARGES.

Except as herein otherwise provided, sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use.
(Code 1997, § 9-29Code 2002, § 52.141; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 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 Town1
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 Town1
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 Town1
All Gallons	$7.40	$8.44

1 Represents a 14% increase from Inside Town rates.

(Code 1997, § 9-30; Code 2002, § 52.142; Ord. 12-11-97(B), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99; Ord. No. 6-15-2023-12, exh. E, 6-15-2023)

§ 52.143 MONTHLY SEWAGE BILLING CHART FOR SEWER ONLY USERS.

For sewer customers who are not metered water customers, monthly sewage rates shall be as determined by the Town Council from time to time.
(Code 1997, § 9-31Code 2002, § 52.143; Ord. 12-11-97(B), passed 12-11-97; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.144 SEWAGE RATES FOR ADDITIONAL PROPERTIES.

The fees established for any class of user or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.
(Code 1997, § 9-32; Code 2002, § 52.144; Ord. 3-13-86, passed 3-13-86; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.145 REVIEW OF FEES.

Fees adopted herein are subject to further change by proper Town Council action.
(Code 1997, § 9-33Code 2002, § 52.145; Ord. 3-13-86, passed 3-13-86; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.146 REVENUES OF SEWAGE WORKS.

Fees collected under this subchapter are to be considered revenues of the Bristol Municipal Sewage Works.
(Code 1997, § 9-34146; Ord. 3-13-86, passed 3-13-86; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.147 ROLE OF TOWN.

The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the town in such manner as the town shall elect, and the sewage treatment service may be billed at the above appropriate rates.
(Code 1997, § 9-39; Code 2002, § 52.147; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.148 MEASUREMENTS BY TOWN.

(A) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, is not a user of water supplied by the town's waterworks and the water used thereon or therein is not measured by a meter, or if measured by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town, in order to ascertain the rates or charge, or the owner or other interested party, at the owner's expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurements acceptable to the town for the determination of sewage discharge.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, is a user of water supplied by the town's waterworks, and (in addition) uses water from another source which is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge, or the owner or other interested party, at the owner's expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(C) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the town's sanitary sewer system, either directly or indirectly, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.
(Code 1997, § 9-40; Code 2002, § 52.148; Ord. 6-30-73, passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.149 ADDITIONAL CHARGES.

In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of one-half of the minimum charge per month for each dwelling unit over one served through the single water meter. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in the park, plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
(Code 1997, § 9-42; Code 2002, § 52.149; Ord. 6-30-73, passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.150 ADJUSTMENTS FOR FIRE PROTECTION.

Where a metered water supply is used for fire protection as well as for other uses, the town may in its discretion make adjustments in the minimum charge and in the use charge as may be equitable.
(Code 1997, § 9-45; Code 2002, § 52.150; Ord. 6-30-73, passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.151 SERVICE RATES TO TOWN.

For the service rendered to the town, the town shall be subject to the same rates and charges provided or to rates and charges established in harmony therewith.
(Code 1997, § 9-46; Code 2002, § 52.151; Ord. 6-30-73, passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.152 CONNECTION CHARGE.

(A) In the event of connection of property to a local or lateral sewer, truckline or interceptor sewer and such sewer was constructed either in whole or in part with funds provided by the sewage works of the town, and where no contribution to such available sewer line has been made by the present or previous owners of the property to be connected, then the town shall collect from the owner or other user a connection charge which shall be the larger of the following:

(1) Four-hundred dollars per equivalent family dwelling unit;

(2) Eight dollars per lineal foot of property abutting such sewer; or

(3) Eight-hundred dollars per acre of area upon which the structure is to be built.

(B) An equivalent family dwelling unit shall be computed as the expected monthly revenue to be received from the potential customer divided by the average monthly charge to single-family dwelling units. In the event of multiple dwelling units such as mobile homes, churches, apartments and the like, the equivalent dwelling units shall be

considered as not less than 30% of a single-family dwelling unit for each dwelling unit served through the single connection.
(Code 1997, § 9-49; Code 2002, § 52.152; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.153 LOCAL AND LATERAL SEWERS.

A subdivider, developer, other owner or user shall be required to extend and pay for local and lateral sewers which shall be constructed to the specifications of the town on such streets, rights-of-way or other easements as may be available and to dedicate the local and lateral sewers and appurtenances thereto to the town.
(Code 1997, § 9-50; Code 2002, § 52.153; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.154 MONTHLY BILLINGS.

The rates and charges shall be prepared and billed by the town monthly as the town may deem appropriate and as determined by the bylaws and regulations of the town as hereinafter provided for and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but the billing shall in no sense relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the town for the purpose of determining whether the rates and charges have been paid by the tenants, provided that the examination shall be in the office in which the records are kept and during the hours that the office is open for business.
(Code 1997, § 9-52; Code 2002, § 52.154; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 52.155 BYLAWS AND REGULATIONS.

The town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the town sewer system and for the construction and use of house sewers and connections to the sewer system and for the regulation, collection, rebating and refunding of rates and charges.
(Code 1997, § 9-53; Code 2002, § 52.155; Ord. 6-30-73(B), passed 7-5-73; Am. Ord. 10-21-99(A), passed 10-21-99)

§ 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 or 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.
(Code 2002, § 52.156; Ord. 10-21-99(A), passed 10-21-99; Ord. No. 6-15-2023-12, exh. F, 6-15-2023)

CHAPTER 53: STORM WATER

STORM WATER MANAGEMENT AND REGULATIONS

§ 53.01 STORM WATER UTILITY ADOPTED BY REFERENCE.

Pursuant to I.C. 8-1.5-5-1, the town does hereby adopt the storm water utility provisions of I.C. 8-1.5-5 et seq.
(Code 2002, § 53.01; Ord. 6-15-06A, passed 6-15-06)

§ 53.02 STORM WATER MANAGEMENT.

(A) Established. Pursuant to I.C. 8-1.5-5-4.5, the Department of Storm Water Management is hereby established.

(B) Board. The Department of Storm Water Management shall be controlled by the Board of Directors consisting of three Directors. The Directors shall serve a term of three years. However, the initial terms of the Directors shall be one year for the first Director appointed, two years for the second Director appointed, and three years for the third Director appointed so that the Directors shall serve staggered terms. The President of the Town Council shall appoint the Directors, not more than two of whom may be of the same political party. The Town Council President may remove a Director at any time when, in the judgment of the President, it is for the best interest of the Department of Storm Water Management.

(C) Special taxing district. Pursuant to the I.C. 8-1.5-5-5, a special taxing district including all the territory within the corporate boundaries of the town is hereby established.

(D) Governing provisions. Pursuant to the I.C. 8-1.5-5 et seq., as amended from time to time, the Department of Storm Water Management shall be governed accordingly.

(E) Financial administration. The Town Clerk-Treasurer is hereby appointed as the fiscal agent for and authorized to administer the funds of the Department of Storm Water Management.

(Code 2002, § 53.03; Ord. 6-15-06A, passed 6-15-06)

§ 53.03 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. Board of the Town Department of Storm Water Management.

TOWN. The Town of Bristol, Indiana.

DEPARTMENT. The Department of Storm Water Management.

FACILITY. Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

HAZARDOUS SUBSTANCES. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to a substantial present or potential hazard to: human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL CONNECTION. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, but not limited to any conveyances which allow any non-storm water discharge including sewage, process waste water, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect non-storm water discharge to the MS4, except as exempted in other provisions of this subchapter.

MS4. The town municipal separate storm sewer system.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). A permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the storm water, storm drainage system, or MS4 that is not composed entirely of storm water.

PERSON. Any individual, association, organization, partnership, firm, company, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include,

but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance and accumulations, so that same may cause or contribute to pollution; floatable; (excluding naturally floatables such as leaves or tree limbs); pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

STORM WATER DRAINAGE SYSTEM. All methods, natural or man-made, used for conveying storm water to, through or from a drainage area to include any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; or pumping stations.

STORM WATER RUNOFF. The water derived from precipitation falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.
(Code 2002, § 53.03; Ord. 6-15-06B, passed 6-15-06)

§ 53.04 PURPOSE AND POLICY.

(A) Purpose. This subchapter provides for the regulation of storm water by regulating the introduction of pollutants into the Town MS4 in order to comply with the requirements of the NPDES permit process.

(B) Policy. The objectives of this subchapter are as follows:

(1) To conserve the natural hydrologic, hydraulic, water quality and other beneficial functions of watercourses, floodplains and wetlands;

(2) To regulate the contribution of pollutants to the Town MS4 by users;

(3) To prohibit illicit discharges and illegal connections to the Town MS4 and other waters; and

(4) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to obtain compliance with this subchapter.
(Code 2002, § 53.04; Ord. 6-15-06B, passed 6-15-06)

§ 53.05 CONDUCT REGULATED.

(A) Improper discharges. No person shall directly or indirectly discharge, cause to be discharged, or permit to be discharged into the Town MS4 any discharge or materials including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards other than storm water.

(B) Permitted activities. Notwithstanding the prohibitions contained in this subchapter, the following activities or conditions are permitted even if such activities or conditions result in any discharge or materials entering the Town MS4:

(1) Water line flushing or other potable water sources;

(2) Landscape irrigation or lawn watering;

(3) Diverted stream flows;

(4) Rising ground water;

(5) Ground water infiltration to storm drains;

(6) Uncontaminated pumped ground water;

(7) Foundation or footing drains (not including active ground water dewatering systems);

(8) Crawl space pumps;

(9) Air conditioning condensation;

(10) Springs;

(11) Noncommercial washing of vehicles;

(12) Natural riparian habitat or wetland flows;

(13) Swimming pools (if dechlorinated);

(14) Fire fighting activities;

(15) Discharges specified by the Department as being necessary to protect public health or safety;

(16) Dye testing (verbal notification to the Department is required before test); and

(17) Any discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Indiana Department of Environmental Management.

(C) Improver connections. No person shall directly or indirectly connect to any drain or conveyance or allow the continued connection of any drain or conveyance to the Town MS4 which allows any non-storm water discharge to enter the Town MS4 including but not necessarily limited to any sewage, process waste water, and wash water.

(D) Suspended access. No person may reinstate a Town MS4 access if that access has been suspended pursuant to this subchapter until such time as the suspension is lifted by the Department or a court of competent jurisdiction.

(E) NPDES permits.

(1) No person subject to an NPDES storm water discharge permit shall allow or permit

any discharge to enter the Town MS4 without complete compliance with the terms and conditions of the NPDES permit.

(2) No person subject to an NPDES storm water discharge permit shall unreasonably delay the Department's access to a permitted facility.

(F) Notification of releases. No person who owns or operates any facility or operation, or who is responsible for the emergency response at any facility or operation, shall fail to notify the Department as soon as practicable of any unpermitted release of materials, discharges, or pollutants into storm water, the storm water drainage system, the Town MS4, or any watercourse if such person has information that such release may have occurred.

(G) Response to releases. No person who owns or operates any facility or operation, or who is responsible for the emergency response at any facility or operation, shall fail to take all reasonable steps to ensure the discovery, containment, and cleanup of any unpermitted release.
(Code 2002, § 53.05; Ord. 6-15-06B, passed 6-15-06)

§ 53.06 MONITORING OF DISCHARGES.

(A) Inspections. The Department shall be permitted to enter and inspect any facility or property that directly or indirectly discharges waters or materials into the Town MS4 or into any watercourse within the corporate limits of the town, even if only occasionally, as often as may be necessary to determine compliance with this subchapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Department.

(B) Access. Facility operators and property owners shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of the records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(C) Equipment. The Department shall have the right to set up in any facility or on any property that has a permit to discharge into the Town MS4 such devices as are reasonably necessary to conduct monitoring and/or sampling of the storm water discharge.

(D) Monitoring. The Department has the right to require the discharger to install monitoring equipment and to obtain and analyze storm water samples at any commercial or industrial facility or any property containing more than three residential units. The facility's or property's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(E) Removal of obstructions. Any temporary or permanent obstruction to safe and easy access to the facility or property to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department and shall not be replaced if so requested. The costs of clearing such access shall be borne by the operator.

(F) Search warrant. If the Department has been refused access to any part of the premises from which storm water is discharged, and the Department is able to demonstrate probable cause to believe that there may be a violation of this subchapter, or that there is a need to inspect and/or sample as part of a routine inspection or sampling program designed to verify compliance with this subchapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Department may seek issuance of a search warrant from any court of competent jurisdiction within the county.
(Code 2002, § 53.06; Ord. 6-15-06B, passed 6-15-06)

§ 53.07 NOTIFICATION OF SPILLS.

(A) Notification of illicit discharges. Any person who owns or operates a facility or operation or who is responsible for the emergency response for a facility or operation shall immediately inform the Department of a known or suspected release of materials which may result in an illicit discharge by contacting the Department if such a release occurs within normal business hours and if not occurring within normal business hours by informing emergency dispatch services.

(B) Response to illicit discharges. As soon as any person who owns or operates a facility or operation or who is responsible for the emergency response for a facility or operation has information of a known or suspected release of materials which may result in an illicit discharge, such person shall take all necessary steps to contain and clean up the release.

(C) Records. If a discharge results in an illicit discharge, and the discharge emanates from a commercial or industrial establishment, the owner or operator of the establishment shall retain written record of the discharge, action taken to contain and clean up the discharge, and actions taken to ensure that such discharge does not occur again.
(Code 2002, § 53.07; Ord. 6-15-06B, passed 6-15-06)

§ 53.08 ENFORCEMENT.

(A) Notice of violation.

(1) Whenever the Department finds that a person has committed a prohibited act or failed to meet the requirements of this subchapter, the Department may take one or more of the following actions:

(a) Notify the person who committed the act or failed to meet the requirements of the subchapter by telephone and request compliance or cessation of the prohibited act.

(b) Notify the person who committed the act or failed to meet the requirements of this subchapter in writing and order compliance or cessation of the prohibited act.

(c) Enter into an agreed order with the approval of the Board which order may include payment of a fine by the violator.

(d) File a notice of violation before the Board describing the violation of this subchapter

found by the Department.

(e) File a complaint in a court of competent jurisdiction seeking a judicial determination that this subchapter has been violated and requesting the imposition of fines and ordering compliance with the violated provisions of this subchapter.

(2) If the Department takes any authorized action and taking such action does not result in compliance with this subchapter, the Department may take any other authorized action to obtain compliance.

(3) The Department may file a complaint with a court of competent jurisdiction to enforce the terms of an agreed order or an order of the Board.

(B) Right to enter premises.

(1) The Department shall have the right to enter any premises for any of the following reasons:

(a) Investigate a suspected spill or discharge into the storm water or Town MS4;

(b) To carry out routine inspections;

(c) To carry out routine sampling; or

(d) To verify compliance with any agreed order, order of the Board, or order of any court of competent jurisdiction.

(e) Entry shall be first attempted by seeking consent of occupant or owner.

(2) If the Department has been refused access to any part of the premises from which storm water is discharged and the Department is able to reasonably demonstrate to a court of competent jurisdiction that there may be a violation of this subsubchapter or that there is a need to inspect or sample as part of the Department's routine inspections and sampling program, the court may grant an order allowing Department access to all relevant parts of a premises.

(3) Any written notice of violation shall be issued upon the responsible party by regular U.S. mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.

(C) Board hearing.

(1) Before any Board hearing is held, a party alleged to have violated this subchapter shall receive written notice of the violation including the nature of the violation and a summary of the facts that constitute that violation. In the event of an emergency hearing before the Board, this information may be orally presented to the affected party and the affected party may elect to proceed or the affected party may insist on written notice and delay the hearing. The emergency action taken by the Department shall continue until a hearing can be held.

(2) A party alleged to have violated this subchapter has the right to have an attorney present to cross examine witnesses and has the right to present evidence and have witnesses testify.

(3) A party found to have violated this subchapter has a right to appeal the determination of the Board to a court of competent jurisdiction within 20 days of the action of the Board by filing a verified complaint. The court may affirm, modify, or reverse the action taken by the Board. Any such appeal shall be heard de novo.

(4) Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction.
(Code 2002, § 53.08; Ord. 6-15-06B, passed 6-15-06) Penalty, see § 53.99

UNIFORM REQUIREMENTS FOR POST CONSTRUCTION STORM WATER MANAGEMENT

§ 53.20 DEFINITIONS.

(A) Statutory definitions. If any term or provision contained in 327 IAC 15-5-4 or 327 IAC 15-13-5 is used in this subchapter, then the term or provision shall have the same meaning in this subchapter as set forth in 327 IAC 15-5-4 or 327 IAC 15-13-5.

(B) Subchapter definitions. For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Board of the Department of Storm Water Management.

BRISTOL. The Town of Bristol, Indiana.

DEPARTMENT. The Department of Storm Water Management.

GREATER ELKHART COUNTY MS4. The area designated by the Indiana Department of Environmental Management as Municipal Separate Storm Sewer System (MS4) entities under 327 IAC 15-13, which is comprised of the City of Elkhart, the City of Goshen, the Town of Bristol, and certain unincorporated areas within the County of Elkhart, Indiana.

PERSON. An individual, partnership, limited partnership, limited liability partnership, corporation, limited liability company, association, company, organization, or governmental entity, whether for-profit or not-for-profit.
(Code 2002, § 53.20; Ord. 6-15-06C, passed 6-15-06)

§ 53.21 GENERAL PROVISIONS.

(A) Applicability. Any and all real estate within the town subject to a post construction storm water pollution prevention plan as required by Rule Five at 327 IAC 15-5-6.5(a)(8) shall be governed by the terms and provisions of this subchapter unless exempt under this subchapter.

(B) Exempt real estate. The following activities are exempt from the storm water performance and documentation requirements established by this subchapter:

(1) Agricultural land distributing activities.

(2) Forest harvesting activities.

(3) Construction activities that result in a land disturbance of less than one acre of total land area as determined under Rule Five and are not part of a larger common plan of development or sale.

(4) The following activities provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

(a) Landfills that have been issued a certification of closure under 329 IAC 10;

(b) Coal mining activities permitted under IC 14-34; and

(c) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains the equivalent storm water requirements to those under Rule Five, including expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(5) Repairs to the MS4 deemed necessary by the Department.
(Code 2002, § 53.21; Ord. 6-15-06C, passed 6-15-06)

§ 53.22 POST CONSTRUCTION COMPLIANCE REQUIREMENTS.

(A) Performance requirements. For any real estate governed by the terms and provisions of this subchapter, the owner or operator of such real estate shall comply with the following requirements:

(1) Implementation of all terms and provisions of the post construction storm water pollution prevention plan.

(2) Operation, maintenance, and repair of any and all storm water quality measures and practices identified in the construction plan that were intended to remain in place after construction activities have been completed.

(3) Installation, operation, maintenance, and repair of each post construction storm water quality measure and practice approved as part of the construction plan or the post construction storm water pollution prevention plan.

(4) Inspection no less frequently than annually of all storm water management facilities to document maintenance and repair needs and ensure compliance with the requirements of this subchapter and the accomplishment of its purposes. These needs include removal of silt, litter, and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner.

(5) Implementation of all terms and provision of the landscaping plan.

(6) Implementation of all terms and provisions of the erosion and sediment control plan for all construction activities related to implementing any on-site storm water management facilities, measures, and practices.

(B) Documentation requirements. For any real estate governed by the terms and provisions of this subchapter, the owner or operator of such real estate shall comply with the following requirements:

(1) Provide to the Department of Storm Water Management (hereafter "Department") a narrative description of the maintenance guidelines for all post construction storm water quality measures to facilitate their proper long-term function and identify the entity or entities responsible for long-term maintenance. It is an obligation of the project owners and their successors in interest to provide these narrative descriptions to future parties who acquire an interest in any portion of the real estate or who assume responsibility for the operation and maintenance of the post construction storm water quality measures.

(2) Execution of an enforceable maintenance agreement that designates the parties responsible for the operation, maintenance, and repair of all storm water management facilities and all storm water quality measures and practices as required by this subchapter. As part of the agreement, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The agreement shall also include plans for periodic inspections to ensure proper performance between scheduled cleanouts. The agreement shall include provisions for funding all required maintenance. All maintenance agreements shall be subject to the approval of the Department and recorded with the County Recorder.

(3) Parties who are responsible for installation, operation, maintenance, and repair of storm water management facilities shall make and maintain records for all installation, maintenance and repairs made to all systems, structures, and measures. These records must be maintained for at least five years and made available to the Department at all reasonable times.

(4) The execution or provision of a drainage easement for access and maintenance purposes in favor of the town which is recorded and binding on all subsequent owners of the real estate burdened by the easement and those served by the on-site storm water management facilities and measures.

(5) The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(6) Establishment of a landscaping plan which provides for the maintenance of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(7) The establishment of an erosion and sediment control plan for all construction activities related to implementing any on-site storm water management facilities, measures, and practices.
(Code 2002, § 53.22; Ord. 6-15-06C, passed 6-15-06)

§ 53.23 ENFORCEMENT.

(A) Notice of violation.

(1) Whenever the Department finds that a person has committed a prohibited act or failed to meet the requirements of this subchapter, the Department may take one or more of the following actions:

(a) Notify the person who committed the act or failed to meet the requirements of this subchapter by telephone and request compliance or cessation of the prohibited act.

(b) Notify the person who committed the act or failed to meet the requirements of this subchapter in writing and order compliance or cessation of the prohibited act.

(c) Enter into an agreed order with the approval of the Board which order may include payment of a fine by the violator.

(d) File a notice of violation before the Board describing the violation of this subchapter found by the Department.

(e) File a complaint in a court of competent jurisdiction seeking a judicial determination that this subchapter has been violated and requesting the imposition of fines.

(2) If the Department takes any authorized action and taking such action does not result in compliance with this subchapter, the Department may take any other authorized action to obtain compliance.

(3) The Department may file a complaint with a court of competent jurisdiction to enforce the terms of an agreed order or an order of the Board.

(B) Right to enter premises.

(1) The Department shall have the right to enter any premises for any of the following reasons:

(a) Investigate a suspected spill or discharge into the storm water or town's storm drain system;

(b) To carry out routine inspections;

(c) To carry out routine sampling; and

(d) To verify compliance with any agreed order, order of the Board, or order of any court of competent jurisdiction.

(e) Entry shall be first attempted by seeking consent of occupant or owner.

(2) If the Department has been refused access to any part of the premises from which storm water is discharged and the Department is able to reasonably demonstrate to a court of competent jurisdiction that there may be a violation of this subchapter, or that there is a need to inspect or sample as part of the Department's routine inspections and sampling program, the Department may seek a court order allowing the Department access to all relevant parts of a premises.

(3) Any written notice of violation shall be issued upon the responsible party by regular U.S. mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.

(C) Board hearing.

(1) Before any Board hearing is held, a party alleged to have violated this subchapter shall receive written notice of the violation including the nature of the violation and a summary of the facts that constitute that violation. In the event of an emergency hearing before the Board, this information may be orally presented to the affected party and the affected party may elect to proceed or the affected party may insist on written notice and delay the hearing. The emergency action taken by the Department shall continue until a hearing can be held.

(2) A party alleged to have violated this subchapter has the right to have an attorney present to cross examine witnesses, and has the right to present evidence and have witnesses testify.

(3) A party found to have violated this subchapter has a right to appeal the determination of the Board to a court of competent jurisdiction within 20 days of the action of the Board by filing a verified complaint. The court may affirm, modify or reverse the action taken by the Board. Any such appeal shall be heard de novo.

(4) Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction.

(D) Injunctive relief. If a party has violated this subchapter and continues to do so, the Department may petition any court of competent jurisdiction for the issuance of a temporary restraining order or permanent injunction which restrains or requires specific compliance with this subchapter.

(E) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Department may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(F) Access to inspections of storm water facilities.

(1) The Department shall be granted at all reasonable terms access to the real estate to inspect any storm water management facility.

(2) When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer, or combined sewer, the property owner shall grant to the town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this subchapter is occurring or has occurred, and to enter to correct a violation of this subchapter.
(Code 2002, § 53.23; Ord. 6-15-06C, passed 6-15-06) Penalty, see § 53.99

§ 53.24 ADOPTION OF STATE EROSION AND SEDIMENT CONTROL MANUAL.

The latest version of the State Erosion and Sediment Control Manual (currently known as the Indiana Handbook for Erosion Control and Developing Areas), as amended or replaced from time to time, is hereby adopted as the technical manual of reference for the minimum control requirements for erosion and sediment control for the town.
(Code 2002, § 53.24; Ord. 6-15-06C, passed 6-15-06)

STORM WATER USER FEES

§ 53.35 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVISORY BOARD. The Advisory Board for the Greater Elkhart County MS4 as established under the Interlocal Agreement between the County of Elkhart, City of Elkhart, City of Goshen, and Town of Bristol for the implementation of the Phase II Storm Water NPDES Permit Regulations.

EQUIVALENT RESIDENTIAL UNIT (ERU). The number of units, equal to the assumed average amount of impervious area of a single-family residential parcel of real estate within the town, which is established at 3,600 square feet of impervious area. The unit value, which will be carried out and rounded off to one decimal point, being the equivalent of one-tenth of an ERU, is also the basis for calculating the assessment of storm water user fees for the town storm water system.

IMPERVIOUS AREA. Those areas which prevent or impede the infiltration of storm water into the soil as it enters natural conditions prior to development. Common impervious areas include, but are not limited to roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of storm water runoff which existed prior to development.

KEY NUMBER. A number assigned to a tract of land in Elkhart County by the Elkhart County Auditor that identifies the taxing district in which the tract is located, is a number that is not assigned to any other tract in Elkhart County, and is listed in the transfer book or records maintained under I.C. § 6-1.1-5.

NON-RESIDENTIAL REAL ESTATE. All real estate tax parcels which are not described by

the definition of RESIDENTIAL REAL ESTATE shall be defined as non-residential. Nonresidential real estate will include:

(1) Agricultural real estate;

(2) Commercial real estate;

(3) Industrial real estate;

(4) Institutional real estate;

(5) Church real estate;

(6) School real estate;

(7) Federal, state, and local government real estate;

(8) Utility real estate; and

(9) Any other real estate not mentioned in this list and which is not described by the definition of residential real estate.

RESIDENTIAL REAL ESTATE. A separate tax parcel of real estate which is primarily used for dwelling purposes on which a building is situated which building contains one or more dwelling units which dwelling units are each used or are intended to be used primarily for living, sleeping, cooking, and eating. RESIDENTIAL REAL ESTATE shall include all types of dwelling units including single-family homes, duplexes, triplexes, quadplexes, and row type homes. RESIDENTIAL REAL ESTATE shall also include condominium dwellings, apartment dwellings, and mobile home parks.
(Code 2002, § 53.35; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.36 STORM WATER USER FEE.

A storm water user fee shall be imposed on each and every tax parcel of real estate within the incorporated portions of the town which directly or indirectly contributes to the storm water system of the town, which charge shall be assessed against the owner thereof, who shall be considered the user for purposes of this subchapter. This charge is hereby deemed to be reasonable and necessary to pay for the regulation, planning, operation, maintenance, repair, replacement, and improvement of the existing and future town storm water system.
(Code 2002, § 53.36; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.37 STORM WATER RATES.

Until later revised or amended, the storm water user fees shall be at the rate of $15 per year per ERU. This storm water rate is designed to cover the cost of rendering storm water service to the users of the town storm water system and shall be the basis for the assessment of the storm water user fee. This rate is established so as to maintain

adequate fund reserves to provide for reasonably expected variations in the cost of providing services, variations in the requirements for providing such services, as well as future improvements and capital needs. This rate may be evaluated and adjusted, as necessary, with regard to its sufficiency to satisfy the needs of the Department of Storm Water Management; otherwise, this rate shall remain in effect.
(Code 2002, § 53.37; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

ORDINANCE NO 12-19-22

(AMENDING BRISTOL TOWN ORDINANCE 6-15-06A AND 1-20-11 AND REAFFIRMING ORDINANCE 12-20-12)

AN ORDINANCE TO UPDATE THE BRISTOL TOWN CODE BY AMENDING THE STORMWATER USER FEE ORDINANCE FOR THE TOWN OF BRISTOL, INDIANA

WHEREAS Indiana Code§ 36-1-3-1 et seq. permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or 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 by Ordinance NO. 05-538 adopted August 15, 2005, established the Elkhart County Department of Stormwater Management;

WHEREAS the Elkhart County Department of Stormwater Management is a utility pursuant to the provisions of Indiana Code§ 8-1.5-5 et seq;

WHEREAS all of the territory located in Elkhart County that is not located in a municipality is subject to the jurisdiction of the Elkhart County Department of Stormwater Management and constitutes a special taxing district for the purpose of providing for the collection and disposal of stormwater of the district in a manner that protects the public health and welfare;

WHEREAS the Municipal Separate Storm Sewer System (MS4) entities compromising the Greater Elkhart County MS4 Partnership -- City of Elkhart, City of Goshen, Town of Bristol, and County of Elkhart - entered into an Interlocal Agreement, recoded with the Elkhart County Recorder's Office as Instrument NO. 2006-04747 ("Interlocal Agreement") effective on October 8, 2005, which established a multi-jurisdiction advisory board to establish uniform rates across all MS4 Partnership entities;

WHEREAS the Interlocal Agreement was approved by all MS4 entities and their respective legislative and executive bodies, including approval by the Elkhart County Commissioners on August 15, 2005, and by the Elkhart County Council on October 8, 2005;

WHEREAS The Town of Bristol, by Ordinance 6-16-06A and 1-20-11 after due notice and public hearings adopted on June 15, 2006 and amended January 20th, 2011. An Ordinance to establish storm water user fees for the Town of Bristol consistent with the MS4 Indiana State statutes and the Interlocal Agreement recorded with Elkhart County,

and added further clarification to the impervious area calculations method by Ordinance 12-20-12.

WHEREAS the Board of the Elkhart County Department of Stormwater Management adopted Ordinance No. 2006-01 establishing a rate structure for the Department pursuant to the Interlocal Agreement, which was most recently continued by Ordinance NO. 2020-01;

WHEREAS the Elkhart County Department of Stormwater Management has submitted and received approved budgets annually thereafter with the same rate structure set forth in Ordinance No. 2010-01;

WHEREAS Indiana Code § 8-1.5-5.7 requires that every Department of Stormwater Management charge a user fee equal to the minimum amount necessary for the operation and maintenance of the stormwater system;

WHEREAS the Greater Elkhart County MS4 Partnership retained Baker Tilly US, LLP to perform a rate analysis to determine whether the minimum amount necessary for the operation and maintenance of the stormwater system has increased since 2006 and, if so, what is the current minimum amount necessary;

WHEREAS the Board of the Elkhart County Department of Stormwater Management introduced an Ordinance, properly advertised a public hearing in accordance with the provisions of Indiana Code § 8-1.5-5-7(b) and Indiana Code § 5-3-1 with publication in The Goshen News and The Middlebury Independent, indicating its intent to conduct a public hearing on November 28, 2022 with respect to the stormwater user fees to be assessed and collected pursuant to the terms and provisions of Ordinance 2010-01 as amended and reflected in the Elkhart County Code;

WHEREAS, the Elkhart County Department of Stormwater Management has reviewed the current costs of operating and maintaining the stormwater system along with the rate study prepared by Baker Tilly US, LLP and finds that it is necessary to amend the rate structure and stormwater user fees set forth in Ordinance No. 2010-001, as amended;

WHEREAS, the Town of Bristol finds and determines that the user fees to be assessed and collected pursuant to the Ordinance, as amended by this Amendment, are the minimum amount necessary for the operation and maintenance of the stormwater system within the Town of Bristol, Indiana.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED by the Town Council of Bristol acting as the Department of Stormwater Management for the town of Bristol Department of Stormwater Management as follows:

1.
Amendment of Bristol Ordinance 10-19-06A and 1-20-11 Section 53.37 of Ordinance 10-19-06A and paragraph #3, page 3 of Ordinance 1-20-11 are repealed and replaced with the following:

Stormwater Rates. For calendar year 2022, the stormwater user fees will remain at the rate of $15.00 per year per ERU. Starting calendar year 2023, the stormwater user fees

will be $22.05 per year per ERU. Starting calendar year 2026, the stormwater user fees will be $29.10 per year per ERU. Starting calendar year 2029, the stormwater user fees will be $36.10 per year per ERU. The above stormwater rates are designed to cover the cost of rendering stormwater service to the users of the Elkhart County stormwater system and will be the basis for the assessment of the stormwater user fee. The rates above are established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, variations in the requirements for providing such services, as well as future improvements and capital needs. These rates may be evaluated and adjusted, as necessary, with regard to their sufficiency to satisfy the needs of the Elkhart County Department of Stormwater Management; otherwise, these rates will remain in effect.
(Ord. No. 12-19-22, § 1, 1-5-2023)

2.
Amendatory Effect. Except as amended herein, all of the terms and provisions of Bristol Ordinance Number 10-19-06A, 1-20-11, and 12-20-12 will remain infill force and effect with the exception of paragraph #9, page 7 of Ordinance 1-20-11 shall be deleted inits entirety and be of no further force and effect. This Ordinance is effective upon final approval by the Bristol Town Council so long as a similar ordinance applying the same rate increases outlined inl above is approved by the Elkhart County, City of Elkhart, and City of Goshen in time for it to be applied to the 2023 calendar year.
(Ord. No. 12-19-22, § 2, 1-5-2023)

§ 53.38 RATE STRUCTURE AND CALCULATION.

(A) There is hereby assessed a storm water user fee to each owner of residential real estate and non-residential real estate located within the incorporated portions of the town which contain impervious area in an amount based upon the assigned ERU as determined below. Such user fees shall be calculated and assessed each year on a tax parcel basis by key number.

(B) All real estate having impervious area within the incorporated portions of the town will be assigned an ERU in accordance with the following provisions:

(1) Residential real estate. A residential tax parcel containing only a single-family dwelling unit shall be one ERU. A residential tax parcel containing two or three dwelling units shall also be assigned one ERU. All other residential tax parcels containing more than three dwelling units shall be assigned an ERU based upon the parcel's individually measured impervious area in square feet divided by 3,600 square feet. This division will be calculated and rounded to the first decimal point.

(2) Non-residential real estate. Each tax parcel of non-residential real estate shall be assigned an ERU based upon the parcel's individually measured impervious area in square feet divided by 3,600 square feet. This division will be calculated and rounded to the second decimal place.

(3) The identification of real estate tax parcels and key numbers, the classification of primary use, the determination of whether a tax parcel contains a dwelling unit, the number of dwelling units a tax parcel contains, the classification of the type of dwelling

unit and type of real estate, and the measurement and calculation of the impervious area on a tax parcel shall be based upon the existing data in the Elkhart County computer assisted mass appraisal system database for the respective determination date used for making the storm water user fee assessments.

(4) For each current year storm water user fee assessment, the determination date shall be March 1 of the prior year.

(C) Utilizing the provisions of paragraphs (3) and (4) of division (B) above, the assessment for any tax parcel with a calculated storm water use fee equal to less than $2.25 will be waived.

(D) There shall be no other exceptions or exemptions from the assignment of ERUs and the assessment of storm water user fees for a particular type or classification of real estate tax parcel within the town.
(Code 2002, § 53.38; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.39 COLLECTION OF USER FEES.

(A) The collection of the storm water user fees authorized by this subchapter shall be effectuated through a charge appearing each year on the property tax statements of the affected property owner. One-half of the storm water user fees charged each year for a real estate tax parcel shall be billed on each of the spring and fall property tax statements for that parcel. The user fees shall be due and payable at the same time as the property taxes appearing on the spring and fall property tax statements are due and payable. In the event only one property tax statement is billed for a real estate tax parcel, the entire annual storm water user fees for that parcel authorized by this subchapter shall be billed on that property tax statement which shall be due and payable at the same time as the property taxes appearing on the property tax statement are due and payable.

(B) If user fees are not paid when due, they shall be charged and assessed late payment penalties by the Elkhart County Treasurer in the same way and in the same manner that delinquent property taxes are charged and assessed.

(C) If user fees and penalties are not paid when due, they shall be collected by the Elkhart County Treasurer in the same way that delinquent property taxes are collected.
(Code 2002, § 53.39; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.40 APPEALS OF ERU DETERMINATION.

(A) If, in the opinion of any user, the ERU assigned to the user's real estate tax parcel is inaccurate in light of the number of dwellings or amount of impervious area on the property, the user shall have the right to contest the ERU determination and thus the storm water user fees assessed in accordance with the provisions contained in this section.

(B) The user shall obtain and complete a Petition to Appeal Storm Water Assessment Form which shall be filed with the Elkhart County MS4 operator with verifiable

documentation supporting the user's claim. To be timely for any current year storm water user fee assessment, a Petition to Appeal must be filed no later than the date on which the spring installment of user fees shall be due and payable. The Elkhart County MS4 operator shall refer the petition to the Advisory Board for the Greater Elkhart County MS4.

(C) The Advisory Board shall investigate the user's claim and, upon review thereof, shall render a written determination that either the original ERU determination and assessment should be affirmed or that the user's rate should be adjusted and how much the adjustment should be.

(D) The determination made by the Advisory Board shall be forwarded to the user by certified mail, return receipt requested. The user shall have 15 days from date of receipt to request reconsideration if dissatisfied with the decision from the Advisory Board. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original petition and supporting documents, to the Elkhart County MS4 Operator. The Elkhart County MS4 Operator shall refer the matter to the Board of the Department of Storm Water Management. The Advisory Board shall submit a written report of the determination in the case, along with any documents used, in denying the user's claim or in recommending an adjustment.

(E) Thereafter, the Board of the Department of Storm Water Management shall review all documentation and conduct an informal hearing to determine and resolve the dispute based upon the documentation submitted and any oral testimony. The Board shall issue a determination which shall be binding upon the Department of Storm Water Management and the user. The hearing shall be recorded and the minutes of the hearing provided upon request at a cost per page as determined by the Secretary for the Board which rate shall be amended from time to time.

(F) Any user aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with Indiana law.

(G) If a user's storm water assessment is reduced or eliminated by the Advisory Board, the Board of the Department of Storm Water Management, or court of law, the user shall be refunded accordingly for any overpayment made from the earlier of the date the storm water user fee assessment was paid or was due and payable.

(H) A dispute or appeal of an ERU determination for storm water assessment shall not be a valid reason for non-payment of the originally assessed storm water user fee.
(Code 2002, § 53.40; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.41 STORM WATER UTILITY FUND.

All storm water user fees and penalties collected and interest earned thereon shall be deposited in the Town Storm Water Utility Fund.
(Code 2002, § 53.41; Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.99 PENALTY.

(A) Any violation of this chapter is subject to a fine of up to $2,500.

(B) The Department may enter upon private property and take any and all measures necessary to abate a violation, if a court of competent jurisdiction has found that a violation of this chapter has occurred and has approved the action to be taken by the Department. The costs of such abatement shall be assessed to the owner of the private property.

(C) The Department may suspend any Town MS4 discharge access to stop an actual or threatened discharge which presents imminent and substantial danger to the environment, to the health or welfare of any person, to the Town MS4, or to any waters. This suspension may be without notice if an emergency exists but a hearing will be held at the next Board meeting after the owner of the real estate can be notified to determine the existence of an emergency and that there is a substantial and imminent danger.

(D) The Board or any court may order the owner of the real estate or the responsible party for the operations on the real estate to take any and all actions necessary to comply with this chapter.

(E) The Department may recover reasonable attorney fees, court costs, and other expenses associated with the enforcement of this chapter including sampling and monitoring expenses and the cost of actual damages incurred by the Department.

(F) Each day a violation continues constitutes a new and separate violation.

(G) If a party has violated this chapter and continues to do so, the Department may petition any court of competent jurisdiction for the issuance of a temporary restraining order or permanent injunction which restrains or requires specific compliance with this chapter.
(Code 2002, § 53.99; Ord. 6-15-06B, passed 6-15-06)

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CHAPTER 70: GENERAL PROVISIONS

Statutory reference: Traffic regulations, see I.C. 9-21

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For this chapter, the following definitions from IC: 9-13-2-6 will apply unless the context indicates or requires a different meaning.

A. AUTHORIZED EMERGENCY VEHICLES

(1) Vehicles of the Police and Fire Departments and ambulances are emergency vehicles when equipped with the necessary equipment according to IC: 9-13-2-6. Emergency vehicles operated by or for hospitals or health and hospital corporations under IC: 16-22-8 constitute emergency vehicles.

(2) A motor vehicle that is subject to IC: 9-21-20-2, are approved by the Indiana Emergency Medical Services Commission that is an:

(a) Ambulances owned by persons, firms, limited liability companies, or corporations other than hospitals; or

(b) Ambulances provide emergency medical services, including extrication and rescue services as defined in IC: 16-18-2-110.

(3) Vehicles of the Indiana Department of Corrections that are subject to IC:9-21-20-3, are:

(a) Designated by the Department of Correction as emergency vehicles; and

(b) Responding to an emergency.

B. BUSINESS DISTRICT. The territory is contiguous to and including a highway when 50% or more of the frontage thereon for a distance of 500 feet or more is occupied by buildings in use for business.

C. CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; and

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface, or with signage.

D. CURB. Is the raised edge of the sidewalk beside a street or a raised concrete edge running parallel with the street. The boundary of that portion of the street is used for vehicles and self-propelled vehicles, whether marked or not.

E. INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) or more highways which join one another at, or approximately at, right angles, or the area within which vehicles and self-propelled vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two (2) or more roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway is regarded as a separate intersection. In the event the intersecting highway also includes two (2) or more roadways 30 feet or more apart, then every crossing of two (2) or more roadways of the highway will be regarded as a separate intersection.

F. OFFICIAL TRAFFIC-CONTROL DEVICES. Are markers, signs, and signal devices used to inform, guide, and control traffic, including pedestrians, motor vehicles, and self-propelled vehicles. Devices are usually placed adjacent to, over, or along the highways, roads, traffic facilities, and other public areas that require traffic control.

G. ONE-WAY STREET. A street on which all types of vehicles are permitted to move in one direction only.

H. OPERATOR. A person who drives or is in actual physical control of a motor vehicle and a self- propelled vehicle.

I. PEDESTRIAN. Any person afoot.

J. PLAY STREET. Any street or portion thereof so designated by the Bristol Town Manager and the Marshal may reserve as a play area for children from which all traffic is barred, except vehicles to and from abutting properties.

K. PUBLIC WAY. Includes all Town public rights-of-way, easements, public footpaths, walkways, sidewalks, streets, roads, highways, alleys, and drainage ways

L. REVERSE TURN. To turn a vehicle on any street in such a manner as to proceed in the opposite direction.

M. RIGHT-OF-WAY. The privilege of the immediate use of the highway.

N. ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

O. SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for a paved path used by pedestrians.

P. STOPPING. As applied to vehicles and self-propelled vehicles, to stop a vehicle longer than is necessary to receive or discharge passengers.

Q. STREET or HIGHWAY. The entire width between the boundary lines of every way is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

R. TOWN MARSHAL. According to IC: 36-5-7-4, the Marshal is the chief police officer of the town and has the powers of other law enforcement officers in executing the orders of the legislative body and enforcing laws.

S. TRAFFIC. Motor vehicles, self-propelled vehicles, and pedestrians traveling on any street or alley.

T. VEHICLE. A machine that transports people and/or cargo. This includes motor and self-propelled vehicles, trailers, rail, watercraft, and amphibious vehicles.

U. Statutory reference. Motor vehicle traffic regulations, see IC: 9-13-2.
(Code 1997, § 8-1; Code 2002, § 70.01; Ord. No. 07-21-19, exh. G, § 70.01, 8-18-2022)

§ 70.02 REQUIRED OBEDIENCE TO TRAFFIC DIRECTIONS.

A. According to IC: 9-21-8-1, it's unlawful for any person to knowingly fail to comply with any lawful order, signal, or direction given by a uniformed police officer or to fail to comply with any authority to direct, control, or regulate traffic according to this traffic code. Refer to section 70.30 of this Code chapter for the penalties and the review process.

B. The provisions of this traffic code will apply to the operator of any vehicle owned or used in the service of the United States government, of this state, county, or municipality, and it will be unlawful for any such operator to violate any of the provisions of this traffic code, except as otherwise permitted in this traffic code or by state statute.

C. Every person operating a self-propelled vehicle is subject to the provisions of this traffic code applicable to the operator of any vehicle, except those provisions of this traffic code which by their very nature can have no application.

D. According to IC: 9-21-8-1, failure to comply with lawful orders or law enforcement officer.
(Code 1997, §8-2; Code 2002, § 70.02; Ord. No. 07-21-19, exh. G, § 70.02, 8-18-2022)

Statutory reference: Compliance with law enforcement officer required, see I.C. 9-21-8-1

§70.03 POWERS AND DUTIES OF POLICE DEPARTMENT/TOWN MARSHAL.

A. The Bristol Police Department will direct all traffic in conformance with this traffic code and enforce the traffic regulations as outlined in the Indiana traffic code, make an arrest for traffic violations when there is probable cause, investigate vehicle crashes, and cooperate with other officers of the municipality in the administration of traffic laws and in developing ways and means to improve traffic conditions. The following Indiana Codes supports this Code section:

(1) IC: 36-8-3-6, Police officers; powers and duties.

(2) IC: 36-8-3-10, Police department.

(3) IC: 10-11-2-21, Enforcement powers; and

(4) IC: 5-2-1-16, Power and duties and oath of office.
(Code 1997, §8-3; Code 2002, § 70.03; Ord. No. 07-21-19, exh. G, § 70.03, 8-18-2022)

§70.04 ENFORCEMENT AUTHORITY

Bristol Police officers have the authority to direct and enforce all traffic regulations of this town in accordance with the provisions of this traffic code and to make arrests for traffic violations, except in an emergency, it is unlawful for any other person to direct or attempt to direct traffic by voice, hand, whistle, or any other signal. Refer to code section 70.30 for Enforcement and Reviews.
(Code 1997, §8-4; Code 2002, § 70.04; Ord. No. 07-21-19, exh. G, § 70.04, 8-18-2022)
Penalty, see §10.99

§70.05 TEMPORARY REGULATIONS.

When required for the convenience and safety of the public and to alleviate unusual traffic problems, the Town Marshal has the authority to impose such traffic regulations as necessary for temporary periods not to exceed two (2) weeks. If these temporary regulations are necessary for a period longer than two (2) weeks, the Clerk-Treasurer will be notified in writing of the extended order. Refer to section 70.30 of this Code chapter for the penalties and the review process.
(Code 1997, §8-5; Code 2002, § 70.05; Ord. No. 07-21-19, exh. G, § 70.05, 8-18-2022)

§70.06 AUTHORITY TO ERECT SIGNS.

A. The Town Marshal is authorized and required to erect proper signage for Town streets as have been or may hereafter be so designated by ordinances enacted by the legislative body.

B. The Marshal is authorized and required to erect and maintain suitable signs for the designation of one-way streets.

C. When needed, the Marshal is authorized to erect a pedestrian hybrid beacon to warn and control traffic to assist pedestrians in crossing a roadway at a crosswalk distinctly indicated for pedestrians by lines or other markings as outlined in IC: 9-21-3-0.5.

D. Statutory reference: Signals to conform to the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, see I.C. 9-21-3-1
(Code 1997, §8-6; Code 2002, § 70.06; Ord. No. 07-21-19, exh. G, § 70.06, 8-18-2022)

TRAFFIC-CONTROL DEVICES

§70.20 SIGNAL LEGENDS.

A. Generally. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows successively, one at a time or in combination. As outlined in IC: 9- 21-3-7, only the colors green, red, or yellow may be

used and the lights indicate and apply to drivers of vehicles and pedestrians.

B. Green indication.

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn.

(2) Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent sidewalk at the time such signal is exhibited.

(3) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time.

(4) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(5) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

C. Steady yellow indication.

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter; and

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian may start to cross the roadway at that time.

D. Steady red indication.

(1) Vehicular traffic facing a steady circular red signal alone shall stop at a marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in subsection (2).

(2) Except when a sign is in place prohibiting such a turn, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to make a right turn or, if turning from the left lane of a one-way street into another one-way street with the flow of traffic, a left turn after stopping as required by division (D)(1), but the vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection; and

(3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady circular red signal alone shall not enter the roadway.

E. Non-intersection installations. The provisions of this section apply to traffic-control signals located at a place other than an intersection except for those provisions which by their nature have no application. Any stop required under this division must be made at the signal, except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.
(Code 1997, §8-10; Code 2002, § 70.20; Ord. No. 07-21-19, exh. G, § 70.20, 8-18-2022) (I.C. 9-21-4-3)

§70.21 ESTABLISHMENT AND MAINTENANCE OF TRAFFIC-CONTROL DEVICES.

A. The Town Marshal is responsible for determining the character of all official traffic-control devices and has the exclusive right to establish and maintain all official traffic-control devices in the municipality when required under this traffic code and may place and maintain such additional traffic-control devices as he or she may deem necessary. All traffic-control devices will be the same general type and all such traffic devices employed to indicate one warning or regulation will be uniform and as far as possible will be placed uniformly.

B. Indiana has adopted, pursuant to IC: 9-21-3-1 (Standards and Specifications), the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways. All town signs and signals will conform to the requirements of that manual.

C. Statutory reference. Installation of traffic control devices by local authorities, see IC: 9-21-4-3 (traffic calming devices).
(Code 1997, §8-11; Code 2002, § 70.21; Ord. No. 07-21-19, exh. G, § 70.21, 8-18-2022)

§70.22 OBEDIENCE TO SIGNALS.

A. It is unlawful for the driver of any vehicle to disobey the signal of any official traffic-control device placed in accordance with IC: 9-21-8-41 and the provisions of this traffic code or a traffic barrier or sign erected by any of the public departments or public utilities of the municipality, or any electric signal, gate or watchman at railroad crossings unless otherwise directed by a police officer, according to IC: 9-21-8-1. The Town Marshal is responsible for approving all signs and barriers before placement. Refer to section 70.30 of this chapter for the penalties and the review process.

B. The sign, signal, marking, or barrier has the same authority as the personal direction of a police officer.
(Code 1997, §8-12; Code 2002, § 70.22; Ord. No. 07-21-19, exh. G, § 70.22, 8-18-2022) Penalty, see §10.99

§70.23 INTERFERENCE WITH SIGNALS.

Persons without authority will not alter, deface, tear down, or remove an official control device or railroad sign, signal, inscription, shield, or insignia. Refer to Code section 70.30 of this chapter for the penalties and the review process.
(Code 1997, §8-13; Code 2002, § 70.23; Ord. No. 07-21-19, exh. G, § 70.23, 8-18-2022)

§70.24 UNAUTHORIZED SIGNALS OR MARKINGS.

A. It is unlawful according to IC: 9-21-4-4 (unauthorized traffic control devices) for any person to place, maintain, or display on or in view of any street an unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic device or railroad sign or signal which attempts or purports to direct the movement of traffic, or which conceals or hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal. No person shall place or maintain, nor shall any public authority permit on any street, traffic sign, or signal-bearing any commercial advertising, which will constitute criminal mischief according to IC: 35-43-1-2. Nothing in this Code section will be construed as restricting any public department or public utility of the town in an emergency or temporarily from marking or erecting traffic barriers or signs whose placing has been approved by the Town Marshal. Refer to section 70.30 of this chapter for the penalties and the review process.

B. Every such prohibited sign, signal, or marking is declared to be a public nuisance and the Marshal is empowered forthwith to remove it or cause it to be removed.
(Code 1997, §8-14; Code 2002, § 70.24; Ord. No. 07-21-19, exh. G, § 70.24, 8-18-2022)

§70.25 DEFECTIVE DEVICES.

No provision of this traffic code for which signs are required will be enforceable against an alleged violator if at the time and place of the alleged violation the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. However, when any section of this traffic code does not state that signs are required, such a section will be effective without signs being placed to give notice thereof.
(Code 1997, §8-15; Code 2002, § 70.25; Ord. No. 07-21-19, exh. G, § 70.25, 8-18-2022)

§70.26 TEMPORARY CONTROL OF DEVICES.

In an emergency, any emergency vehicle operator may at their discretion disregard traffic control lights, signals, or established regulations to facilitate the movement of traffic.
(Code 1997, §8-16; Code 2002, § 70.26; Ord. No. 07-21-19, exh. G, § 70.26, 8-18-2022)

ENFORCEMENT AND REVIEW PROCESS

70.30 PENALTIES AND THE REVIEW PROCESS

A. The fine for the violation of most provisions of this Code chapter will not exceed the sum of $100.00 per violation, each day constituting a separate violation.

B. Any police officer who observes the violation of any provision of this Code chapter shall issue the offender a traffic citation and advise the offender may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation, see the sum amount in 70.30(L). Upon the failure of the offender to make such payment within the seven (7) day period, the original fine will increase by $10.00 a day, as applicable. If this enhanced fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the violation notice, the Clerk-Treasurer will notify the issuing police officer and the officer is responsible for filing the violation into any traffic court within Elkhart County. The officer will notify the offender either in person or by certified mail of the location of the court, and

the date and time of the hearing. The offender will be subject to the general penalties provided for violations of Indiana Traffic Codes. If the offender's vehicle is towed, the cost of such towing and impoundment is to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

C. All fines received by the Clerk-Treasurer for violations of this Code chapter will be deposited into the Town's General Fund pursuant to applicable law.

D. Who. Any law enforcement officer or the code compliance officer who observes a violation may at their discretion issue a traffic violation citation.

E. No such regulations or restrictions will be effective unless the signs, road markings, or signals have been erected and are in place or the roadways are painted white at the time of any alleged offense, except in the case of those sign restrictions, which by their very nature would not require such signs and markings.

F. Notice. Upon discovery of any violation, a "traffic citation" as described below in 70.30(G) will be issued to the operator of the vehicle on an Indiana uniform ticket as set out in IC: 9-30-3-6 unless an electronic citation is issued.

G. (1) Fine. The vehicle operator violating signs, street markings, or electronic signals is subject to a fine of $100 per violation. Each 24-hour day, the violation of the code will be a separate violation if a separate citation is issued.

(2) Payment. All fines for all chapter ordinance violations will be paid to the Bristol Town Clerk-Treasurer in the Bristol Town Municipal Building during normal working hours. Payment constitutes an admission of the violation but is not a judgment for purposes of IC:33-37. Payment is due within five (5) business days of issuance of the citation.

H. Appeal Process.

(1) For violations occurring on public streets, highways, and alleys, the vehicle owner and/or operator of the vehicle may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in by code, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk-Treasurer and at a minimum will contain the ower's name, resident address, daytime phone number, and any other relevant contact information. It will state the reason for the review request and specifically state the reason if any citation is disputed. From and after receipt by the Marshal of request for reviewing additional citations for the same violation will not be issued until a written determination of review is issued and mailed 1st Class Mail to the owner by the Town Marshal.

I. Prosecution. If a citation is not paid as required, prosecution of the violation may be brought in the

name of the town by an attorney designated by the Town of Bristol in Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be as determined by the court.

J. General Provisions Fines.

(1) Required obedience to traffic directions. $100.00

(2) Temporary regulations. $ 75.00

(3) Obedience to signals. $100.00

(4) Interference with signals. $100.00

(5) Unauthorized signals or markings. $100.00
(Ord. No. 07-21-19, exh. G, § 70.30, 8-18-2022)

CHAPTER 71: TRAFFIC REGULATIONS AND SCHEDULES

TRAFFIC-CONTROL DEVICES

71.01 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

The Bristol Town Council shall have placed and maintained official traffic-control devices and may place and maintain such additional official traffic-control devices as the Council may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this Town or the Indiana State vehicle code.
(Ord. No. 7-21-19, exh. A, § 71.01, 8-18-2022)

71.02 MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES

All traffic-control signs, signals, and devices shall conform to the "Indiana Manual on Uniform Traffic Control Devices for Streets and Highways" prepared by the Indiana State highway Commission. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform to type and location throughout the Town. All traffic-control devices so erected and not inconsistent with the provisions of state law or this Code will be the official traffic-control devices.
(Ord. No. 7-21-19, exh. A, § 71.02, 8-18-2022)

71.03 WHEN REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this Traffic Code for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Code section does not state that official traffic-control devices are required, such a section will be effective even though no devices are erected or in place.
(Ord. No. 7-21-19, exh. A, § 71.03, 8-18-2022)

71.04 PRESUMPTION OF LEGALITY

Whenever official traffic-control devices are placed by the Town Council in a position approximately conforming to the requirements of this Traffic Code, such devices will be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(Ord. No. 7-21-19, exh. A, § 71.04, 8-18-2022)

71.05 TEMPORARY PLACEMENT OF TRAFFIC-CONTROL DEVICES

The Town Marshal may authorize the temporary placing of official traffic-control devices when required by an emergency. The Marshal will notify the Town Council and the Town Manager of his/her action as soon thereafter as is practicable.
(Ord. No. 7-21-19, exh. A, § 71.05, 8-18-2022)

71.06 DESIGNATING CROSSWALKS; ESTABLISHING SAFETY ZONES

The Town Council is hereby authorized by duly adopted ordinance to designate and maintain, by appropriate devices, markings, or lines upon the surface of the roadway, crosswalks at intersections where in the opinion of the Council there is a potential danger to pedestrians crossing the roadway and establish safety zones of such kind and character at such other places as the Council may deem necessary for the protection of pedestrians.
(Ord. No. 7-21-19, exh. A, § 71.06, 8-18-2022)

71.07 INDICATING TRAFFIC LANES

The Town Council is hereby authorized by adopted ordinances to have agents mark traffic lanes upon the roadway of any street where a regular alignment of traffic is necessary.
(Ord. No. 7-21-19, exh. A, § 71.07, 8-18-2022)

71.08 NO THROUGH TRUCK REGULATIONS

A. The Bristol Town Council hereby declares and determines upon the basis of an engineering and traffic investigation that certain "No Through Trucks" regulations will be applicable upon specified streets/roadways or in certain areas, to regulate, warn or guide truck traffic for any person to operate a truck within these areas.

B. For this Code section, the following definitions will apply unless the context indicates and/or requires a different meaning.

(1) Commercial Vehicle. Every vehicle, motorized and non-motorized, is designed, maintained, or used primarily for the transportation of property for hire.

(2) Truck. Commercial vehicles having dual back wheels, over two (2) axles or four wheels, operating for business use or hire. The definition does not include those vehicles used primarily for personal use, delivery of goods to local residences, or municipally owned vehicles.
(Ord. No. 7-21-19, exh. A, § 71.08, 8-18-2022)

RULES OF OPERATION

71.20 INTERSECTIONS; STOP; YIELD AND SIGNALIZED

A. Those streets, parts of streets, stop intersections, yield intersections, and signalized intersections described in this Code section as from time to time amended by adopting an ordinance of the Town Council, are hereby declared to be through streets, stop

intersections, yield intersections, or signalized intersections for this Code section.

B. The intersections described in this Code from time to time amended by adopting an ordinance of the Council are declared to merit the need for stop signs, yield signs, or traffic signals. When a sign or signal is erected giving notice thereof, a driver of a vehicle shall obey the respective sign or signal before entering any of the streets and parts of the streets described therein.
(Ord. No. 7-21-19, exh. A, § 71.20, 8-18-2022)

71.21 ONE-WAY STREETS AND ALLEYS (RESERVED FOR FUTURE)

Upon those streets and parts of streets and in those alleys designated by the Town Council from time to time by adopting the ordinance, vehicular traffic shall move only in the indicated direction when proper signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
(Ord. No. 7-21-19, exh. A, § 71.21, 8-18-2022)

71.22 TURNING MANEUVERS

A. The Town Council is hereby authorized by adopting an ordinance to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. Such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same will be indicated on the signs or they may be removed when such turns are permitted.

B. The driver of any vehicle shall not turn such vehicle to proceed in the opposite direction upon any street in a zoned business district.
(Ord. No. 7-21-19, exh. A, § 71.22, 8-18-2022)

71.23 LIMITATION ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with traffic.
(Ord. No. 7-21-19, exh. A, § 71.23, 8-18-2022)

SPEED REGULATIONS

71.30 STATE LAW APPLICABLE

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets and roadways within this Town, except as authorized by state law, hereby declares and determines upon the basis of engineering and traffic investigations that certain speed regulations will be applicable upon specified streets or in certain areas, in which case it shall be unlawful for any person to drive a vehicle at a speed over any speed so declared by this Town when proper signs are in place.
(Ord. No. 7-21-19, exh. A, § 71.30, 8-18-2022)

71.31 ESTABLISHMENT OF SPEED LIMITS ON CERTAIN STREETS

Upon the basis of an engineering and traffic investigation, maximum speed limits are

hereby determined and declared reasonable and safe on the streets and roadways, described in this Code section, and amended as needed by the duly adopted ordinance of the Bristol Town Council, when signs are erected giving notice thereof.
(Ord. No. 7-21-19, exh. A, § 71.31, 8-18-2022)

71.32 CONSTRUCTION ZONE SPEED LIMITS

A. The Town Marshal may authorize the temporary placing of official traffic-control devices to post a speed limit less than the maximum speed limit for any street or roadway or adjacent area under construction. The Marshal will notify the Town Council and the Town Manager of his/her action as soon thereafter as is practicable.

B. It is unlawful for a motorist to exceed the reduced speed limit on a street or roadway under construction, provided signs are erected that give motorists reasonable notice of the construction and the reduced speed limit.
(Ord. No. 7-21-19, exh. A, § 71.32, 8-18-2022)

71.33 SCHOOL ZONES

A. The Bristol Town Manager and the Bristol Marshal are authorized to determine the maximum speed limit on Indiana Street near the Bristol Elementary school zone, during the hours of 7:30 a.m. and 2:00 p.m. on days school is in session.

B. It shall be unlawful for any motorist to operate a vehicle on Indiana Street over the posted speed limit within the school zone.
(Ord. No. 7-21-19, exh. A, § 71.33, 8-18-2022)

71.34 RESIDENTIAL OR NEIGHBORHOOD STREETS

Upon the basis of an engineering and/or traffic investigation, if necessary, to determine maximum speed limits are determined and declared reasonable and safe on the streets, described in this Code section, as from time to time amended by duly adopted ordinance of the Town Council, when signs are erected giving notice thereof.
(Ord. No. 7-21-19, exh. A, § 71.34, 8-18-2022)

SCHEDULES

SCHEDULE 1 FOUR-WAY STOP INTERSECTIONS

In accordance with the provisions of this Traffic Code and when proper signs are erected, vehicles shall be brought to a full stop in all directions before entering any of the following streets or designated sections of streets.

STREET	LOCATION	DIRECTION	ORD# / PASSED
Bayridge Drive	Foxchase Dr. and Old Port Cove	All	06-18-2015 / 06-18-2015
Elkhart Street	Chaptula Street	All	Unknown
Elkhart Street	Elm Street	All	Unknown
Elkhart Street	Illinois Street	All	11-17-2005 / 11-17-

			2005
Elkhart Street	Washington Street	All	8-11-1994(A) / 8-11-1994
Elm Street	St. Joseph Street	All	Unknown
Illinois Street	St. Joseph Street	All	01-02-2011(A) / 01-02-2011
Maple Street	St. Joseph Street	All	12-12-1991 / 12-12-1991
St. Joseph Street	Apollo Street	All	Unknown

(Ord. No. 7-21-19, exh. A, sched. 1, 8-18-2022)

SCHEDULE 2 THREE-WAY STOP INTERSECTION

In accordance with the provisions of this Traffic Code and when proper signs are erected, vehicles shall be brought to a full stop in all directions before entering any of the following streets or designated sections of streets.

STREET	LOCATION	DIRECTION	ORD# / PASSED
Hilbish Boulevard	Indiana Street and Eagle Boulevard	All	11-13-1997 / 11-13-1997

(Ord. No. 7-21-19, exh. A, sched. 2, 8-18-2022)

SCHEDULE 3 THROUGH STREETS AND STOP INTERSECTIONS

In accordance with the provisions of this Traffic Code and when proper signs are erected, vehicles shall be brought to a full stop at every intersection before entering any of the following streets or designated sections of streets.

STREET	*AT INTERSECTION WITH*	*RES./ORD #*	*DATE PASSED*
Blakesley Parkway	Commerce Drive (E)	10-16-2014(A)	10-16-2014
Chestnut Ave	Elkhart Street (W)	Unknown	Unknown
Commerce Drive	Commerce Court	Unknown	Unknown
Division Street (N)	County Road 104 (E)	Unknown	Unknown
Division Street (N)	North Bend Drive	Unknown	Unknown
Division Street (N)	North River Road	Unknown	Unknown
Division Street (N)	Trout Creek Road	Unknown	Unknown
Division Street (S)	Kesco Drive (W)	05-08-1980(A)	05-08-1980 (A) / 05-08-1980
Division Street (S)	St. Joseph Street (W)	Unknown	Unknown
Division Street (S)	Elkhart Street	Unknown	Unknown
Division Street (S)	Industrial Drive (E)	10-16-2014(C)	10-16-2014
Division Street (S)	Michigan Street (E)	Unknown	Unknown
Eagle Boulevard	Par Boulevard	08-1988	08-1988

Eagle Boulevard	Birdie Boulevard	Unknown	Unknown
Eagle Boulevard	Turn berry Avenue	Unknown	Unknown
Earthway Boulevard	Rail Park Drive	Unknown	Unknown
Elkhart Street (E)	Charles Street	Unknown	Unknown
Elkhart Street (E)	Hinsdale Farms Road	05-17-2001(D)	05-17-2001
Fairway Avenue	Eagle Boulevard	04-09-1998	04-09-1998
Hilbish Boulevard	St. Joseph Street (W)	Unknown	Unknown
Indiana Street	Butternut Court	Unknown	Unknown
Maple Street	Depot Street (W)	Unknown	Unknown
Maple Street	Earthway Boulevard	05-17-2001(C)	05-17-2001
Maple Street	Industrial Drive (W)	10-16-2014(B)	10-16-2014
Maple Street	Legion Street	Unknown	Unknown
Maple Street	Michigan Street (W)	02-10-1994(A)	02-10-1994
Michigan Street	Elm Street	11-15-2001	11-15-2001
North River Road	Swan Street	05-17-2001(A)	05-17-2001
North River Road	Turtle Drive	05-17-2001(B)	05-17-2001
Ponderosa Drive	Bloomingdale Drive (E)	09-10-1998(A)	09-10-1998
Ponderosa Drive	Elkhart Street (E)	Unknown	Unknown
Ponderosa Drive	Kesco Drive (E)	10-10-1991	10-10-1991
Ponderosa Drive	St. Joseph Street (E)	Unknown	Unknown
Shore Manor Drive	Shore Manor Court (E)	07-11-1991(B)	07-11-1991
Shore Manor Drive	Shore Manor Court (W)	07-11-1991(B)	07-11-1991
State Road 15	Commerce Drive (W)	Unknown	Unknown
State Road 15	Twin River Trail	Unknown	Unknown
St. Joseph Street (E)	Charles Street	Unknown	Unknown
St. Joseph Street (E)	Washington Street	02-10-1994(B)	02-10-1994
St. Joseph Street (W)	Chestnut Ave	Unknown	Unknown
Swan Street	Mallard Drive (E)	Unknown	Unknown
Swan Street	Perch Drive (E)	08-16-2001(B)	08-16-2001
Swan Street	Pike Drive	11-16-2006(E)	11-16-2006
Swan Street	Walleye Land (E)	08-16-2001(E)	08-16-2001
Turtle Drive	Perch Drive (W)	08-16-2001(E)	08-16-2001
Turtle Drive	Walleye Land (W)	08-16-2001(D)	08-16-2001
Vistula Street (E)	Apollo Street (N)	Unknown	Unknown
Vistula Street (E)	Chaptula Street (N)	Unknown	Unknown
Vistula Street (E)	Chaptula Street (S)	Unknown	Unknown
Vistula Street (E)	Charles Street	Unknown	Unknown
Vistula Street (E)	Ponderosa Drive	Unknown	Unknown
Vistula Street (E)	Washington Street	Unknown	Unknown
Vistula Street (W)	Bayridge Drive	Unknown	Unknown
Vistula Street (W)	Chestnut Avenue	Unknown	Unknown
Vistula Street (W)	County Road 21 (S)	Unknown	Unknown
Vistula Street (W)	Elm Street	Unknown	Unknown
Vistula Street (W)	Fairway Avenue	Unknown	Unknown
Vistula Street (W)	Hilbish Boulevard	Unknown	Unknown

Vistula Street (W)	Illinois Street	Unknown	Unknown
Vistula Street (W)	Maple Street	Unknown	Unknown
Vistula Street (W)	Shore Manor Drive (E)	Unknown	Unknown
Vistula Street (W)	Shore Manor Drive (W)	Unknown	Unknown

(Ord. No. 7-21-19, exh. A, sched. 3, 8-18-2022)

SCHEDULE 4 YIELD INTERSECTIONS

In accordance with the provisions of this Traffic Code and when proper signs are erected, vehicles shall yield the right- of-way at the following intersections as indicated below.

STREET	LOCATION	DIRECTION	ORD# / PASSED
Bridgetown Road	Old Port Cove	Northeast	Unknown

(Ord. No. 7-21-19, exh. A, sched. 4, 8-18-2022)

SCHEDULE 5 SPEED LIMITS

In accordance with the provisions of this Traffic Code, the maximum speed limit shall be as outlined in this schedule upon those streets or portions thereof, unless the roadway has a posted speed limit sign.

STREET LOCATION	SPEED LIMIT
Twin River Trails	20
All residential Avenues, Boulevards, Drives, and Streets, unless posted.	25
School Zone on Indiana Street, between Maple Street and Hilbish Boulevard.	25
Blakesley Parkway and Commerce Drive	35
Earthway Boulevard	35

(Ord. No. 7-21-19, exh. A, sched. 5, 8-18-2022)

SCHEDULE 6 ONE-WAY STREETS (RESERVED)

SCHEDULE 7 SIGNALIZED INTERSECTIONS

In accordance with the provisions in this Traffic Code and when proper signals are erected, vehicles shall be brought to a full stop when the light is red.

STREET	LOCATION	DIRECTION	ORD# / PASSED
Division Street	West Vistula St. or State Road 120	All	10-9-24 / 10-9-24
Ponderosa Drive	East Vistula St. or State	All	10-9-24 / 10-9-24

	Road 120		

(Ord. No. 7-21-19, exh. A, sched. 7, 8-18-2022)

SCHEDULE 8 NO THROUGH TRUCKS

In accordance with the provision in this Traffic Code, and when proper signs are erected, trucks shall obey the no- through truck signs as indicated below.

STREET	LOCATION	DIRECTION	ORD# / PASSED
Chestnut	South of Vistula Street	Both	9-19-02(A) / 6-21-07
Elkhart	Btw Chestnut St. and Division St.	Both	9-19-02(A) / 6-21-07
Elm Street	South of Vistula Street	Both	9-19-02(A) / 6-21-07
Hilbish Boulevard	Btw Vistula St. and Indiana Ave.	Both	9-19-02(A) / 6-21-07
Indiana Avenue	Btw Hilbish Blvd. and Maple St.	Both	9-19-02(A) / 6-21-07
Maple	Btw Vistula to Earthway Drive	South	9-19-02(A) / 6-21-07
Michigan	Btw Maple St. and Division St.	Both	9-19-02(A) / 6-21-07
St. Joseph	Btw Maple St. and Division St.	Both	9-19-02(A) / 6-21-07
Illinois Street	Btw Depot St. and Vistula St.	Both	Traffic 2 / 1947
Apollo Street	Btw Vistula St. and Elkhart St.	Both	Traffic 2 / 1947

(Ord. No. 7-21-19, exh. A, sched. 8, 8-18-2022)

SCHEDULE 9 LOAD LIMITATIONS

In accordance with the provisions in this Traffic Code, and when proper signs are erected, trucks over the weight limit of one and a half (1.5) tons are not prohibited on the streets and roadways as indicated below.

STREET	INTERSECTS WITH	DIRECTION	ORD# / PASSED
Illinois Street	Depot Street	North	2-1947 / 1947
Illinois Street	West Vistula Street	North	2-1947 / 1947
Washington Street	Elkhart St and East Vistula Street	North	2-1947 / 1947

(Ord. No. 7-21-19, exh. A, sched. 9, 8-18-2022)

CHAPTER 72: PARKING REGULATIONS

SECTION 2.
That Title VII, Chapter 72, Parking Regulations attached hereto, and made a part hereof are hereby adopted as regulations for and enforcement of parking in the Town of Bristol. (Ord. No. 8-19-21A, § 2, 8-19-2021

CHAPTER 72: PARKING REGULATIONS

72.01 GENERAL PROVISIONS

A. For provisions contained in this chapter, of the Town Code applies to all vehicles, whether they are self- propelled, animal-drawn, or towed, except for:

(1) Emergency vehicles responding to an emergency or in pursuit of an alleged law violator,

(2) Highway construction vehicles when engaged in construction work, and

(3) Other vehicles that are exempt from municipal parking ordinances under applicable law.
(Ord. No. 07-21-19, exh. B, § 72.01, 8-18-2022)

72.02 GENERAL PARKING RESTRICTIONS

A. No person shall stand or park any vehicle on a Town street other than parallel with the edge of the street, headed in the direction of lawful traffic movement and with the right-hand wheels of the said vehicle within 12 inches of the curb or edge of the street, except on streets approved for angle parking and identified as such by appropriate signs or markings.

B. No freight carrying vehicle of one-ton capacity or more nor any vehicle more than 20 feet in length will park upon any Town street or alley except when engaging in the loading or unloading of freight.

C. No person shall stand or park any motor vehicle, self-propelled, animal-drawn, or towed vehicle on any portion of any lawn or green space located within the Town's corporate limits other than for and while such motor vehicle is being loaded, unloaded, or washed.

D. The provisions of this subsection will not apply to vehicles parked to allow their occupants to attend a special event for which a proper special event permit has been obtained from the Town Manager, nor to vehicles driven by Town employees while parked during their Town employment.

E. For this section, a Special Event is defined as a temporary cultural, community, or entertainment event, for which a special event permit has been obtained including but not limited to:

(1) Fund-raising activities by not-for-profit organizations,

(2) Walks,

(3) Runs,

(4) Bike events,

(5) Concerts,

(6) Bristol Home Coming, and

(7) Arts festivals.

F. "Vehicle Stopping, Standing, or Parking." Except as directed by a law enforcement officer or as reasonably necessary to avoid striking another vehicle or person, no vehicle shall stop, stand, or park on or across any portion of any sidewalk, multi-use path, bicycle lane, or other public roadway or thoroughfare located in the Town corporate limits to obstruct other vehicles or pedestrians from free and safe passage thereon, nor upon any portion of a public roadway designated by signage and/or pavement markings for the shared use of motor vehicles and bicycles in such a manner as to impede any bicycles then using such roadway.

G. "Angle Parking." The Town Council may establish approved streets for the Town Manager to establish angle parking at the Manger's discretion. The Manager will ensure that designated signs and street markings are installed, to allow vehicle parking. Angle parking will not be established where the street space required would be within ten (10) feet of the centerline of any street.

H. No person will park a vehicle and/or trailer on any street/alley for the principal purpose of repairing or storing such a vehicle.

I. No person will park a vehicle and/or trailer on any street/alley/grassy area for the sole purpose of displaying it for sale.
(97, Code, 8-75)
(Ord. No. 07-21-19, exh. B, § 72.02, 8-18-2022)

72.03 NO PARKING AREAS

A. No person shall park a vehicle at any time in the following posted sign locations:

STREET	LOCATION	DIRECTION
Bloomingdale Dr.	Between S.R. 15 and Ponderosa Dr.	Northside
Chaptula St.	From S.R. 120 to St. Joseph St.	Southside
Charles St.	The intersection of E. Vistula St. 93 feet south.	Eastside
Commerce Dr.	In front of 1650 Commerce Dr.	Northside

C.R. 104	Between N. Division St. and town limits.	Southside
Depot St.	440 feet west of S.R. 15.	Both sides
Earthway Blvd.	From Maple St. to the west end of Earthway Blvd.	Both sides
Elkhart St.	Between Chaptula St. and Pearl St.	Both sides
Elkhart St.	Between Charles St. and Division St.	Northside
Kesco Dr.	300 feet east of S.R. 15.	Both sides
Maple St.	Between S.R. 120 and town limits.	Eastside
STREET	LOCATION	DIRECTION
Michigan St.	From the intersection of S.R. 15, 177 feet east. From the intersection of S.R. 15, 300 feet east.	Southside Northside
Ponderosa Dr.	Between Kesco Dr. and Bloomingdale Dr.	Both sides
E. Vistula St.	50 feet east of Apollo St.	Northside

B. Under the direction of the Town Manager, the Street Department is responsible for posting appropriate signs or markings setting forth the above parking limitations and indicating that the above locations are "tow away" zones.
(Ord. No. 07-21-19, exh. B, § 72.03, 8-18-2022)

72.04 LIMITATIONS ON STOPPING AND PARKING WITH NO SIGNAGE

A. It is unlawful for the operator of any vehicle to stop or park a vehicle except in an emergency or in compliance with the provision of this Code chapter or when directed by law enforcement, or a traffic sign, or an electronic signal, or at any time in the following places:

(1) The operator of a vehicle may not stop, park, or leave standing an attended or unattended vehicle upon the paved or main traveled part of a street, if it is practicable to stop, park, or leave the vehicle off the street (IC: 9-21-16-1),

(2) A person who stops, parks, or leaves a vehicle is responsible for leaving a sufficient unobstructed width of the street opposite the vehicle for the free passage of other vehicles and a clear view of the stopped vehicle from two hundred feet in each direction upon the street (IC: 9-21-16-2),

(3) A person who stops, parks, or leaves a vehicle unattended upon a bridge or other elevated structure upon a highway where the vehicle constitutes an obstruction to traffic and pedestrians (IC: 9-21-16- 4 and/or IC: 9-21-16-5(13)),

(4) On a sidewalk (IC: 9-21-16-5(1)),

(5) In front of a public or private driveway (IC: 9-21-16-5(2)),

(6) Within an intersection (IC: 9-21-16-5(3)),

(7) Within fifteen (15) feet of a fire hydrant (IC: 9-21-16-5(4)),

(8) On a crosswalk (IC: 9-21-16-5(5)),

(9) Within twenty (20) feet of a crosswalk at an intersection (IC: 9-21-16-5(6)),

(10) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway (IC: 9-21-16-5(7)),

(11) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings (IC: 9-21-16-5(8)),

(12) Within 50 feet of the nearest rail of a railroad crossing (IC: 9-21-16-5),

(13) Within 20 feet of the driveway entrance to a fire station and, on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance when properly signposted (IC: 9-21-16- 5(10)),

(14) Alongside or opposite a street excavation or obstruction if stopping, standing, or parking would obstruct traffic (IC: 9-21-16-5(11)),

(15) On the roadway side of a vehicle stopped or parked at the edge or curb of a street (IC: 9-21-16- 5(12)),

(16) At any place where official signs prohibit stopping (IC: 9-21-16-5(14)),

(17) A person who stands, parks, or leaves their vehicle in a fire lane that is located on property that is privately or publicly owned, violates this Code chapter. A fire lane must be marked with the words “No Parking Fire Lane” in white letters and a stripe of at least four (4) placed 12 feet from the sidewalk, curb, or building. The words “No Parking Fire Lane” will be positioned between the stripe and the sidewalk, curb, or building according to IC: 9-21-16-5.5, and

(18) A person who parks upon a street or state highway where there is an adjacent curb must be stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right- hand curb. A scooter and a motorcycle must be stopped or parked with the rear wheel to the curb and with the front tire facing the flow of traffic according to IC: 9-21-16-7.

(19) Any person who parks in a properly marked and designated handicapped parking space reserved for a person with a physical disability violates IC: 5-16-9-5(b).
(Code 1997, §8-67; Code 2002, § 72.03; Ord. 01-09-97, 1-09-97; Ord. No. 07-21-19, exh. B, § 72.04, 8-18-2022)

72.05 PARKING DURING INFRASTRUCTURE IMPROVEMENTS

A. It is unlawful for any person to park any vehicle or permit these items to remain parked along any street designated for infrastructure repairs, snow removal, leaf removal, or brush removal.

B. When required for infrastructure repairs, snow removal, leaf removal, or brush removal, the area and duration of the prohibited parking on a street will be designated by the Town Manager. The Manager is responsible for designating daily street cleaning areas and the posting of signs and marking on the streets to be cleaned. The prohibited parking will be as limited in scope as possible. All vehicles are prohibited from parking or remaining parked in the affected area until the notice of the parking is removed.

C. The designations will be made by posting notices of the prohibited parking along the affected streets and on vehicles parked along the streets at the time the notice is posted, except if the need for the parking prohibition is for snow removal. During snow removal, the designations are made by posting notices along the affected streets only. Notices will be posted a minimum of 12 hours before the prohibited parking goes into effect.

D. The Town Manager has the authority to suspend parking restrictions in areas neighboring the affected area during the duration of the parking prohibition.
(Ord. No. 07-21-19, exh. B, § 72.05, 8-18-2022)

72.06 SNOW EMERGENCY ANNOUNCEMENT

A. Whenever the Town Manager or in his or her absence, the Town Marshal, becomes aware of winter weather (falling snow, sleet, or freezing rain) that could create a condition making it necessary that parking of motor vehicles on snow emergency routes be prohibited, or whenever the Manager's findings are based on a confirmed forecast of severe winter weather conditions that may create a condition making it necessary to prohibit parking. The Manager will make a public announcement of the emergency prohibition, to become effective at a time specified by the Manager, but not less than one (1) hour after the announcement. Once the effective time of the prohibition, no person will park a vehicle or permit a vehicle to remain parked on a snow emergency route. However, if the severe wintery weather occurs after 11:00 pm and before, and the Manager has not announced before 11:00 pm that parking on snow emergency routes is prohibited after a specified time, a vehicle parked on a snow emergency route may remain parked until 7:00 am. The prohibition of parking announced by the Manager under the authority of this Code section will remain in effect until the Manager terminates the emergency, after which the prohibition of parking authorized by this Code section will no longer be in effect.

B. The Town Manager is responsible for making snow emergency parking regulations between the hours of 6:00 am and 11:00 pm, utilizing at least two public broadcasting sources, either by radio or by television stations that cover the listening area of Bristol, Indiana, or print news when necessary. Each announcement will contain the time of the snow emergency parking regulations when it becomes effective. The Manager is responsible for tracking all snow emergency-parking announcements to include the date,

time, conditions, termination, and the name of the broadcasting sources.

C. Pursuant to the authority granted by IC: 9-21-1-3, the Town Council hereby directs the Street Department and Town Marshal to locate, at appropriate locations the entire length of Earthway Drive, signage designating Earthway Drive as a snow emergency route with no parking during any declared snow emergency. Each sign will indicate no parking at any time during a declared snow emergency. The traffic control device to be erected and the carrying out of this schedule hereafter will conform to the state manuals and specifications for that traffic device and snow emergency routes.
(Ord. 12-18-14(C), passed 12-18-14)
(Code 1997, §8-55; Code 2002, § 72.25; Ord. No. 07-21-19, exh. B, § 72.06, 8-18-2022)

72.07 TERMINATION OF SNOW EMERGENCY

Whenever the Town Manager or Town Marshal determines the snow emergency no longer exists, the Manager is responsible for terminating the snow emergency.
(Code 1997, §8-56; Code 2002, § 72.26; Ord. No. 07-21-19, exh. B, § 72.07, 8-18-2022)

72.08 SNOW EMERGENCY ROUTES

The term SNOW EMERGENCY ROUTE in this Code chapter means any route designated by the Town Manager and Town Marshal, on such a street or a highway designated as a snow emergency route; the Street Department will post snow emergency signs to this effect.
(Code 1997, §8-57; Code 2002, § 72.27; Ord. No. 07-21-19, exh. B, § 72.08, 8-18-2022)

72.09 CUSTOMER/VISITOR PARKING

A. It is prohibited for vehicles to park between 8:00 am and 6:00 pm, Monday through Saturday. Vehicles will not park in a municipally owned parking lot or within the right-of-way of a Town street or alley in an area designated for customer/visitor parking unless the operator's primary purpose for parking is to purchase or look to purchase merchandise or services from the surrounding businesses, or to visit a governmental office, museum, or other business entity in the area.

B. When customer/visitor parking spaces are not available for the employees or owners of the area businesses unless the employee or owner’s primary purpose is to purchase merchandise or services from another business entity in the area.

C. When customer/visitor parking spaces are not available for town residents unless the resident's vehicle displays a valid parking permit and the vehicle is parked, following the limitations of the parking permit or the resident's primary purpose is to purchase merchandise or services from a business entity.

D. “Designation of customer/visitor parking spaces.”

(1) The spaces reserved for customer/visitor parking are designated by posting signs within 30 feet of the parking space for customer/visitor parking only.

E. “Enforcement.”

(1) Any law enforcement officer or the code compliance officer who observes a violation may issue a parking citation in the same manner that a parking citation is issued.
(Ord. No. 07-21-19, exh. B, § 72.09, 8-18-2022)

72.10 ALL NIGHT PARKING ON STREET PROHIBITED

It is unlawful for anyone to park a vehicle, recreational vehicle, trailer, or watercraft on any public streets or public right away within the municipality for 24 hours or longer. A vehicle, recreational vehicle, trailer, or watercraft left parked in these areas is considered abandoned and subject to all existing regulations on abandoned vehicles. (97 Code, 8-70)
(Code 1997, §8-70; Code 2002, § 72.06; Ord. No. 07-21-19, exh. B, § 72.10, 8-18-2022)

72.11 PARKING RESTRICTIONS ON PARADE ROUTE

A. The Bristol Town Marshal is authorized to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade or procession to erect temporary traffic signs to that effect and to prohibit and prevent such parking.

B. It is unlawful for a person to park or leave unattended any vehicle in violation of posted signs or directions.
(Code 1997, §8-71; Code 2002, § 72.07; Ord. No. 07-21-19, exh. B, § 72.11, 8-18-2022)

72.12 PARKING ON OR OFF-STREET FACILITY

A. It is unlawful for the driver of a vehicle to park or abandon a vehicle or drive on, or otherwise, trespasses on another's property or on an area developed as an off-street parking facility without the owner's consent, lessee, or person in charge of the property or facility. Whenever a vehicle is parked, abandoned, or otherwise trespasses in violation of the provisions of this Code section, a warrant may be obtained by the owner, lessee, or person in charge of the property or facility, and law enforcement, on a written complaint of the owner, lessee, or person in charge, is responsible for removing the vehicle or cause it to be removed.
(97 Code, 8-72)

B. "Owner's responsibility." When a vehicle is found illegally parked in violation of any provisions of this Code chapter regulating stopping, standing, or parking of a vehicle, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered will be held prima facie responsible for the violation.
(Code 1997, §8-72; Code 2002, § 72.08; Ord. No. 07-21-19, exh. B, § 72.12, 8-18-2022)

72.13 VEHICLES LEFT IN PARKS AFTER CLOSING PROHIBITED

A. It is unlawful for a person to park a vehicle in or on any section of any public park, playground, or play lot within the municipality of Bristol, Indiana, not designed as a parking area or regularly maintained as a roadway. However, nothing contained in this Code section will be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained portion traveled in any such park or playground where at least two (2) wheels of the motor vehicle are resting on the roadway.

B. No person will leave a vehicle within any park or other recreational area after the

location has closed to the public, except in an emergency or with the consent of the Bristol Parks and Recreation Department. The Town of Bristol will consider the registered owner of a motor vehicle to be the person who left the motor vehicle within any park or recreational area after closing hours.
(Ord. No. 07-21-19, exh. B, § 72.13, 8-18-2022)

72.14 REMOVAL OF PARKED VEHICLES

A. For this Code section, the following definitions will apply unless the context indicates or requires a different meaning.

(1) "Parked." Parking typically is defined as the stopping or standing of a vehicle whether occupied or not. It is the standing of a vehicle otherwise than temporarily for and while engaged in loading or unloading merchandise or passengers.

(2) "Vehicle." A machine that is designed to transport people and/or cargo. Land vehicles are classified broadly by what is used to apply to steer and drive forces against the ground: wheeled, tracked, railed, skied, self-propelled, animal-drawn, or towed,

B. It is the responsibility of all persons to remove their vehicles from any street, alley, or public place at any time they may be directed by law enforcement or the code enforcement officer whenever public safety requires the removal.
(Ord. No. 07-21-19, exh. B, § 72.14, 8-18-2022)

72.15 ANIMAL-DRAWN VEHICLES

A. No person will leave a horse, pony, or animal in any Town street, alley, or public place unless a person is with and able to control the animal. If not, the animal will be securely fastened to a hitching post or rail. It is unlawful to secure a horse, pony, or animal to a shade or ornamental trees belonging to the Town or citizens.

B. "Enforcement."

(1) Any law enforcement officer or the code compliance officer who observes a violation may issue a parking citation in the same manner that a parking citation is issued.
(Ord. No. 07-21-19, exh. B, § 72.15, 8-18-2022)

72.16 ENFORCEMENT AND REVIEW PROCESS

A. The fine for the violation of most provisions of this Code chapter will not exceed the sum of $50.00 per violation, each day constituting a separate violation. In addition to the fine assessed pursuant to this chapter, a vehicle violating any provision of this Code chapter may be towed and impounded at the owner's expense, such towing and impoundment costs to be paid in full before the release of said vehicle.

B. Any police officer who observes the violation of any provision of this Code chapter shall attach to the offending vehicle a notice (see appendix A) to the owner/operator thereof that such vehicle has been parked in violation of same and advising that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such

violation, see the sum amount in 72.16(L). Upon the failure of the owner/operator to make such payment within the seven (7) day period, the original parking fine will increase by $10.00 a day, as applicable. If this enhanced parking fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the parking notice, the Clerk-Treasurer will notify the issuing police officer and the officer is responsible for filing the parking violation into any traffic court within Elkhart County. The officer will notify the owner/operator either in person or by certified mail of the location of the court, the date and time of the hearing. The owner/operator will be subject to the general penalties provided for violations of Indiana Traffic Codes. Nothing in this Code chapter will limit the Town's right to tow and impound any vehicle found to be parked in violation of any provision of this chapter. The cost of such towing and impoundment is to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

C. All fines received by the Clerk-Treasurer for violations of this Code chapter will be deposited into the Town's General Fund pursuant to applicable law.

D. "Who." Any law enforcement officer or the Town's code compliance officer who observes a violation may at their discretion issue a violation citation (parking ticket), see appendix A.

E. No such regulations or restrictions will be effective unless the signs have been erected and are in place or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions, which by their very nature would not require such signs and markings.

F. "Notice." Upon discovery of any violation, a "notice of violation" as described below in 72.16(G) will be attached to the violating vehicle in a visible location. Parking violations on any public street will be cited on an Indiana uniform ticket as set out in IC: 9-30-3-6 unless an electronic citation is issued.

G. (1) "Fine." The owner of the violating parked vehicles is subject to a fine of $50 per violation. Each 24-hour day, a vehicle that remains parked in violation of the code will be a separate violation if a separate citation is issued.

(2) "Payment." All fines for all parking ordinance violations will be paid to the Bristol Town Clerk- Treasurer in the Bristol Town Municipal Building during normal working hours. Payment constitutes an admission of the violation but is not a judgment for purposes of IC:33-37. Payment is due with five (5) business days of issuance of the citation.

H. (1) "Towing." Enforcement officers may find cause to tow a vehicle parked on a street in violation of this Code section. The owner of the vehicle parked in violation of this Code is responsible for all costs incurred by the Town for towing and storage of the vehicle. All costs will be paid before releasing the vehicle.

(2) "Towing Cost Appeal."

(a) The owner of a towed vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the

Marshal within 30 days of the date of the violation. Upon receipt of such request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross- examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(b) After the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(c) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the vehicle owner within 10 working days of receiving the appeal or as soon thereafter as is reasonably possible.

(d) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.

I. "Non-Towing Review and Appeal Process."

(1) For violations occurring on private property, the vehicle owner may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in by code, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk- Treasurer and at a minimum will contain the owner's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically stated reason if any citation is disputed. From and after receipt by the Marshal of request for reviewing additional citations for same violation will not be issued until a written determination of review is issued and mailed 1st Class Mail to the owner by the Town Marshal.

J. "Right to hearing or the right to appeal."

(1) The owner of a towed vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by

enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the vehicle owner making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner within 10 workdays of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The owner requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner will file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

K. "Prosecution." If a citation is not paid as required, prosecution of the violation may be brought in the name of the town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be as determined by the court.

L. "Parking Fines."

(1) Obstruction parking; double parking. $50.00

(2) Manner of parking. $50.00

(3) Limitations on stopping and parking; no signage. $50.00

(4) Restrictions and prohibitions where signage is posted. $50.00

(5) Parking restricted to allow street cleaning. $50.00

(6) All night parking on street prohibited. $50.00

(7) Parking on parade route prohibited. $50.00

(8) Parking on off street facility. $50.00

(9) Parking in parks. $50.00

(10) Display of parked vehicle for sale. $50.00

(11) Removal of parked vehicles. $50.00

(12) Specific areas where parking prohibited. $50.00

(13) Parking regulations on Kesco Drive. $50.00

(14) General parking violations. $50.00

(15) Backing into a parking space. $50.00

(16) Announcement of snow emergency parking. $75.00

(17) Golf cart violation parking. $75.00

(18) Parking in parks. $75.00

(19) Handicap parking violations. $100.00
(Ord. No. 07-21-19, exh. B, § 72.16, 8-18-2022)

CHAPTER 72 APPENDIXES

APPENDIX A

[GRAPHIC - PARKING TICKET]

(Ord. No. 07-21-19, exh. B, app. A, 8-18-2022)

CHAPTER 73: NONCONVENTIONAL VEHICLES

SECTION A: SNOWMOBILES

73.01 DEFINITIONS

[GRAPHIC] Snowmobile. A snowmobile is a motorized snowmachine, sled, motor sled, skimobile, or snow scooter, designed for winter travel and recreation on snow. It is designed to be operated on snow and ice and does not require a road or trail, but most are driven on open terrain or trails.

Operation. As defined in IC: 14-16-1-1-22(3) a snowmobile may be operated on designated public right-of-way adjacent to the traveled portion of a public roadway, except on a limited-access roadway if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

Registration. As defined in IC: 9-18.1-14(d), a person that operates a snowmobile on approved Town streets of Bristol or adjacent to the streets, must register their snowmobile as required with the Indiana Bureau of Motor Vehicles and display the state identification numbers on the snowmobile as described in IC: 9-18.1-14-2.

Duties in case of a vehicle accident. As defined in IC: 14-16-1-24, the operator of a vehicle involved in a vehicle accident resulting in a serious bodily injury to or death of an individual or property damage in an estimated amount of at least Seven Hundred Fifty ($750) Dollars will immediately, contact law enforcement.

Liability Insurance. A person that operates a snowmobile on Town streets will have a minimum amount of financial insurance as defined in IC: 9-25-4-5.
(Ord. No. 12-16-21, § 73.01, 12-16-2021)

73.02 SNOWMOBILES RESTRICTED LOCATIONS

A. The operation of snowmobiles within the corporate limits of the Town of Bristol is within the Miami Snowmobile Trail and is open for riding when there is snow, between December 1 through March 31. A person that operates a snowmobile on Town Streets will drive safely on the right side of the street's berm if there is sufficient space on the following designated streets of operation, to-wit:

(1) Where the Miami Trail meets the east end of Bloomingdale Drive, heading west to Ponderosa Drive; north on Ponderosa Drive and continue north on Pearl Street to the intersection of Elkhart Street; west on Elkhart Street; to the intersection at Charles Street and north on Charles Street where it stops at East Vistula Street/State Road 120. Snowmobiles will reverse the route back to the Miami Snowmobile Trail.

(2) The Bristol Town Marshal may grant permission for any on-duty law enforcement officer to

operate a snowmobile on Town streets during snow emergencies in responding to calls for service.
(Code 1997, §8-45; Code 2002, § 73.01; Ord. No. 12-16-21, § 73.02, 12-16-2021)

73.03 MAXIMUM SPEED LIMITS FOR SNOWMOBILES

The maximum speed limit on designated Bristol streets is 25 miles per hour between the hours of midnight and 6:00 a.m. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Code 1997, §8-47; ; Code 2002, § 73.03; Ord. 1-13-77, passed 1-13-77; Ord. No. 12-16-21, § 73.03, 12-16-2021)

73.04 ENFORCEMENT

A. No person shall operate a snowmobile on Town streets in such a manner that causes damage to the streets and/or berm adjacent to the street. Violations of this Ordinance, in addition to such penalties set forth, the snowmobile operator is responsible for all costs of repairs of such damage. Refer to SECTION H of the Enforcement and Review Process for penalty violations.

B. Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation.
(Ord. No. 12-16-21, § 73.04, 12-16-2021)

73.05 TOWING

A. A snowmobile operated on Town streets by an unlicensed/licensed operator, without the equipment and registration required by Indiana law, or used in the alleged commission of a crime, maybe impounded by the enforcing police officer. Said snowmobile will be held until retrieved by the owner and a licensed operator unless the snowmobile is being held by the Bristol Police Department or in the investigation or prosecution of a crime. If the snowmobile is improperly equipped as required by Indiana law for operation on designated streets of the Town, then it will only be released for hauling away upon a

properly licensed vehicle capable of safely hauling the snowmobile. Refer to SECTION H of the Enforcement and Review Process for towing cost appeals. The snowmobile will not be released from impoundment until:

(1) The snowmobile is registered as required by Indiana law; and

(2) The towing and storage fees are paid in full.
(Ord. No. 12-16-21, § 73.05, 12-16-2021)

SECTION B: GOLF CARTS

73.06 DEFINITIONS

[GRAPHIC] Golf Cart. The term golf cart will have the meaning outlined in IC: 9-13-2-69.7. A golf cart is a four-wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs to play the game of golf on a golf course.

Town Streets. Any street maintained by the Town of Bristol, Indiana to include streets, alleys, and some unimproved rights-of-ways within the corporate limits. This does not include State Road 15 and State Road 120. The operator may cross these state roadways at 90-degree angles to the highway where permissible by signage and/or markings.

Financial Responsibility. Will have the meaning given in IC: 9-25-4-1, as it now reads, or as subsequently amended.

Registration Certificate. The certificate issued by the Bristol Police Department signifying all initial requirements of the inspected golf cart is satisfactory for registration.

Driver’s License. Only persons with a valid driver’s license will operate a golf cart on town streets.
(Ord. No. 12-16-21, § 73.06, 12-16-2021)

73.07 REGISTRATION AND INSPECTION FEE

A. The Bristol Police Department is responsible for conducting an annual golf cart inspection and registration, collecting a fee of Twenty-Five ($25.00) Dollars upon completion of the inspection. Registration fees will be deposited into the law enforcement training account. The registration fee for municipality golf carts will be waived. During the inspection, the police officer will check all safety equipment and confirm the golf cart is operational and satisfactory to comply with the Town ordinance. The police officer will confirm, at the time of inspection if the owner of the golf cart complies with all financial responsibilities. The annual inspection sticker will be displayed on the front of the golf cart in a visible location.

B. The Bristol Police Department may issue a temporary registration sticker for a period of ten (10) days beginning on the day of issuance for a fee of Ten Dollars ($10.00), provided the applicant said temporary permit certifies:

(1) Financial responsibility on the application; and

(2) The golf cart is equipped with all equipment as described in this subsection and all equipment is operational during the term of the temporary permit. Only one (1) temporary permit will be issued.
(Ord. No. 12-16-21, § 73.07, 12-16-2021)

73.08 FINANCIAL RESPONSIBILITY PROOF

The operator of a golf cart must show financial responsibility when operating the golf cart. Written proof of financial responsibility must be available either on the golf cart or always carried by the operator. The owner must obtain and display on the golf cart a valid inspection sticker (outlined in section 73.07) before operating the golf cart.
(Ord. No. 12-16-21, § 73.08, 12-16-2021)

73.09 GOLF CART OPERATION

A. Golf carts shall only be operated on Town streets with a posted speed limit of 20 miles per hour or less, anything more than 20 miles per hour is a violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations. All golf carts and the operation thereof are subject to all traffic rules, in addition to the requirements set forth herein, as required by Indiana statutes governing the operation of motor vehicles, including the use of seat belts by all occupants. Golf carts will not be operated on sidewalks and bicycle paths. Golf carts shall have the following:

(1) The registration certificate issued by the Town is required herein.

(2) Comply with all slow-moving vehicles as defined in IC: 9-21-1-3(a)(14) and equipment in IC: 9-21-9 (emblem display, and moving restrictions) as it now reads, or as subsequently amended.

(3) A mounted rearview mirror. and

(4) Not to be operated from one-half hour after sunset to one-half hour before sunrise unless the golf cart is equipped with two operating headlights one on each side of the front of the golf cart and two rear operating brake and taillights one on each side, visible from 500 feet as defined in IC: 9-21-9-4.

B. The operator of a golf cart on a public street within the corporate limits of the Town will have a valid driver’s license issued by the State of Indiana, a military license, or any State of the United States of America.

C. The number of occupants riding in a golf cart that is in operation on Town streets will be limited to the lesser number of persons for whom factory seating is installed on the golf cart or six persons. The operator and occupants will be properly seated and will wear seatbelts while the golf cart is in motion. No part of the body of the operator or occupants will extend outside of the perimeter of the golf cart while the golf cart is in operation, except that the operator will use proper traffic hand signals when required.

D. Any occupant who is under the age of ten (10) years and seated in any rear seat while the golf cart is in motion will wear a properly installed seat belt for each designated

seating position.

E. A person may not drive a golf cart at a slow rate of speed that impedes or blocks the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with Indiana law. A person who is driving:

(1) On a street that has not more than one (1) lane of traffic in each direction.

(2) At a slow speed so that three (3) or more other vehicles are blocked and cannot pass on the left around the vehicle, and give the right-of-way to the other vehicles by pulling off to the right of the lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass; and

(3) A person who fails to give the right-of-way as required by this subsection shall be subject to a One Hundred ($100.00) Dollar fine.
(Ord. No. 12-16-21, § 73.09, 12-16-2021)

73.10 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 12-16-21, § 73.11, 12-16-2021)

SECTION C: UTILITY TERRAIN VEHICLE (UTV)

73.11 DEFINITIONS

[GRAPHIC] UTV. Means a Utility Terrain Vehicle, a side-by-side vehicle recreational utility vehicle. The term does not include a motorcycle, a motor scooter, a motorized bicycle, or other off-road vehicles, as defined in IC: 14-16-1.

Street/Roadway. Any street/roadway or alley, maintained by the Town of Bristol.

IC. Means the official Indiana Criminal and Traffic Code.
(Ord. No. 12-16-21, § 73.11, 12-16-2021)

73.12 CERTIFICATE OF REGISTRATION

A. The operation of the UTV within the corporate limits of the Town of Bristol is prohibited unless the UTV is registered, equipped, and operated in full compliance with this Code subsection.

B. The owner of a UTV must register their vehicle annually with the Bristol Police Department and the annual inspection fee is Twenty-Five ($25) Dollars upon completion of the inspection if the UTV is going to be operated on Town streets/roadways. The registration fee for municipality UTV’s will be waived. The fee will be deposited into the law enforcement training account. During the inspection, a police officer will check all safety equipment and confirm the UTV is operational and satisfactory to comply with the Town’s ordinance. A police officer will confirm, at the time of inspection if the owner of the

UTV complies with all financial responsibilities. The annual inspection sticker will be displayed on the front of the UTV in a visible location. The certificate of registration must be in the possession of the person operating the UTV while in operation or stored on the UTV.

C. The owner of any UTV must be covered by liability insurance coverage in an amount not less than that provided by Indiana statutes for motor vehicles operated on the streets/roadways and alleys in Bristol, Indiana. Proof of such liability insurance coverage must be available on the UTV or always carried by the operator of the UTV when the UTV is being operated.

D. Only persons holding a valid motor vehicle driver's license may operate a UTV within the Town of Bristol. Violation of this Code subsection is a police officer's discretion to either have the UTV impounded or have another licensed driver operate the UTV. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 12-16-21, § 73.12, 12-16-2021)

73.13 EQUIPMENT

A. The UTV must be equipped with two (2) operating headlights, one on the front of each side and two (2) taillights on the rear on each side, visible from not less than five hundred (500) feet; brake lights; turn signals as defined in IC: 9-21-9-4; a slow-moving vehicle placard as defined in IC:9-21-9; have adequate brakes as defined in IC: 14-16-1-21(b); rearview mirror; seat belts for all occupants; child restraint when appropriate and a windshield. Equipment for low-speed vehicles as defined in IC: 9-13-2-94.5.

B. The Park, Water, and Street Departments may be equipped with amber and/or white warning beacon and/or LED lights. Each department may display its unique logo on its UTV.

C. The Police Department warning lights will include red, white, and blue LED lights. The department may display its vehicle logo on its UTV.

D. The Fire Department warning lights will include red and white LED lights. The department may display its vehicle logo on its UTV.
(Ord. No. 12-16-21, § 73.13, 12-16-2021)

73.14 OPERATION

A. The UTV may be operated only on streets/roadways or alleys within the Town of Bristol on which the speed limit is thirty-five (35) miles per hour or less. UTV's are prohibited from being operated on State Roads 15 and State Road 120, however, UTV's may cross these roadways. The municipality UTVs may operate on State Road 15 and State Road 120, during their workday when responding to maintenance issues and emergencies.

B. A person may not drive a UTV at a slow rate of speed that impedes or blocks the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with Indiana statutes. A person who is driving:

(1) On a street that has not more than one (1) lane of traffic in each direction; and

(2) At a slow speed so that three (3) or more other vehicles are blocked and cannot pass on the left around the vehicle will give the right-of-way to other vehicles by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass. A person who fails to give the right-of-way as required by this subsection commits a violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations.

C. Occupants of a UTV are limited to the number of persons for whom factory seating is installed in the UTV. Occupants, including the operator, will be seated in the UTV and no part of the person of the operator or occupants will extend outside the perimeter of the UTV while in operation.

D. All UTV's and the operation thereof are subject to all traffic rules, in addition to the requirements set forth herein, as required by Indiana statutes governing the operation of a motor vehicle, including the use of seat belts by all occupants.

E. The owner of a UTV who applies for a permit to operate the UTV within the Town of Bristol is responsible, jointly, and severally, with any person who is permitted to operate the UTV, for any injury or damages caused by the operation of the UTV if such operator is liable for such damages.
(Ord. No. 12-16-21, § 73.14, 12-16-2021)

73.15 ORDINANCE MODIFICATION

In the event any provision of this Chapter's subsection shall be deemed invalid or unenforceable, the remainder of the Ordinance shall continue in full force and effect until repealed or modified by the Town Council of Bristol, Indiana, or otherwise determined by a court of competent jurisdiction within Elkhart County, Indiana.
(Ord. No. 12-16-21, § 73.15, 12-16-2021)

73.16 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation.
(Ord. No. 12-16-21, § 73.16, 12-16-2021)

SECTION D: ALL-TERRAIN VEHICLE (ATV)

73.17 DEFINITION

[GRAPHIC] An All-Terrain Vehicle known as an ATV is a motorized off-road vehicle designed to travel on three (3) or four (4) low pressure or non-pneumatic tires, having a seat designed to be straddled by the operator. The ATV is equipped with a handlebar for steering and has a thumb throttle or twisting the right handlebar grip for acceleration.
(Ord. No. 12-16-21, § 73.17, 12-16-2021)

73.18 OPERATING

ATVs are prohibited from operating on any streets/roadways or right of way, alleys, sidewalks, lawns, or on bike paths within the Town's corporate limits.
(Ord. No. 12-16-21, § 73.18, 12-16-2021)

73.19 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation.
(Ord. No. 12-16-21, § 73.19, 12-16-2021)

SECTION E: BICYCLES AND ELECTRIC MOTORIZED TRANSPORTERS

73.20 DEFINITIONS

[GRAPHIC] Bicycle. A bicycle is a human-powered pedal-driven, single-track vehicle, having two (2) to three (3) wheels attached to a frame, and the wheels are in contact with the ground.

[GRAPHIC] The EZ Quadribent is a two-seat, side-by-side, human-powered bicycle that enables almost anyone to enjoy cycling. The EZ Quadribent attaches two semi-recumbent bikes to make a four-wheel, side-by-side "Sociable Tandem" with independent gearing and pedaling. The recumbents can be detached for solo use.

Bicycle Lane. A portion of a street/roadway or street/roadway shoulder that is distinguished from the portion of the traveled street/roadway used by motor vehicles, by a painted stripe, a curb, or another bicyclist control marking, or device.

[GRAPHIC] Electric Bicycle. An electric bicycle is a self-balancing, two (2) or three (3) non-tandem wheeled device that is designed to transport only one person equipped with fully operable pedals. An electric bicycle may include a side-by-side seat operated on two (2) axels, four (4) tires, and a braking system for each rider. These bicycles are human-powered pedal-driven with an assistive, electric motor with a power output not greater than seven hundred fifty (750) watts or one (1) horsepower, with a maximum speed of less than twenty (20) miles per hour when operated on a paved level surface, when powered solely by the electric propulsion. See IC: 9-13-2-49.2, IC: 9-13-2-49.3, and IC: 9-21-11-13.1.

[GRAPHIC] Electric Foot Scooter. A two-wheeled device that has a handlebar; a floorboard designed for travel on not more than three (3) wheels in contact with the ground; designed to be stood upon when operated and is powered by electric propulsion. The electricity is stored on board in a rechargeable battery and is propelled at speeds no more than 20 miles per hour on a paved level surface. See IC: 9-13-2-49.4 and IC: 9-21-11-13.6.

[GRAPHIC] Motor-Driven Cycle. A two (2) or three (3) wheeled scooter that has a low seat that the driver sits over an enclosed gas or electric engine and has a bottom platform for resting the feet. As defined in IC: 9-17-1-1(a)(3), a Motor-Driven Cycle that has a maximum design speed not more than 25 miles per hour. Any Motor-Driven Cycle violations under this Code chapter will not be enforced. All operational and equipment specification violations as described in 49 CFR 571 and IC: 9-19 will be enforced by law

enforcement.

[GRAPHIC] Segway. A two-wheel, self-balancing personal transporter, with variable speeds and a braking system. The segway has a top speed of 12.5 miles per hour and can cover 24 miles on a full charge battery.

[GRAPHIC] Powered Wheelchair. A battery-powered wheelchair or powerchair that is propelled utilizing batteries with a differential steering. Battery-powered wheelchairs and powerchairs are useful for those unable to propel a manual wheelchair or who may need to use a wheelchair or powerchair for distances or over terrain.

[GRAPHIC] Electric Wheel Hoverboard. The hoverboard is a self-balancing single axel with two (2) wheels is an electric board-sport, recreational personal transporter, often described as an electric skateboard. The rider's feet and body are typically pointed perpendicular angle to the wheel and direction of travel.

[GRAPHIC] Electric One Wheel Skateboard. A personal transporter based on a skateboard. The speed is usually controlled by a wireless handheld throttle remote or rider body weight-shifting between the front of the board for forwarding motion and rear braking.

[GRAPHIC] Electric Unicycle. An electric unicycle is a self-balancing personal transporter with a single wheel. The rider controls speed by leaning forward or backward and steers by leaning and twisting the unit side to side. The self-balancing mechanism uses gyroscopes and accelerometers. No unicycle will be operated on the public streets and alleys that exceed 40 inches in height measured when the unicycle is perpendicular to the ground, from the bottom of the tire to the top of the seat.
(Ord. No. 12-16-21, § 73.20, 12-16-2021)

73.21 TRAFFIC LAWS TO APPLY

A. Every person operating a bicycle, electric motorized transporter, or motor scooter upon the streets or alleys within the Town of Bristol will conform to the rules established by this state, or by the rules in this Ordinance chapter for the operation of motor vehicles, including the directions and the instructions of official traffic control signals and devices applicable to vehicles unless otherwise directed by law enforcement. Furthermore, all provisions of IC:9-21-11(1-13) shall apply to all bicycles, motorized bikes, and electric foot scooters.

B. The Indiana Code definition of bicycles, motorized bicycles, electric foot scooters, see state traffic regulations, see IC: 9-21-11. Powers of local authorities as defined in IC: 9-21-1-3, in regulating the operation of bicycles, electric bicycles, and electric foot scooters.
(Code 1997, §8-106; Code 2002, § 74.01; Ord. No. 12-16-21, § 73.21, 12-16-2021)

73.22 OPERATING ALL TYPES OF BICYCLES AND ELECTRIC MOTORIZED TRANSPORTERS

A. Bicycles and electric motorized transporters may be operated on streets and alleys within the Town of Bristol. No person shall operate a bicycle or electric motorized

transporter at a speed greater than is reasonable and prudent under the existing conditions.

B. Persons operating bicycles and electric motorized transporters will do so by riding on the part of a street or alley that is improved, designed, or ordinarily used for vehicular travel as defined in IC: 9-21-11-2, roadways; rights and duties. When riding on a sidewalk, the operator of a bicycle and motorized transporter shall always yield the right of way when approaching pedestrians.

C. Persons riding bicycles and electric motorized transporters upon a street or alley may not ride more than two (2) abreast except on paths or parts of Town streets set aside for the exclusive use of bicycles and electric motorized transporters as defined in IC: 9-21-11-6.

D. The operator of any vehicle described in this Code subsection 73.20 will yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and on entering the street shall yield the right-of-way to all vehicles approaching on the street, except where street signs and/or controlling traffic signals grant the right of way to these described vehicles.

E. As described in this Code subsection 73.20, these items of transportation may be operated on a street or alley from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise must be equipped with the following:

(1) A white light on the front exhibiting a light visible from a distance of at least five hundred (500) feet to the front and a red light visible from five hundred (500) feet to the rear or a red reflector visible from five hundred (500) feet to the rear. IC: 9-21-11-9 bicycles and IC: 9-21-11-13.6 electric foot scooters.

F. As described in this Code subsection 73.20, these items of transportation must be equipped with a braking system that will enable the operator to have the ability to make the braked wheels skid on dry, level, clean pavement as defined in IC: 9-21-11-10.

G. A person who rides a bicycle or an electric motorized transporter, except for a side-by-side bicycle or transporter may not carry any items that prevent the operator from keeping both hands upon the handlebars as defined in IC: 9-21-11-7.

H. Whenever a bike path is provided for the exclusive use of bicycles and electric motorized bicycles, the operator will use the bike path when possible.

(’97 Code, 8-108)

I. No person operating a vehicle as described in this Code subsection 73.20 shall not attach themselves to a vehicle that is in motion.

J. No person shall park a bicycle or electric motorized transporter on the traveled portion of a street or alley. Bicycles and electric motorized transporters may be parked only on the sidewalk area in a rack provided to support the bicycle or transporter, or against the building or in such manner as to afford the least obstruction to pedestrian traffic.

(Code 1997, §8-108; Code 2002, § 74.03; Ord. No. 12-16-21, § 73.22, 12-16-2021)

73.23 BICYCLES AND ELECTRIC MOTORIZED TRANSPORTERS, RIGHTS, AND DUTIES, EXEMPTION FROM CERTAIN STATUTES; REQUIRED EQUIPMENT AND FEATURES; RESTRICTIONS ON USE AS DEFINED IN IC 9-21-11-13.1.

A. Bicycles and electric motorized transporters are not motor vehicles as defined in IC: 9-13-2-105.

B. Except as otherwise provided in this chapter's subsection, an operator of an electric motorized transporter is:

(1) Subject to all the duties and entitled to all the rights and privileges, of a motor vehicle operator.

C. Except as otherwise provided in this Code chapter's subsection, an electric motorized transporter is regulated as a bicycle.

D. As described in this Code subsection 73.20, the operator is not subject to:

(1) Having a driver's license (IC: 9-21-11-13.6(a)); or

(2) Having financial responsibility (IC: 9-25).

E. As defined in this Code subsection 73.20 are not subject to:

(1) Certificates of the title (IC: 9-17).

(2) Motor vehicle registration (IC: 9-18-1); or

(3) Off-road vehicles (IC: 14-16-1).

F. On and after January 1, 2020, a manufacturer or distributor of an electric bicycle and electric foot scooter will affix a permanent and conspicuous label to each electric bicycle and electric foot scooter. Each label described under this subsection will prominently display the following information:

(1) The class levels.

(2) The top assisted speed; or

(3) The rated wattage of the electric motor.

G. If a modification results in any alteration to the:

(1) Top assisted speed; or

(2) Engagement of the electric motor; the label described in subsection (F) will be replaced with a subsequent label that accurately reflects the class level, top assisted

speed, and rated wattage of the modified electric motorized transporter.

H. All electric bicycles will comply with the bicycle equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission (16 CFR 1512).

I. All-electric motorized transporters will be equipped with an electric motor that disengages or ceases to assist when the operator:

(1) Disengages the power source; or

(2) Applies brakes.

J. Subject to subsection (K), and except as provided in subsection (L), an electric motorized transporter may be operated wherever bicycles are permitted to travel.

K. As defined in IC: 9-21-11-13.1, the lawful operation of an electric bicycle and electric foot scooter is subject to the following provisions:

(1) Unless otherwise specified by a statute, rule, or local ordinance, a Class 1 or Class 2 electric bicycle or electric foot scooter may be operated on any bicycle path or multipurpose path where bicycles are permitted.

(2) A Class 3 electric bicycle may not be operated on a bicycle path or multipurpose path unless one (1) or more of the following conditions apply:

(a) The bicycle path or multipurpose path is within or adjacent to a highway or roadway.

(b) A local authority or state agency with jurisdiction over the bicycle path or multipurpose path authorizes the use of Class 3 electric bicycles on the bicycle path or multipurpose path.

(3) A person less than 15 years of age shall not operate a Class 3 electric bicycle.

(4) A person less than 15 years of age may ride as a passenger on Class 3 electric bicycle if the Class 3 electric bicycle is designed to accommodate a passenger.

(5) A properly fitted and fastened bicycle helmet that meets the most recent and applicable standards issued by the United States Consumer Product Safety Commission or the American Society for Testing and Materials must be worn by any person who operates or rides as a passenger on a Class 3 electric bicycle and is less than 18 years of age.

L. Subsection (K) will not apply to a path or trail designated as nonmotorized if the following conditions are met:

(1) The bicycle path or trail has a natural surface tread.

(2) The bicycle path or trail was made by clearing and grading the native soil; or

(3) No surfacing materials have been added to the bicycle path or trail. The Bristol Town Council or a state agency may regulate the use of electric motorized transporters on a bicycle path or trail described under this subsection.

M. All streets and alleys in the Town of Bristol are dedicated and open to public use for motor vehicle traffic and low-speed vehicles as defined in this Code subsection 73.20. All drivers should exercise due care as defined in IC: 14-16-1-20 (operation on highways and roads) and IC: 9-21-1-3(a)(14) (regulate the operation of low-speed vehicles).
(Ord. No. 12-16-21, § 73.23, 12-16-2021)

73.24 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 12-16-21, § 73.24, 12-16-2021)

SECTION F: SKATEBOARDS, ROLLER SKATES, AND ROLLERBLADES

73.25 DEFINITIONS

[GRAPHIC] Skateboard. A type of sports equipment used for skateboarding. They are usually made of specially designed 7/8 maple plywood deck and polyurethane wheels attached to the underside by a pair of skateboarding trucks. The skateboarder moves by pushing with one foot while the other foot remains balanced on the board to propel the board and rider.

[GRAPHIC] Roller Skates. Roller skates are shoes or bindings that fit onto shoes, which are worn to enable the wearer to roll along on wheels. The first roller skate was effectively an ice skate with wheels replacing the blade. Later the "quad" style of roller skate became more popular consisting of four (4) wheels.

[GRAPHIC] Rollerblades. Is a brand of inline skates used by ice speed skaters and hockey players before they became mainstream. Rollerblades are manufacturer to look like ice skates with four (4) small wheels attached to the underside of the shoe with a foot brake used for fitness, or recreational use.

Public Property. Property owned and maintained by the Town of Bristol, including streets, alleys, sidewalks, and parking areas.

Nuisance. Placing ramps and rails on sidewalks used for jumping and riding the rails that threaten injury to persons or damage to property; creates an obstruction or presents a hazard to the unrestricted use of the public or private property by pedestrians or motorists or creates a loud or unreasonable noise.
(Ord. No. 12-16-21, § 73.25, 12-16-2021)

73.26 OPERATING

A. It is unlawful for any person to utilize, ride, or move about upon any skateboard, roller skates, rollerblades, or any similar device upon any public property where the

property has been posted as prohibiting skateboarding, roller skating, rollerblading, or similar activity.

B. The following public properties are hereby designated as no skateboarding, roller skating, rollerblading, or similar activity areas:

(1) It is unlawful for a person to ride a skateboard, roller skates, or rollerblades upon the sidewalks within the business district within the Town of Bristol's corporate limits. Otherwise, when a person is riding a skateboard, roller skates, or rollerblades upon a sidewalk, such person will yield the right-of-way to any pedestrian and will give an audible signal before overtaking or passing such pedestrian.

(2) Bristol Municipal Complex, 303 E. Vistula Street;

(3) Bristol Fire Department, 405 East Elkhart Street;

(4) Bristol Street Department, 802 Bloomingdale Drive;

(5) Bristol Wastewater Treatment Plant, 1300 West Vistula Street;

(6) Bristol Public Library, 505 West Vistula Street;

(7) Bristol Memorial Historical Museum, 316 West Vistula Street;

(8) Bristol St. Mary's Catholic Church, 411 West Vistula Street;

(9) Bristol United Methodist Church, 201 South Division Street;

(10) Bristol St. John of The Cross Episcopal Church, 601 East Vistula Street;

(11) Bristol Church of Nazarene, 401 Hilbish Blvd.; and

(12) All parking areas owned by the Town of Bristol that service any of the public properties identified.
(Ord. No. 12-16-21, § 73.26, 12-16-2021)

73.27 SIGNAGE

A. Any area designated for the prohibition of skateboarding, roller skating, rollerblading or similar activities will be so designated by signs providing substantially as follows:

(1) Skateboarding, roller skating, rollerblading and similar activities are prohibited by the Town of Bristol Ordinances.

(2) This prohibition will apply to the property or area so designated once the property or area has been posted with signs in plain view at all vehicular entrances and primary pedestrian entrances to the property or area.
(Ord. No. 12-16-21, § 73.27(1), 12-16-2021)

73.27 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. This ordinance violation will be enforced under proceedings brought according to I.C. 34-28-5 like that of infractions with complaint and summons described in I.C. 9-30-3-6 issued by the Bristol Police Department. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 12-16-21, § 73.27(2), 12-16-2021)

SECTION G: GO-KARTS AND MINIBIKES

73.28 DEFINITIONS

[GRAPHIC] Go-kart. A go-kart, also written as a go-cart, is a type of open-wheel car or quadricycle. Go-karts come in all shapes and forms, traditionally powered by two-stroke or four-stroke internal combustion engines are used for transmitting power to the rear axle by way of a chain or belt.

[GRAPHIC] Electric Go-kart. Electric go-karts operate on lead-acid or lithium batteries that transfer power to the rear axle by way of a chain or belt.

[GRAPHIC] Minibike. A two-wheeled, off-highway recreational vehicle that traditionally has a four-stroke, horizontal crankshaft engine, single or two-speed centrifugal clutch transmissions with chain final-drive, 4” or 6” wheels, and a low frame/seat height with elevated handlebars. Commercially available minibikes are usually equipped with engines commonly found elsewhere on utilitarian
(Ord. No. 12-16-21, § 73.28, 12-16-2021)

73.29 OPERATING

Go-karts and minibikes or any vehicle resembling or like a go-kart or a minibike, whether factory manufactured or homemade, shall not be permitted to be operated and used on any streets, alleys, sidewalks, lawns, or bike paths within the Town’s corporate limits.
(Ord. No. 12-16-21, § 73.29, 12-16-2021)

73.30 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. This ordinance violation shall be enforced under proceedings brought according to IC: 34-28-5 like that of infractions with complaints and summons described in I.C. 9-30-3-6 issued by the Bristol Police Department. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 12-16-21, § 73.30, 12-16-2021)

SECTION H: ENFORCEMENT AND REVIEW PROCESS

73.31 VIOLATION PROVISIONS

A. The fine for the violation of most provisions of this Code chapter will not exceed the sum of Two Hundred and Fifty ($250.00) Dollars per violation, each day constituting a separate violation. In addition to the fine assessed pursuant to this Code chapter, a nonconventional vehicle violating any provision of this Code chapter may be towed and impounded at the owner's expense, such towing and impoundment costs to be paid in full before the release of said vehicle.

B. A Bristol police officer who observes the violation of any provision of this Code chapter will determine if an Indiana Uniform Traffic Citation will be issued to the owner/operator and advise that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation. Upon the failure of the owner/operator to make such payment within the seven (7) day period, the original violation fine will increase by Ten ($10.00) Dollars a day, as applicable. If this enhanced nonconventional vehicle fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the nonconventional vehicle notice, the Clerk-Treasurer will notify the issuing police officer and the officer is responsible for filing the nonconventional vehicle violation into any traffic court within Elkhart County. The officer will notify the owner/operator either in person or by certified mail of the location of the court, the date and time of the hearing. The owner/operator will be subject to the general penalties provided for violations of Indiana Traffic Codes. Nothing in this Code chapter will limit the Town's right to tow and impound any vehicle found to violate any provision of this chapter. The cost of such towing and impoundment is to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

C. All fines received by the Clerk-Treasurer for violations of this Code chapter will be deposited into the Town's General Fund under applicable law.

D. "Who." Any Bristol police officer who observes a violation may at their discretion issue a violation citation.

E. No such regulations or restrictions will be effective unless signs have been erected and are in place and/or street markings are visible, and/or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions, which by their very nature would not require such signs and markings. When there are parking violations, refer to Chapter 72 of the Bristol Town Ordinance.

F. "Notice." Upon discovery of any violation, a "notice of violation" as described in each Code chapter section will be issued to the operator of a nonconventional vehicle. Nonconventional vehicle violations on any public street, sidewalk, bike path, park, or private property will be cited on an Indiana uniform ticket as set out in IC: 9-30-3-6 unless an electronic citation is issued.

G. (1) "Fine." The owner/operator violating nonconventional vehicle violations of this Code chapter is subject to a fine as described in each section per violation. Each nonconventional vehicle violation of the code will be a separate violation if a separate citation is issued.

(2) "Payment." All fines for all nonconventional vehicle ordinance violations will be paid to the Bristol Town Clerk-Treasurer in the Bristol Town Municipal Building during normal

working hours. Payment constitutes an admission of the violation but is not a judgment for purposes of IC:33-37. Payment is due with five (5) business days of issuance of the citation.

H. (1)"Towing." Enforcement officers may find cause to tow a nonconventional vehicle in violation of this Code section. The owner of the nonconventional vehicle in violation of this Code chapter is responsible for all costs incurred by the Town for towing and storage of the nonconventional vehicle. All costs will be paid before releasing the nonconventional vehicle.

(2) "Towing Cost Appeal."

(a) The owner of a towed nonconventional vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(b) After the hearing, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(c) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the vehicle owner within 10 working days of receiving the appeal or as soon thereafter as is reasonably possible.

(d) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The snowmobile owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.

I. "Non-Towing Review and Appeal Process."

(1) For violations occurring on private property, the nonconventional vehicle owner may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in by code, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk-Treasurer and at a minimum will contain the owner's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically state the reason if any citation is disputed. From and after receipt by the Marshal of request for reviewing additional citations for same violation will not be issued until a written determination of review is issued and mailed 1st Class Mail to the owner by the Town

Marshal.

J. "Right to hearing or the right to appeal."

(1) The owner of a towed conventional vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the vehicle owner making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner within ten (10) workdays of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The owner requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner will file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

K. "Prosecution." If a citation is not paid as required, prosecution of the violation may be brought in the name of the Town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be as determined by the court.

L. "Nonconventional Vehicle Fines."

Section A: Snowmobile.

(1)	Driving on sidewalks.	$100.00
(2)	Mandatory compliance required.	$100.00
(3)	No driver's license.	$142.00
(4)	No headlights and/or taillights.	$142.00
(5)	No insurance.	$202.00

(6) Operating a vehicle while using telecommunication. $167.00

(7) Open container law. $202.00

(8) Operating While Intoxicated. $202.00

(9) Obstructing traffic. $100.00

(10) Parking violations refer to Ordinance chapter 72.

(11) Reverse or U turns. $100.00

(12) Snowmobile in a restricted location. $100.00

(13) Speeding. $100.00

(14) Street and right-of-way damage. $100.00

(a) Second offense in 12 months. $200.00

(b) Third offense in 12 months. $250.00

(15) Throwing litter from a moving vehicle. $100.00

(16) Violating the maximum speed limit for snowmobiles. $100.00

Section B: Golf Carts.

(1) Illegal operation. $100.00

(2) Maximum speed limit violation for golf carts. $75.00

(3) No headlights and/or taillights. $142.00

(4) No proof of insurance. $202.00

(5) No registration sticker. $75.00

(6) No slow-moving vehicle emblem. $75.00

(7) Operating While Intoxicated. $202.00

(8) Occupant violation. $75.00

(9) Obstructing traffic. $75.00

(10) Operating without a valid driver’s license. $205.00

(11) Operating a vehicle while using telecommunication. $167.00

(12) Parking violation, refer to Ordinance Chapter 72.

(13) Place of operation. $75.00

(14) Safety equipment violation. $75.00

(15) Seatbelt violation. $25.00

(16) Traffic rule violations. $75.00

(17) Throwing litter from a moving vehicle. $100.00

(18) Time of operation. $75.00

Section C: Utility Terrain Vehicle (UTV)

(1) Disregarding stop sign. $100.00

(2) Disregarding yield sign. $100.00

(3) Driving on sidewalks. $100.00

(4) Fails to give right-of-way. $100.00

(5) No headlights or taillights. $142.00

(6) No registration sticker. $75.00

(7) No slow-moving vehicle emblem. $75.00

(8) No valid driver’s license. $142.00

(9) Not wearing a seatbelt. $25.00

(10) Occupant violation. $75.00

(11) Operating without insurance. $202.00

(12) Operating While Intoxicated. $202.00

(13) Operating without a license. $250.00

(14) Operating a vehicle with a telecommunication device. $167.00

(15) Obstructing traffic. $75.00

(16) Parking violations refer to Ordnance chapter 72.

(17) Place of operation. $75.00

(18) Required obedience to traffic directions. $100.00

(19) The maximum speed limit for UTV. $75.00

(20) Traffic rules. $75.00

(21) Throwing liter from vehicle. $100.00

(22) Time of operation. $75.00

(23) Violating open container law. $202.00

(24) Violations of ordinance provisions.

(a) A second violation in 12 months not to exceed. $100.00

(b) The Third violation in 12 months not to exceed. $200.00

Section D: All-Terrain Vehicle

(1) Operating within the Town's municipality. $75.00

Section E: Bicycles and Electric Motorized Transporters

(1) Attaching oneself to a moving vehicle. $20.00

(2) Failure to maintain two (2) hands on the handlebar. $20.00

(3) Illegal parking. $20.00

(4) Inadequate braking system. $20.00

(5) More than two (1) passengers. $20.00

(6) No headlights and/or taillights. $20.00

(7) Riding more than two (2) abreast. $20.00

(8) Riding on the sidewalk within the business district. $20.00

(9) Violating bike path regulations. $20.00

(10) Violating rules of this Code subsection. $20.00

(11) Violating the time of operation. $20.00

(12) Second violation in 12 months. $25.00

(13) Third violation in 12 months. $50.00

Section F: Skateboards, Roller Skates, and Rollerblades

Under this subsection, violations will be enforced under proceedings according to IC: 34-28-5 like that of infractions with a complaint and summons described in IC: 9-30-3-6 issued by the Bristol Police Department. Any person who is found to have violated any provisions of this Code subsection shall receive a fine of Twenty ($20.00) Dollars, except that any subsequent violation within 12 months, will result in a fine of Forth ($40.00) Dollars. Any defendant against whom a judgment is entered is liable for court costs.

Section G: Go-Karts and Minibikes

Under this subsection, violations will be enforced under proceedings according to IC: 34-28-5 like that of infractions with a complaint and summons described in IC: 9-30-3-6 issued by the Bristol Police Department. Any person who is found to have violated any provisions of this Code subsection shall receive a fine of Twenty-Five ($25.00) Dollars, except that any subsequent violation within 12 months, will result in a fine of Fifty ($50.00) Dollars. Any defendant against whom a judgment is entered is liable for court costs.
(Ord. No. 12-16-21, § 73.31, 12-16-2021)

CHAPTER 73: NONCONVENTIONAL VEHICLES

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SECTION A: SNOWMOBILES

73.01 DEFINITIONS

[GRAPHIC] Snowmobile. A snowmobile is a motorized snowmachine, sled, motor sled, skimobile, or snow scooter, designed for winter travel and recreation on snow. It is designed to be operated on snow and ice and does not require a road or trail, but most are driven on open terrain or trails.

Operation. As defined in IC: 14-16-1-1-22(3) a snowmobile may be operated on designated public right-of-way adjacent to the traveled portion of a public roadway, except on a limited-access roadway if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

Registration. As defined in IC: 9-18.1-14(d), a person that operates a snowmobile on approved Town streets of Bristol or adjacent to the streets, must register their snowmobile as required with the Indiana Bureau of Motor Vehicles and display the state identification numbers on the snowmobile as described in IC: 9-18.1-14-2.

Duties in case of a vehicle accident. As defined in IC: 14-16-1-24, the operator of a vehicle involved in a vehicle accident resulting in a serious bodily injury to or death of an individual or property damage in an estimated amount of at least Seven Hundred Fifty ($750) Dollars will immediately, contact law enforcement.

Liability Insurance. A person that operates a snowmobile on Town streets will have a minimum amount of financial insurance as defined in IC: 9-25-4-5.
(Ord. No. 7-21-19, exh. C, § 73.01, 8-18-2022)

73.02 SNOWMOBILES RESTRICTED LOCATIONS

A. The operation of snowmobiles within the corporate limits of the Town of Bristol is within the Miami Snowmobile Trail and is open for riding when there is snow, between December 1 through March 31. A person that operates a snowmobile on Town Streets will drive safely on the right side of the street's berm if there is sufficient space on the following designated streets of operation, to-wit:

(1) Where the Miami Trail meets the east end of Bloomingdale Drive, heading west to Ponderosa Drive; north on Ponderosa Drive and continue north on Pearl Street to the intersection of Elkhart Street; west on Elkhart Street; to the intersection at Charles Street and north on Charles Street where it stops at East Vistula Street/State Road 120. Snowmobiles will reverse the route back to the Miami Snowmobile Trail.

(2) The Bristol Town Marshal may grant permission for any on-duty law enforcement officer to operate a snowmobile on Town streets during snow emergencies in responding to calls for service.
(Ord. No. 7-21-19, exh. C, § 73.02, 8-18-2022)

73.03 MAXIMUM SPEED LIMITS FOR SNOWMOBILES

The maximum speed limit on designated Bristol streets is 25 miles per hour between the hours of midnight and 6:00 a.m. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 7-21-19, exh. C, § 73.03, 8-18-2022)

73.04 ENFORCEMENT

A. No person shall operate a snowmobile on Town streets in such a manner that causes damage to the streets and/or berm adjacent to the street. Violations of this Ordinance, in addition to such penalties set forth, the snowmobile operator is responsible for all costs of repairs of such damage. Refer to SECTION H of the Enforcement and Review Process for penalty violations.

B. Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation.
(Ord. No. 7-21-19, exh. C, § 73.04, 8-18-2022)

73.05 TOWING

A. A snowmobile operated on Town streets by an unlicensed/licensed operator, without the equipment and registration required by Indiana law, or used in the alleged commission of a crime, maybe impounded by the enforcing police officer. Said snowmobile will be held until retrieved by the owner and a licensed operator unless the snowmobile is being held by the Bristol Police Department or in the investigation or prosecution of a crime. If the snowmobile is improperly equipped as required by Indiana law for operation on designated streets of the Town, then it will only be released for hauling away upon a properly licensed vehicle capable of safely hauling the snowmobile. Refer to SECTION H of the Enforcement and Review Process for towing cost appeals. The snowmobile will not be released from impoundment until:

(1) The snowmobile is registered as required by Indiana law; and

(2) The towing and storage fees are paid in full.
(Ord. No. 7-21-19, exh. C, § 73.05, 8-18-2022)

SECTION B: GOLF CARTS

73.06 DEFINITIONS

[GRAPHIC] Golf Cart. The term golf cart will have the meaning outlined in IC: 9-13-2-69.7. A golf cart is a four- wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs to play the game of golf on a golf course.

Town Streets. Any street maintained by the Town of Bristol, Indiana to include streets, alleys, and some unimproved rights-of-ways within the corporate limits. This does not include State Road 15 and State Road 120. The operator may cross these state roadways at 90-degree angles to the highway where permissible by signage and/or markings.

Financial Responsibility. Will have the meaning given in IC: 9-25-4-1, as it now reads, or as subsequently amended.

Registration Certificate. The certificate issued by the Bristol Police Department signifying all initial requirements of the inspected golf cart is satisfactory for registration.

Driver's License. Only persons with a valid driver's license will operate a golf cart on town streets.
(Ord. No. 7-21-19, exh. C, § 73.06, 8-18-2022)

73.07 REGISTRATION AND INSPECTION FEE

A. The Bristol Police Department is responsible for conducting an annual golf cart inspection and registration, collecting a fee of Twenty-Five ($25.00) Dollars upon completion of the inspection. Registration fees will be deposited into the law enforcement training account. The registration fee for municipality golf carts will be waived. During the inspection, the police officer will check all safety equipment and confirm the golf cart is operational and satisfactory to comply with the Town ordinance. The police officer will confirm, at the time of inspection if the owner of the golf cart complies with all financial responsibilities. The annual inspection sticker will be displayed on the front of the golf cart in a visible location.

B. The Bristol Police Department may issue a temporary registration sticker for a period of ten (10) days beginning on the day of issuance for a fee of Ten Dollars ($10.00), provided the applicant said temporary permit certifies:

(1) Financial responsibility on the application; and

(2) The golf cart is equipped with all equipment as described in this subsection and all equipment is operational during the term of the temporary permit. Only one (1) temporary permit will be issued.

(Ord. No. 7-21-19, exh. C, § 73.07, 8-18-2022)

73.08 FINANCIAL RESPONSIBILITY PROOF

The operator of a golf cart must show financial responsibility when operating the golf cart. Written proof of financial responsibility must be available either on the golf cart or always carried by the operator. The owner must obtain and display on the golf cart a valid inspection sticker (outlined in section 73.07) before operating the golf cart.
(Ord. No. 7-21-19, exh. C, § 73.08, 8-18-2022)

73.09 GOLF CART OPERATION

A. Golf carts shall only be operated on Town streets with a posted speed limit of 20 miles per hour or less, anything more than 20 miles per hour is a violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations. All golf carts and the operation thereof are subject to all traffic rules, in addition to the requirements set forth herein, as required by Indiana statutes governing the operation of motor vehicles, including the use of seat belts by all occupants. Golf carts will not be operated on sidewalks and bicycle paths. Golf carts shall have the following:

(1) The registration certificate issued by the Town is required herein.

(2) Comply with all slow-moving vehicles as defined in IC: 9-21-1-3(a)(14) and equipment in IC: 9- 21-9 (emblem display, and moving restrictions) as it now reads, or as subsequently amended.

(3) A mounted rearview mirror. and

(4) Not to be operated from one-half hour after sunset to one-half hour before sunrise unless the golf cart is equipped with two operating headlights one on each side of the front of the golf cart and two rear operating brake and taillights one on each side, visible from 500 feet as defined in IC: 9- 21-9-4.

B. The operator of a golf cart on a public street within the corporate limits of the Town will have a valid driver’s license issued by the State of Indiana, a military license, or any State of the United States of America.

C. The number of occupants riding in a golf cart that is in operation on Town streets will be limited to the lesser number of persons for whom factory seating is installed on the golf cart or six persons. The operator and occupants will be properly seated and will wear seatbelts while the golf cart is in motion. No part of the body of the operator or occupants will extend outside of the perimeter of the golf cart while the golf cart is in operation, except that the operator will use proper traffic hand signals when required.

D. Any occupant who is under the age of ten (10) years and seated in any rear seat while the golf cart is in motion will wear a properly installed seat belt for each designated seating position.

E. A person may not drive a golf cart at a slow rate of speed that impedes or blocks the normal and reasonable movement of traffic, except when reduced speed is necessary

for safe operation or in compliance with Indiana law. A person who is driving:

(1) On a street that has not more than one (1) lane of traffic in each direction.

(2) At a slow speed so that three (3) or more other vehicles are blocked and cannot pass on the left around the vehicle, and give the right-of-way to the other vehicles by pulling off to the right of the lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass; and

(3) A person who fails to give the right-of-way as required by this subsection shall be subject to a One Hundred ($100.00) Dollar fine.
(Ord. No. 7-21-19, exh. C, § 73.09, 8-18-2022)

73.10 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 7-21-19, exh. C, § 73.10, 8-18-2022)

SECTION C: UTILITY TERRAIN VEHICLE (UTV)

73.11 DEFINITIONS

[GRAPHIC] UTV. Means a Utility Terrain Vehicle, a side-by-side vehicle recreational utility vehicle. The term does not include a motorcycle, a motor scooter, a motorized bicycle, or other off-road vehicles, as defined in IC: 14-16-1.

Street/Roadway. Any street/roadway or alley, maintained by the Town of Bristol.

IC. Means the official Indiana Criminal and Traffic Code.
(Ord. No. 7-21-19, exh. C, § 73.11, 8-18-2022)

73.12 CERTIFICATE OF REGISTRATION

A. The operation of the UTV within the corporate limits of the Town of Bristol is prohibited unless the UTV is registered, equipped, and operated in full compliance with this Code subsection.

B. The owner of a UTV must register their vehicle annually with the Bristol Police Department and the annual inspection fee is Twenty-Five ($25) Dollars upon completion of the inspection if the UTV is going to be operated on Town streets/roadways. The registration fee for municipality UTV's will be waived. The fee will be deposited into the law enforcement training account. During the inspection, a police officer will check all safety equipment and confirm the UTV is operational and satisfactory to comply with the Town's ordinance. A police officer will confirm, at the time of inspection if the owner of the UTV complies with all financial responsibilities. The annual inspection sticker will be displayed on the front of the UTV in a visible location. The certificate of registration must be in the possession of the person operating the UTV while in operation or stored on the UTV.

C. The owner of any UTV must be covered by liability insurance coverage in an amount not less than that provided by Indiana statutes for motor vehicles operated on the streets/roadways and alleys in Bristol, Indiana. Proof of such liability insurance coverage must be available on the UTV or always carried by the operator of the UTV when the UTV is being operated.

D. Only persons holding a valid motor vehicle driver's license may operate a UTV within the Town of Bristol. Violation of this Code subsection is a police officer's discretion to either have the UTV impounded or have another licensed driver operate the UTV. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 7-21-19, exh. C, § 73.12, 8-18-2022)

73.13 EQUIPMENT

A. The UTV must be equipped with two (2) operating headlights, one on the front of each side and two (2) taillights on the rear on each side, visible from not less than five hundred (500) feet; brake lights; turn signals as defined in IC: 9-21-9-4; a slow-moving vehicle placard as defined in IC:9-21-9; have adequate brakes as defined in IC: 14-16-1-21(b); rearview mirror; seat belts for all occupants; child restraint when appropriate and a windshield. Equipment for low-speed vehicles as defined in IC: 9-13-2-94.5.

B. The Park, Water, and Street Departments may be equipped with amber and/or white warning beacon and/or LED lights. Each department may display its unique logo on its UTV.

C. The Police Department warning lights will include red, white, and blue LED lights. The department may display its vehicle logo on its UTV.

D. The Fire Department warning lights will include red and white LED lights. The department may display its vehicle logo on its UTV.
(Ord. No. 7-21-19, exh. C, § 73.13, 8-18-2022)

73.14 OPERATION

A. The UTV may be operated only on streets/roadways or alleys within the Town of Bristol on which the speed limit is thirty-five (35) miles per hour or less. UTV's are prohibited from being operated on State Roads 15 and State Road 120, however, UTV's may cross these roadways. The municipality UTVs may operate on State Road 15 and State Road 120, during their workday when responding to maintenance issues and emergencies.

B. A person may not drive a UTV at a slow rate of speed that impedes or blocks the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with Indiana statutes. A person who is driving:

(1) On a street that has not more than one (1) lane of traffic in each direction; and

(2) At a slow speed so that three (3) or more other vehicles are blocked and cannot pass on the left around the vehicle will give the right-of-way to other vehicles by pulling

off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicles to pass. A person who fails to give the right-of-way as required by this subsection commits a violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations.

C. Occupants of a UTV are limited to the number of persons for whom factory seating is installed in the UTV. Occupants, including the operator, will be seated in the UTV and no part of the person of the operator or occupants will extend outside the perimeter of the UTV while in operation.

D. All UTV's and the operation thereof are subject to all traffic rules, in addition to the requirements set forth herein, as required by Indiana statutes governing the operation of a motor vehicle, including the use of seat belts by all occupants.

E. The owner of a UTV who applies for a permit to operate the UTV within the Town of Bristol is responsible, jointly, and severally, with any person who is permitted to operate the UTV, for any injury or damages caused by the operation of the UTV if such operator is liable for such damages.
(Ord. No. 7-21-19, exh. C, § 73.14, 8-18-2022)

73.15 ORDINANCE MODIFICATION

In the event any provision of this Chapter's subsection shall be deemed invalid or unenforceable, the remainder of the Ordinance shall continue in full force and effect until repealed or modified by the Town Council of Bristol, Indiana, or otherwise determined by a court of competent jurisdiction within Elkhart County, Indiana.
(Ord. No. 7-21-19, exh. C, § 73.15, 8-18-2022)

73.16 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation.
(Ord. No. 7-21-19, exh. C, § 73.16, 8-18-2022)

SECTION D: ALL-TERRAIN VEHICLE (ATV)

73.17 DEFINITION

[GRAPHIC] An All-Terrain Vehicle known as an ATV is a motorized off-road vehicle designed to travel on three (3) or four (4) low pressure or non-pneumatic tires, having a seat designed to be straddled by the operator. The ATV is equipped with a handlebar for steering and has a thumb throttle or twisting the right handlebar grip for acceleration.
(Ord. No. 7-21-19, exh. C, § 73.17, 8-18-2022)

73.18 OPERATING

ATVs are prohibited from operating on any streets/roadways or right of way, alleys, sidewalks, lawns, or on bike paths within the Town's corporate limits.
(Ord. No. 7-21-19, exh. C, § 73.18, 8-18-2022)

73.19 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. (Ord. No. 7-21-19, exh. C, § 73.19, 8-18-2022)

SECTION E: BICYCLES AND ELECTRIC MOTORIZED TRANSPORTERS

73.20 DEFINITIONS

[GRAPHIC] Bicycle. A bicycle is a human-powered pedal-driven, single-track vehicle, having two (2) to three (3) wheels attached to a frame, and the wheels are in contact with the ground.

[GRAPHIC] The EZ Quadribent is a two-seat, side-by-side, human-powered bicycle that enables almost anyone to enjoy cycling. The EZ Quadribent attaches two semi-recumbent bikes to make a four-wheel, side-by- side "Sociable Tandem" with independent gearing and pedaling. The recumbents can be detached for solo use.

Bicycle Lane. A portion of a street/roadway or street/roadway shoulder that is distinguished from the portion of the traveled street/roadway used by motor vehicles, by a painted stripe, a curb, or another bicyclist control marking, or device.

[GRAPHIC] Electric Bicycle. An electric bicycle is a self-balancing, two (2) or three (3) non-tandem wheeled device that is designed to transport only one person equipped with fully operable pedals. An electric bicycle may include a side-by-side seat operated on two (2) axels, four (4) tires, and a braking system for each rider. These bicycles are human-powered pedal-driven with an assistive, electric motor with a power output not greater than seven hundred fifty (750) watts or one (1) horsepower, with a maximum speed of less than twenty (20) miles per hour when operated on a paved level surface, when powered solely by the electric propulsion. See IC: 9-13-2-49.2, IC: 9-13-2-49.3, and IC: 9-21-11-13.1.

[GRAPHIC] Electric Foot Scooter. A two-wheeled device that has a handlebar; a floorboard designed for travel on not more than three (3) wheels in contact with the ground; designed to be stood upon when operated and is powered by electric propulsion. The electricity is stored on board in a rechargeable battery and is propelled at speeds no more than 20 miles per hour on a paved level surface. See IC: 9-13-2-49.4 and IC: 9-21-11-13.6.

[GRAPHIC] Motor-Driven Cycle. A two (2) or three (3) wheeled scooter that has a low seat that the driver sits over an enclosed gas or electric engine and has a bottom platform for resting the feet. As defined in IC: 9-17-1-1(a)(3), a Motor-Driven Cycle that has a maximum design speed not more than 25 miles per hour. Any Motor-Driven Cycle violations under this Code chapter will not be enforced. All operational and equipment specification violations as described in 49 CFR 571 and IC: 9-19 will be enforced by law enforcement.

[GRAPHIC] Segway. A two-wheel, self-balancing personal transporter, with variable speeds and a braking system. The segway has a top speed of 12.5 miles per hour and can

cover 24 miles on a full charge battery.

[GRAPHIC] Powered Wheelchair. A battery-powered wheelchair or powerchair that is propelled utilizing batteries with a differential steering. Battery-powered wheelchairs and powerchairs are useful for those unable to propel a manual wheelchair or who may need to use a wheelchair or powerchair for distances or over terrain.

[GRAPHIC] Electric Wheel Hoverboard. The hoverboard is a self-balancing single axel with two (2) wheels is an electric board-sport, recreational personal transporter, often described as an electric skateboard. The rider's feet and body are typically pointed perpendicular angle to the wheel and direction of travel.

[GRAPHIC] Electric One Wheel Skateboard. A personal transporter based on a skateboard. The speed is usually controlled by a wireless handheld throttle remote or rider body weight-shifting between the front of the board for forwarding motion and rear braking.

[GRAPHIC] Electric Unicycle. An electric unicycle is a self-balancing personal transporter with a single wheel. The rider controls speed by leaning forward or backward and steers by leaning and twisting the unit side to side. The self-balancing mechanism uses gyroscopes and accelerometers. No unicycle will be operated on the public streets and alleys that exceed 40 inches in height measured when the unicycle is perpendicular to the ground, from the bottom of the tire to the top of the seat.
(Ord. No. 7-21-19, exh. C, § 73.20, 8-18-2022)

73.21 TRAFFIC LAWS TO APPLY

A. Every person operating a bicycle, electric motorized transporter, or motor scooter upon the streets or alleys within the Town of Bristol will conform to the rules established by this state, or by the rules in this Ordinance chapter for the operation of motor vehicles, including the directions and the instructions of official traffic control signals and devices applicable to vehicles unless otherwise directed by law enforcement. Furthermore, all provisions of IC:9-21-11(1-13) shall apply to all bicycles, motorized bikes, and electric foot scooters.

B. The Indiana Code definition of bicycles, motorized bicycles, electric foot scooters, see state traffic regulations, see IC: 9-21-11. Powers of local authorities as defined in IC: 9-21-1-3, in regulating the operation of bicycles, electric bicycles, and electric foot scooters.
(Ord. No. 7-21-19, exh. C, § 73.21, 8-18-2022)

73.22 OPERATING ALL TYPES OF BICYCLES AND ELECTRIC MOTORIZED TRANSPORTERS

A. Bicycles and electric motorized transporters may be operated on streets and alleys within the Town of Bristol. No person shall operate a bicycle or electric motorized transporter at a speed greater than is reasonable and prudent under the existing conditions.

B. Persons operating bicycles and electric motorized transporters will do so by riding on the part of a street or alley that is improved, designed, or ordinarily used for vehicular

travel as defined in IC: 9-21-11-2, roadways; rights and duties. When riding on a sidewalk, the operator of a bicycle and motorized transporter shall always yield the right of way when approaching pedestrians.

C. Persons riding bicycles and electric motorized transporters upon a street or alley may not ride more than two (2) abreast except on paths or parts of Town streets set aside for the exclusive use of bicycles and electric motorized transporters as defined in IC: 9-21-11-6.

D. The operator of any vehicle described in this Code subsection 73.20 will yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and on entering the street shall yield the right-of- way to all vehicles approaching on the street, except where street signs and/or controlling traffic signals grant the right of way to these described vehicles.

E. As described in this Code subsection 73.20, these items of transportation may be operated on a street or alley from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise must be equipped with the following:

(1) A white light on the front exhibiting a light visible from a distance of at least five hundred (500) feet to the front and a red light visible from five hundred (500) feet to the rear or a red reflector visible from five hundred (500) feet to the rear. IC: 9-21-11-9 bicycles and IC: 9-21-11-13.6 electric foot scooters.

F. As described in this Code subsection 73.20, these items of transportation must be equipped with a braking system that will enable the operator to have the ability to make the braked wheels skid on dry, level, clean pavement as defined in IC: 9-21-11-10.

G. A person who rides a bicycle or an electric motorized transporter, except for a side-by-side bicycle or transporter may not carry any items that prevent the operator from keeping both hands upon the handlebars as defined in IC: 9-21-11-7.

H. Whenever a bike path is provided for the exclusive use of bicycles and electric motorized bicycles, the operator will use the bike path when possible.

(’97 Code, 8-108)

I. No person operating a vehicle as described in this Code subsection 73.20 shall not attach themselves to a vehicle that is in motion.

J. No person shall park a bicycle or electric motorized transporter on the traveled portion of a street or alley. Bicycles and electric motorized transporters may be parked only on the sidewalk area in a rack provided to support the bicycle or transporter, or against the building or in such manner as to afford the least obstruction to pedestrian traffic.
(Ord. No. 7-21-19, exh. C, § 73.22, 8-18-2022)

73.23 BICYCLES AND ELECTRIC MOTORIZED TRANSPORTERS, RIGHTS, AND DUTIES, EXEMPTION FROM CERTAIN STATUTES; REQUIRED EQUIPMENT AND FEATURES; RESTRICTIONS ON USE AS DEFINED IN IC 9-21-11-13.1.

A. Bicycles and electric motorized transporters are not motor vehicles as defined in IC: 9-13-2-105.

B. Except as otherwise provided in this chapter's subsection, an operator of an electric motorized transporter is:

(1) Subject to all the duties and entitled to all the rights and privileges, of a motor vehicle operator.

C. Except as otherwise provided in this Code chapter's subsection, an electric motorized transporter is regulated as a bicycle.

D. As described in this Code subsection 73.20, the operator is not subject to:

(1) Having a driver's license (IC: 9-21-11-13.6(a)); or

(2) Having financial responsibility (IC: 9-25).

E. As defined in this Code subsection 73.20 are not subject to:

(1) Certificates of the title (IC: 9-17).

(2) Motor vehicle registration (IC: 9-18-1); or

(3) Off-road vehicles (IC: 14-16-1).

F. On and after January 1, 2020, a manufacturer or distributor of an electric bicycle and electric foot scooter will affix a permanent and conspicuous label to each electric bicycle and electric foot scooter. Each label described under this subsection will prominently display the following information:

(1) The class levels.

(2) The top assisted speed; or

(3) The rated wattage of the electric motor.

G. If a modification results in any alteration to the:

(1) Top assisted speed; or

(2) Engagement of the electric motor; the label described in subsection (F) will be replaced with a subsequent label that accurately reflects the class level, top assisted speed, and rated wattage of the modified electric motorized transporter.

H. All electric bicycles will comply with the bicycle equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission (16 CFR 1512).

I. All-electric motorized transporters will be equipped with an electric motor that disengages or ceases to assist when the operator:

(1) Disengages the power source; or

(2) Applies brakes.

J. Subject to subsection (K), and except as provided in subsection (L), an electric motorized transporter may be operated wherever bicycles are permitted to travel.

K. As defined in IC: 9-21-11-13.1, the lawful operation of an electric bicycle and electric foot scooter is subject to the following provisions:

(1) Unless otherwise specified by a statute, rule, or local ordinance, a Class 1 or Class 2 electric bicycle or electric foot scooter may be operated on any bicycle path or multipurpose path where bicycles are permitted.

(2) A Class 3 electric bicycle may not be operated on a bicycle path or multipurpose path unless one

(1) or more of the following conditions apply:

(a) The bicycle path or multipurpose path is within or adjacent to a highway or roadway.

(b) A local authority or state agency with jurisdiction over the bicycle path or multipurpose path authorizes the use of Class 3 electric bicycles on the bicycle path or multipurpose path.

(3) A person less than 15 years of age shall not operate a Class 3 electric bicycle.

(4) A person less than 15 years of age may ride as a passenger on Class 3 electric bicycle if the Class 3 electric bicycle is designed to accommodate a passenger.

(5) A properly fitted and fastened bicycle helmet that meets the most recent and applicable standards issued by the United States Consumer Product Safety Commission or the American Society for Testing and Materials must be worn by any person who operates or rides as a passenger on a Class 3 electric bicycle and is less than 18 years of age.

L. Subsection (K) will not apply to a path or trail designated as nonmotorized if the following conditions are met:

(1) The bicycle path or trail has a natural surface tread.

(2) The bicycle path or trail was made by clearing and grading the native soil; or

(3) No surfacing materials have been added to the bicycle path or trail. The Bristol Town Council or a state agency may regulate the use of electric motorized transporters on a bicycle path or trail described under this subsection.

M. All streets and alleys in the Town of Bristol are dedicated and open to public use for motor vehicle traffic and low-speed vehicles as defined in this Code subsection 73.20. All drivers should exercise due care as defined in IC: 14-16-1-20 (operation on highways and roads) and IC: 9-21-1-3(a)(14) (regulate the operation of low-speed vehicles).
(Ord. No. 7-21-19, exh. C, § 73.23, 8-18-2022)

73.24 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 7-21-19, exh. C, § 73.24, 8-18-2022)

SECTION F: SKATEBOARDS, ROLLER SKATES, AND ROLLERBLADES

73.25 DEFINITIONS

[GRAPHIC] Skateboard. A type of sports equipment used for skateboarding. They are usually made of specially designed 7/8 maple plywood deck and polyurethane wheels attached to the underside by a pair of skateboarding trucks. The skateboarder moves by pushing with one foot while the other foot remains balanced on the board to propel the board and rider.

[GRAPHIC] Roller Skates. Roller skates are shoes or bindings that fit onto shoes, which are worn to enable the wearer to roll along on wheels. The first roller skate was effectively an ice skate with wheels replacing the blade. Later the “quad” style of roller skate became more popular consisting of four (4) wheels.

[GRAPHIC] Rollerblades. Is a brand of inline skates used by ice speed skaters and hockey players before they became mainstream. Rollerblades are manufacturer to look like ice skates with four (4) small wheels attached to the underside of the shoe with a foot brake used for fitness, or recreational use.

Public Property. Property owned and maintained by the Town of Bristol, including streets, alleys, sidewalks, and parking areas.

Nuisance. Placing ramps and rails on sidewalks used for jumping and riding the rails that threaten injury to persons or damage to property; creates an obstruction or presents a hazard to the unrestricted use of the public or private property by pedestrians or motorists or creates a loud or unreasonable noise.
(Ord. No. 7-21-19, exh. C, § 73.25, 8-18-2022)

73.26 OPERATING

A. It is unlawful for any person to utilize, ride, or move about upon any skateboard, roller skates, rollerblades, or any similar device upon any public property where the property has been posted as prohibiting skateboarding, roller skating, rollerblading, or similar activity.

B. The following public properties are hereby designated as no skateboarding, roller

skating, rollerblading, or similar activity areas:

(1) It is unlawful for a person to ride a skateboard, roller skates, or rollerblades upon the sidewalks within the business district within the Town of Bristol's corporate limits. Otherwise, when a person is riding a skateboard, roller skates, or rollerblades upon a sidewalk, such person will yield the right-of-way to any pedestrian and will give an audible signal before overtaking or passing such pedestrian.

(2) Bristol Municipal Complex, 303 E. Vistula Street;

(3) Bristol Fire Department, 405 East Elkhart Street;

(4) Bristol Street Department, 802 Bloomingdale Drive;

(5) Bristol Wastewater Treatment Plant, 1300 West Vistula Street;

(6) Bristol Public Library, 505 West Vistula Street;

(7) Bristol Memorial Historical Museum, 316 West Vistula Street;

(8) Bristol St. Mary's Catholic Church, 411 West Vistula Street;

(9) Bristol United Methodist Church, 201 South Division Street;

(10) Bristol St. John of The Cross Episcopal Church, 601 East Vistula Street;

(11) Bristol Church of Nazarene, 401 Hilbish Blvd.; and

(12) All parking areas owned by the Town of Bristol that service any of the public properties identified.
(Ord. No. 7-21-19, exh. C, § 73.26, 8-18-2022)

73.27 SIGNAGE

A. Any area designated for the prohibition of skateboarding, roller skating, rollerblading or similar activities will be so designated by signs providing substantially as follows:

(1) Skateboarding, roller skating, rollerblading and similar activities are prohibited by the Town of Bristol Ordinances.

(2) This prohibition will apply to the property or area so designated once the property or area has been posted with signs in plain view at all vehicular entrances and primary pedestrian entrances to the property or area.
(Ord. No. 7-21-19, exh. C, § 73.27(1), 8-18-2022)

73.27 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. This

ordinance violation will be enforced under proceedings brought according to I.C. 34-28-5 like that of infractions with complaint and summons described in I.C. 9-30-3-6 issued by the Bristol Police Department. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 7-21-19, exh. C, § 73.27(2), 8-18-2022)

SECTION G: GO-KARTS AND MINIBIKES

73.28 DEFINITIONS

[GRAPHIC] Go-kart. A go-kart, also written as a go-cart, is a type of open-wheel car or quadricycle. Go-karts come in all shapes and forms, traditionally powered by two-stroke or four-stroke internal combustion engines are used for transmitting power to the rear axle by way of a chain or belt.

[GRAPHIC] Electric Go-kart. Electric go-karts operate on lead-acid or lithium batteries that transfer power to the rear axle by way of a chain or belt.

[GRAPHIC] Minibike. A two-wheeled, off-highway recreational vehicle that traditionally has a four-stroke, horizontal crankshaft engine, single or two-speed centrifugal clutch transmissions with chain final-drive, 4” or 6” wheels, and a low frame/seat height with elevated handlebars. Commercially available minibikes are usually equipped with engines commonly found elsewhere on utilitarian
(Ord. No. 7-21-19, exh. C, § 73.28, 8-18-2022)

73.29 OPERATING

Go-karts and minibikes or any vehicle resembling or like a go-kart or a minibike, whether factory manufactured or homemade, shall not be permitted to be operated and used on any streets, alleys, sidewalks, lawns, or bike paths within the Town’s corporate limits.
(Ord. No. 7-21-19, exh. C, § 73.29, 8-18-2022)

73.30 ENFORCEMENT

Any Bristol Police Officer who observes a violation may issue an ordinance violation in the same manner that a moving Uniform Traffic Ticket is issued for a moving violation. This ordinance violation shall be enforced under proceedings brought according to IC: 34-28-5 like that of infractions with complaints and summons described in I.C. 9-30-3-6 issued by the Bristol Police Department. Refer to SECTION H of the Enforcement and Review Process for penalty violations.
(Ord. No. 7-21-19, exh. C, § 73.30, 8-18-2022)

SECTION H: ENFORCEMENT AND REVIEW PROCESS

73.31 VIOLATION PROVISIONS

A. The fine for the violation of most provisions of this Code chapter will not exceed the sum of Two Hundred and Fifty ($250.00) Dollars per violation, each day constituting a separate violation. In addition to the fine assessed pursuant to this Code chapter, a nonconventional vehicle violating any provision of this Code chapter may be towed and

impounded at the owner's expense, such towing and impoundment costs to be paid in full before the release of said vehicle.

B. A Bristol police officer who observes the violation of any provision of this Code chapter will determine if an Indiana Uniform Traffic Citation will be issued to the owner/operator and advise that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation. Upon the failure of the owner/operator to make such payment within the seven (7) day period, the original violation fine will increase by Ten ($10.00) Dollars a day, as applicable. If this enhanced nonconventional vehicle fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the nonconventional vehicle notice, the Clerk- Treasurer will notify the issuing police officer and the officer is responsible for filing the nonconventional vehicle violation into any traffic court within Elkhart County. The officer will notify the owner/operator either in person or by certified mail of the location of the court, the date and time of the hearing. The owner/operator will be subject to the general penalties provided for violations of Indiana Traffic Codes. Nothing in this Code chapter will limit the Town's right to tow and impound any vehicle found to violate any provision of this chapter. The cost of such towing and impoundment is to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

C. All fines received by the Clerk-Treasurer for violations of this Code chapter will be deposited into the

Town's General Fund under applicable law.

D. "Who." Any Bristol police officer who observes a violation may at their discretion issue a violation citation.

E. No such regulations or restrictions will be effective unless signs have been erected and are in place and/or street markings are visible, and/or the curbs are painted yellow at the time of any alleged offense, except in the case of those parking restrictions, which by their very nature would not require such signs and markings. When there are parking violations, refer to Chapter 72 of the Bristol Town Ordinance.

F. "Notice." Upon discovery of any violation, a "notice of violation" as described in each Code chapter section will be issued to the operator of a nonconventional vehicle. Nonconventional vehicle violations on any public street, sidewalk, bike path, park, or private property will be cited on an Indiana uniform ticket as set out in IC: 9-30-3-6 unless an electronic citation is issued.

G. (1) "Fine." The owner/operator violating nonconventional vehicle violations of this Code chapter is subject to a fine as described in each section per violation. Each nonconventional vehicle violation of the code will be a separate violation if a separate citation is issued.

(2) "Payment." All fines for all nonconventional vehicle ordinance violations will be paid to the Bristol Town Clerk-Treasurer in the Bristol Town Municipal Building during normal working hours. Payment constitutes an admission of the violation but is not a judgment for purposes of IC:33-37. Payment is due with five (5) business days of issuance of the

citation.

H. (1) "Towing." Enforcement officers may find cause to tow a nonconventional vehicle in violation of this Code section. The owner of the nonconventional vehicle in violation of this Code chapter is responsible for all costs incurred by the Town for towing and storage of the nonconventional vehicle. All costs will be paid before releasing the nonconventional vehicle.

(2) "Towing Cost Appeal."

(a) The owner of a towed nonconventional vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(b) After the hearing, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(c) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the vehicle owner within 10 working days of receiving the appeal or as soon thereafter as is reasonably possible.

(d) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The snowmobile owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.

I. "Non-Towing Review and Appeal Process."

(1) For violations occurring on private property, the nonconventional vehicle owner may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in by code, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk-Treasurer and at a minimum will contain the owner's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically state the reason if any citation is disputed. From and after receipt by the Marshal of request for reviewing additional citations for same violation will not be issued until a written determination of review is issued and mailed 1st Class Mail to the owner by the Town Marshal.

J. "Right to hearing or the right to appeal."

(1) The owner of a towed conventional vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the vehicle owner making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner within ten (10) workdays of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The owner requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner will file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

K. "Prosecution." If a citation is not paid as required, prosecution of the violation may be brought in the name of the Town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be as determined by the court.

L. "Nonconventional Vehicle Fines."

Section A: Snowmobile.

(1) Driving on sidewalks. $100.00

(2) Mandatory compliance required. $100.00

(3) No driver's license. $142.00

(4) No headlights and/or taillights. $142.00

(5) No insurance. $202.00

(6) Operating a vehicle while using telecommunication. $167.00

(7) Open container law. $202.00

(8) Operating While Intoxicated. $202.00

(9) Obstructing traffic. $100.00

(10) Parking violations refer to Ordinance chapter 72.

(11) Reverse or U turns.$100.00

(12) Snowmobile in a restricted location. $100.00

(13) Speeding. $100.00

(14) Street and right-of-way damage. $100.00

(a) Second offense in 12 months. $200.00

(b) Third offense in 12 months. $250.00

(15) Throwing litter from a moving vehicle. $100.00

(16) Violating the maximum speed limit for snowmobiles. $100.00

Section B: Golf Carts.

(1) Illegal operation. $100.00

(2) Maximum speed limit violation for golf carts. $75.00

(3) No headlights and/or taillights. $142.00

(4) No proof of insurance. $202.00

(5) No registration sticker. $75.00

(6) No slow-moving vehicle emblem. $75.00

(7) Operating While Intoxicated. $202.00

(8) Occupant violation. $75.00

(9) Obstructing traffic. $75.00

(10) Operating without a valid driver’s license. $205.00

(11) Operating a vehicle while using telecommunication. $167.00

(12) Parking violation, refer to Ordinance Chapter 72.

(13) Place of operation. $75.00

(14) Safety equipment violation. $75.00

(15) Seatbelt violation. $25.00

(16) Traffic rule violations. $75.00

(17) Throwing litter from a moving vehicle. $100.00

(18) Time of operation. $75.00

Section C: Utility Terrain Vehicle (UTV)

(1) Disregarding stop sign. $100.00

(2) Disregarding yield sign. $100.00

(3) Driving on sidewalks. $100.00

(4) Fails to give right-of-way. $100.00

(5) No headlights or taillights. $142.00

(6) No registration sticker. $75.00

(7) No slow-moving vehicle emblem. $75.00

(8) No valid driver’s license. $142.00

(9) Not wearing a seatbelt. $25.00

(10) Occupant violation. $75.00

(11) Operating without insurance. $202.00

(12) Operating While Intoxicated. $202.00

(13) Operating without a license. $250.00

(14) Operating a vehicle with a telecommunication device. $167.00

(15) Obstructing traffic. $75.00

(16) Parking violations refer to Ordnance chapter 72.

(17) Place of operation. $75.00

(18) Required obedience to traffic directions. $100.00

(19) The maximum speed limit for UTV. $75.00

(20) Traffic rules. $75.00

(21) Throwing liter from vehicle. $100.00

(22) Time of operation. $75.00

(23) Violating open container law. $202.00

(24) Violations of ordinance provisions.

(a) A second violation in 12 months not to exceed. $100.00

(b) The Third violation in 12 months not to exceed. $200.00

Section D: All-Terrain Vehicle

(1) Operating within the Town's municipality. $75.00

Section E: Bicycles and Electric Motorized Transporters

(1) Attaching oneself to a moving vehicle. $20.00

(2) Failure to maintain two (2) hands on the handlebar. $20.00

(3) Illegal parking. $20.00

(4) Inadequate braking system. $20.00

(5) More than two (1) passengers. $20.00

(6) No headlights and/or taillights. $20.00

(7) Riding more than two (2) abreast. $20.00

(8) Riding on the sidewalk within the business district. $20.00

(9) Violating bike path regulations. $20.00

(10) Violating rules of this Code subsection.$20.00

(11) Violating the time of operation. $20.00

(12) Second violation in 12 months. $25.00

(13) Third violation in 12 months. $50.00

Section F: Skateboards, Roller Skates, and Rollerblades

Under this subsection, violations will be enforced under proceedings according to IC: 34-28-5 like that of infractions with a complaint and summons described in IC: 9-30-3-6 issued by the Bristol Police Department. Any person who is found to have violated any provisions of this Code subsection shall receive a fine of Twenty ($20.00) Dollars, except that any subsequent violation within 12 months, will result in a fine of Forth ($40.00) Dollars. Any defendant against whom a judgment is entered is liable for court costs.

Section G: Go-Karts and Minibikes

Under this subsection, violations will be enforced under proceedings according to IC: 34-28-5 like that of infractions with a complaint and summons described in IC: 9-30-3-6 issued by the Bristol Police Department. Any person who is found to have violated any provisions of this Code subsection shall receive a fine of Twenty-Five ($25.00) Dollars, except that any subsequent violation within 12 months, will result in a fine of Fifty ($50.00) Dollars. Any defendant against whom a judgment is entered is liable for court costs.
(Ord. No. 7-21-19, exh. C, § 73.31, 8-18-2022)

CHAPTER 74: BICYCLES

Statutory reference: Bicycles and motorized bicycles, see I.C. 9-21-11

§74.01 TRAFFIC LAWS TO APPLY.

Every person riding a bicycle within the municipality shall be subject to all motor vehicle traffic laws, signs and signals, except those provisions of laws which by their nature do not apply to bicycles.
(Code 1997, §8-106; Code 2002, § 74.01)

§74.02 OPERATING A BICYCLE.

A person operating a bicycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other passenger other than upon a firmly attached and regular auxiliary seat.
(Code 1997, §8-107; Code 2002, § 74.02)

§74.03 RIDING ON ROADWAYS AND BIKEPATHS.

(A) When operating a bicycle upon a roadway, bicycle operators shall ride as near to the right hand side as is practicable and shall ride not more than two abreast.

(B) Whenever a bikepath has been provided for the exclusive use of bicycles, bicycle operators shall use the bikepath.
(Code 1997, §8-108; Code 2002, § 74.03)

§74.04 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or article which prevents

him or her from keeping both hands on the handlebars.
(Code 1997, §8-109; Code 2002, § 74.04)

§74.05 ATTACHING TO VEHICLES.

No person operating a bicycle shall attach it or himself or herself to any vehicle on a roadway.
(Code 1997, §8-110; Code 2002, § 74.05)

CHAPTER 75: TRAFFIC SCHEDULES

SCHEDULE I. STOP INTERSECTIONS.

(A) General.

(1) The Town Council directs the Town Street Department and Town Marshal to locate at the intersection of Washington Street and Elkhart Street in the town a four-way stop sign. The sign shall indicate that all traffic at the intersection shall stop before proceeding. The traffic-control devices to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for said traffic devices.
(Ord. 8-11-94(A), passed 8-11-94)

(2) The Town Council directs the Town Street Department and Town Marshal to locate at the intersection of Washington Street and St. Joseph Street in the town a one-way stop sign. The sign shall indicate the northbound traffic on Washington Street shall stop where Washington Street intersects St. Joseph Street before proceeding. The traffic-control devices to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for traffic devices.
(Ord. 2-10-94(B), passed 2-10-94)

(3) The Town Council directs the Town Street Department and Town Marshal to locate at the intersection of Michigan Street and Maple Street in the town a one-way stop sign. The sign shall indicate the westbound traffic on Michigan Street shall stop where Michigan Street intersects Maple Street before proceeding. The traffic-control devices to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for traffic devices.
(Ord. 2-10-94(A), passed 2-10-94)

(4) The Town Council directs the Town Street Department and Town Marshal to locate at the intersection of Maple Street and St. Joseph Street in the town a four-way stop sign. The signs shall indicate the traffic on Maple Street and St. Joseph Street shall stop before proceeding. The traffic and control devices to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for traffic devices.
(Ord. 12-12-91, passed 12-12-91)

(5) There shall be erected in accordance with the laws of the state a stop sign at the northeast corner of Kesco Drive and State Road 15, said sign facing east such as to cause vehicles headed in a westerly direction on Kesco Drive to come to a full and complete stop

upon the aforesaid public thoroughfare and within the corporate limits of the town. All vehicles headed in a westerly direction on Kesco Drive shall obey the stop sign erected at said location and shall come to a full and complete stop before continuing. From and after the effective date of this schedule and the erection of the stop sign as aforesaid, it shall be unlawful for any person operating a vehicle on Kesco Drive at the location of aforesaid to disobey the stop sign and not bring the vehicle to a full and complete stop.
(Ord. 5-8-80(A), passed 5-8-80)

(6) Vistula Street from the west line of Division Street to the east line of Pearl Street is designated as a preferential traffic street, and all vehicles before entering upon, crossing over or turning into Vistula Street between those streets shall come to complete stop.
(Ord. 10-9-24, passed 10-9-24)

(7) The Town Council directs the Town Street Department and Town Marshal to locate at both intersections of Shore Manor Court and Shore Manor Drive in the town one-way stop signs. The signs shall indicate the traffic on Shore Manor Court shall stop before proceeding onto Shore Manor Drive. The traffic and control devices to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for said traffic devices.
(Code 1997, §8-85) (Ord. 7-11-91(B), passed 7-11-91)

(8) The Town Council directs the Street Department and Town Marshal to locate at the intersection of Swan Street and Pike Drive in the town, a two-way stop sign. Said sign shall indicate the eastbound and westbound traffic on Pike Drive and shall stop where Pike Drive intersects Swan Street before proceeding. Said traffic control devices to be erected and the carrying out of this provision hereafter shall conform to the state manuals and specifications of said traffic devices.
(Ord. 11-16-06(C), passed 11-16-06)

(9) Pursuant to the authority granted the Town Board by I.C. 9-21-1 -2 and/or I.C. 9-21-2-3, the Town Board now hereby directs the Town of Bristol Street Department and Town Marshal to locate at the intersection of St. Joseph Street and Illinois Street in the Town of Bristol, Indiana four stop signs. Said stop signs shall indicate that eastbound and westbound traffic on St. Joseph Street shall stop where said St. Joseph Street intersects with Illinois Street before proceeding and that northbound and southbound traffic on Illinois Street shall stop where said Illinois Street intersects with St. Joseph Street. Said traffic control device to be erected and the carrying out of this provision hereafter shall conform to the state manuals and specifications for said traffic devices.
(Ord. 01-20-11(a), passed 2-17-11)

(11) The Town Board directs the Town Street Department and Town Marshal to locate at the intersection of Industrial Drive and Maple Street in the town a one-way stop sign. The sign shall indicate the westbound traffic on Industrial Drive shall stop where Industrial Drive intersects Maple Street before proceeding. The traffic control device to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for the traffic device.
(Ord. 10-16-14(B), passed 10-16-14)

(12) The Town Board directs the Town Street Department and Town Marshal to locate at the intersection of Industrial Drive and State Road 15 in the town a one-way stop sign.

The sign shall indicate the eastbound traffic on Industrial Drive shall stop where Industrial Drive intersects State Road 15 before proceeding. The traffic control device to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for the traffic device.
(Ord. 10-16-14(B), passed 10-16-14)

(B) Three-way stop designations.

(1) Pursuant to the authority granted the Town Council by I.C. 9-21-1-3(a)(7) and/or I.C. 9-21-1-2, the Town Council now directs the Town Street Department and Town Marshal to locate at the intersection of Eagle Boulevard, Hilbish Boulevard and Indiana Street in the town three-way stop signs. The signs shall indicate to the eastbound traffic on Eagle Boulevard, westbound traffic on Indiana Street and the southbound traffic on Hilbish Boulevard to stop where the three streets intersect before proceeding. The traffic-control devices to be erected and the carrying out of this schedule hereafter shall conform to the state manuals and specifications for the traffic devices.
(Code 1997, §8-87) (Ord. 11-13-97, passed 11-13-97)

(2) Pursuant to the authority granted the Town Board by I.C. 9-4-1-28 and/or I.C. 9-4-1-32, the Town Board now hereby directs the Town Street Department and Town Marshal to locate at the intersection of Ponderosa Drive and Bloomingdale Drive in the town three stop signs. The stop signs shall indicate that southbound traffic on Ponderosa Drive shall stop where Ponderosa Drive intersects with Bloomingdale Drive before proceeding and that eastbound and westbound traffic on Bloomingdale Drive shall stop where Bloomingdale Drive intersects with Ponderosa Drive. The traffic control device to be erected and the carrying out of this subsection hereafter shall conform to the state manuals and specifications for the traffic devices.
(Ord. 8-21-03, passed 8-21-03)

(C) One-way stop designations. A one-way stop is established at Eagle Boulevard and Fairway in the Greentree Manor Subdivision.
(Code 1997, §8-88)

(D) Four-way stop designations.

(1) Pursuant to the authority granted the Town Board by I.C. 9-21-1-2 and/or I.C. 9-21-1-3, the Town Board now hereby directs the Town Street Department and Town Marshal to locate at the intersection of Elkhart Street and Pearl Street in the town four stop signs. The stop signs shall indicate that eastbound and westbound traffic on Elkhart Street shall stop where Elkhart Street intersects with Pearl Street before proceeding and that northbound and southbound traffic on Pearl Street shall stop where Pearl Street intersects with Elkhart Street. The traffic control device to be erected and the carrying out of this subsection hereafter shall conform to the state manuals and specifications for the traffic devices.
(Ord. 10-16-03, passed 10-16-03)

(2) Pursuant to the authority granted the Town Board by I.C. 9-21-1-2 and/or I.C. 9-21-2-3, the Town Board now hereby directs the Town Street Department and Town Marshal to locate at the intersection of Elkhart Street and Illinois Street in the town four stop signs. The stop signs shall indicate that eastbound and westbound traffic on Elkhart

Street shall stop where Elkhart Street intersects with Illinois Street before proceeding and that northbound and southbound traffic on Illinois Street shall stop where Illinois Street intersects with Elkhart Street. The traffic control device to be erected and the carrying out of this subsection hereafter shall conform to the state manuals and specifications for the traffic devices.
(Ord. 11-17-05, passed 11-17-05)

(3) Pursuant to the authority granted the Town Board by I.C. § 9-21-1-3, the Town Board now hereby directs the Town of Bristol Street Department and Town Marshal to locate at the intersection of Old Port Cove; Bayridge Drive; and Fox Chase Drive, where said Old Port Cove and Fox Chase Drive connects into Bayridge Drive in the Town of Bristol, Indiana, a four-way stop sign. Said signs shall indicate the northbound and southbound traffic on Bayridge Drive shall stop where Old Port Cove and Fox Chase Drive intersect with Bayridge Drive before proceeding. Stop signs shall also be placed on Old Port Cove (eastbound) and Fox Chase Drive (westbound) at the same intersection, stopping traffic on each of these streets at the same intersection prior to proceeding. Said traffic control devices to be erected and the carrying out of this chapter hereafter shall conform to the state manuals and specifications for said traffic devices.

(4) Pursuant to the authority granted the Town Board by I.C. 9-21-4-3 and I.C. 9-21-1-3, the Town Board now hereby directs the Town Street Department and Town Marshal to locate at the intersection of Commerce Drive and Blakesley Parkway in the Town four stop signs. The stop signs shall indicate that northbound and southbound traffic on Blakesley Parkway shall stop where Blakesley Parkway intersects with Commerce Drive before proceeding and that eastbound and westbound traffic on Commerce Drive shall stop where Commerce Drive intersects Blakesley Parkway before proceeding. The traffic control device to be erected and the carrying out of this subsection hereafter shall conform to the state manuals and specifications for the traffic devices.
(Code 2002, ch. 75, sched. I; Ord. 06-18-15, passed 6-18-15; Ord. No. 4-6-2023-4, §§ 2,3, 4-6-2023)

SCHEDULE II. YIELD SIGNS.

(A) There shall be erected in accordance with the laws of the state a yield sign at the northwest corner of Elm Street and Michigan Street, said sign facing north on Elm Street and within the corporate limits of the town. The driver of a vehicle approaching the yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided herein and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he or she is driving and to any vehicle approaching on Michigan Street so closely as to constitute an immediate hazard.

(B) It shall be unlawful for any person operating a vehicle on Elm Street at the location of aforesaid to disobey the yield sign.
(Code 1997, §8-91; Code 2002, ch. 75, sched. II; Ord. 8-14-80(E), passed 8-14-80) Penalty, see §10.99

SCHEDULE III. SPEED LIMITS.

(A) It shall be unlawful for any person to drive or operate a motor vehicle on Twin River Trails, a street in the town, at a speed in excess of 20 miles per hour. The speed limit

shall be effective at all times, both daylight and darkness, from the effective date of this schedule and the erection of signs indicating the speed limit.

(B) The speed limit on Chinook Drive, Mallard Drive, Perch Drive, Pike Drive, Swan Street, Turtle Drive, and Walleye Land is hereby established to be 25 miles per hour. It shall be unlawful for any person to drive or operate a motor vehicle on these streets in the town at a speed in excess of 25 miles per hour. The speed limit shall be effective at all times, both daylight and darkness, from the effective date of this schedule and the erection of signs indicating the speed limit.

(C) Pursuant to the authority granted the Town Council by I.C. §§ 9-21-1-3 and 9-21-5-6, the Town Council now establishes the maximum motor vehicle speed on Blakesley Parkway and Commerce Drive in the Town of Bristol, Indiana to be 35 miles per hour (mph) and hereby directs the Town of Bristol Street Department and Town Marshal to locate on Blakesley Parkway and Commerce Drive, in the Town of Bristol, speed limit signs indicating maximum speed not to exceed 35 mph. Said signs shall indicate the speed limit to both northbound and southbound traffic on Blakesley Parkway, and eastbound and westbound traffic on Commerce Drive. Said traffic control devices to be erected and the carrying out of this section hereafter shall conform to the state manuals and specifications for said traffic devices.

(D) It shall be unlawful for any person to drive or operate a motor vehicle on Indiana Street and St. Joseph Street between Maple Street and Hilbish Street, streets in the town, in excess of 25 miles per hour. The speed limit shall be effective at all times both daylight and darkness, from the effective date of this schedule and the erection of signs indicating the speed limit.

(E) The speed limit on all other streets, roads, and highways within the town limits of Bristol shall remain the lower of either the speed limit posted on each such roadway or the state-urban speed limit established by Indiana statue for such roads, streets, or highways.

(F) The speed limit on all other streets, roads and highways within the town limits shall be the lower of either the speed limit posted on each such roadway or the state-urban speed limit established by state statute for such roads, streets or highways.
(Code 1997, §8-96; Code 2002, ch. 75, sched. III; Ord. 1-10-80, passed 1-10-80; Am. Ord. 8-15-13, passed 8-15-13; Am. Ord. 9-19-13, passed 9-19-13; Am. Ord. 8-21-14(a), passed 8-21-14; Am. Ord. 8-21-14(b), passed 8-21-14; Am. Ord. 03-19-15, passed 3-19-15; Am. Ord. 6-15-17(a), passed 6-15-17) Penalty, see §10.99

SCHEDULE IV. LOAD LIMITATIONS.

The following named streets shall be designated as preferential streets, and that owners, operators, drivers or persons in charge of any motor vehicle, motor truck operated by diesel fuel or gasoline explosive power and rated as one and one-half ton or more shall be prohibited from operating the vehicles or motor trucks upon the following streets:

(A) Apollos Street from where it intersects with Elkhart Street to where it intersects with State Road 120 or Vistula Street.

(B) Illinois Street where the same intersects with Depot Street North.

(C) Illinois Street where the same intersects with State Road 120 or Vistula Street.

(D) Pearl Street from where it intersects with Elkhart Street to where it intersects with State Road 120 or Vistula Streets.

(E) Washington Street from where it intersects with Elkhart Street to where it intersects with State Road 120 or Vistula Street.
(Code 1997, §8-100; Code 2002, ch. 75, sched. IV; Ord. 2-1947, passed - -47)

SCHEDULE V. TEMPORARY SIGNS.

Pursuant to the authority granted, the Town Board, by I.C. 9-21-1-3(a)(7) and/or I.C. 9-21-1-2, the Town Council directs the Town Street Department and Town Marshal to locate at the intersection of North Division Street and North River Road a temporary stop sign on North Division Street, directing southbound traffic to stop at the intersection of North River Road. The stop sign should indicate that through traffic does not stop. In addition thereto, the Street Department and Town Marshal shall locate approximately 500 feet north of the intersection on North Division Street a warning sign for southbound traffic indicating that the traffic must stop ahead. The traffic-control devices are to be directed and the carrying out of this schedule shall conform with the state manuals and the specifications for the traffic devices. The traffic devices, however, shall be removed and the southbound traffic on Division Street shall no longer be required to stop at such time as the bridge crossing the St. Joseph River at County Road 17, Elkhart County, Indiana, is reopened for traffic to the public.
(Code 2002, ch. 75, sched. V; Ord. 7-15-99(A), passed 7-15-99)

SCHEDULE VI. NO PASSING ZONES.

The Town Board now hereby directs the town Street Department and Town Marshal to establish no passing zones and to mark them with appropriate roadway line markers and, to the extent necessary, appropriate signage, indicating no passing zones, in the following areas on the following roadways:

(A) North River Road eastbound from town limits to North Division Street; North River Road westbound from North Division Street to town limits.

(B) North Division Street from North River Road southbound to Vistula Street; North Division Street northbound from Vistula Street to North River Road.

(C) Maple Street southbound from Vistula Street to south town limits; Maple Street northbound from south town limits to Vistula Street.
(Code 2002, ch. 75, sched. VI; Ord. 1-22-02(B), passed 1-17-02)

SCHEDULE VII. NO THROUGH TRUCK ZONES.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL VEHICLE. Every vehicle, motorized and non-motorized, designed,

maintained or used primarily for the transportation of property for hire.

TRUCK. Every commercial vehicle having dual back wheels, over two axles or over four wheels, operating for business use or for hire. This definition does not include those vehicles used primarily for personal use, delivery of goods to local residences or municipally-owned vehicles.

(B) Obedience to section.

(1) It is unlawful for any person to do any act forbidden or fail to perform any act required in this section.

(2) No operator of a commercial vehicle or truck shall disobey the instructions of any official traffic-control device placed with the provisions of this section unless otherwise directed by a police officer or a firefighter.

(C) Designations. Pursuant to I.C. 9-21-1-2 and/or I.C. 9-21-1-3, the Town Board now hereby directs the Town of Bristol Street Department and Town Marshal to post Ano through trucks@ signs to restrict the vehicles defined above from using the roadways specified below.

Street	Location	Direction	Ordinance
Chestnut Street	South of Vistula Street	Both	3-16-06
Elkhart Street	Between Chestnut Street and Division Street	Both	6-21-07(C)
Elm Street	South of Vistula Street	Both	3-16-06
Hilbish Boulevard	Between Vistula St. and Indiana Ave.	Both	9-19-02(A)
Indiana Avenue	Between Hilbish Blvd. and Maple St.	Both	9-19-02(B)
Maple Street	From West Vistula (State Road 120)	South	4-19-18

	south to Earthway Drive		
Michigan Street	Between Maple Street and Division Street	Both	6-21-07(C)
St. Joseph Street	Between Maple Street and Division Street	Both	6-21-07(C)

(Code 2002, ch. 75, sched. VII; Ord. 9-19-02(A), 9-19-02; Ord. 9-19-02(B), 9-19-02; Ord. 3-16-06, 3-16-06; Ord. 6-21-07(C), 6-21-07; Ord. No. 4-19-18, 4-19-18)

CHAPTER 76: PARKING SCHEDULES (RESERVED)

CHAPTER 77: GOLF CARTS

§77.01 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER'S LICENSE. A valid current license to operate a motor vehicle issued by Indiana or any other state.

FINANCIAL RESPONSIBILITY. Liability insurance coverage on a golf cart in an amount not less than required by Indiana law for motor vehicles operated on public highways in the State of Indiana.

GOLF CART. Shall have the definition provided in I.C. 9-13-2-69.7. As it now exists, that term means a four-wheeled motor vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.
(Code 2002, § 77.01; Ord. 8-20-09(B), passed 8-20-09)

§77.02 OPERATION OF GOLF CART.

The operation of a golf cart on town streets within the Town of Bristol is strictly prohibited unless the golf cart is operated and equipped in full compliance with this chapter.
(Code 2002, § 77.02; Ord. 8-20-09(B), passed 8-20-09)

§77.03 OPERATOR.

Only persons over 16 years of age and holding a valid, current driver's license may operate a golf cart.
(Code 2002, § 77.03; Ord. 8-20-09(B), passed 8-20-09)

§77.04 FINANCIAL RESPONSIBILITY PROOF.

The operator of a golf cart must show financial responsibility when operating a golf cart. Written proof of financial responsibility must be available either on the golf cart or carried by the operator at all times. The owner must obtain and have installed at all times before operating a valid inspection sticker as described in §77.13 herein.
(Code 2002, § 77.04; Ord. 8-20-09(B), passed 8-20-09)

§77.05 TIME OF OPERATION.

Golf carts shall not be operated on town streets during one-half hour after sunset to one-half hour before sunrise unless the golf cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet, and an amber flashing lamp visible from the side, front, and rear for 500 feet.
(Code 2002, § 77.05; Ord. 8-20-09(B), passed 8-20-09)

§77.06 PLACE OF OPERATION.

Golf carts may be operated on town streets which have a posted speed limit of 30 miles per hour or less. Golf carts may not be operated on sidewalks or State Road 120 or State Road 15 and may only cross State Road 15 and State Road 120 at designated and marked golf cart crossings.
(Code 2002, § 77.06; Ord. 8-20-09(B), passed 8-20-09)

§77.07 OCCUPANTS.

The number of occupants in a golf cart shall be limited to the number of persons for whom factory seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is being operated. Operator and passengers must wear seat belts at all times the vehicle is in motion.
(Code 2002, § 77.07; Ord. 8-20-09(B), passed 8-20-09)

§77.08 TRAFFIC RULES.

The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of Indiana and the Town of Bristol which govern the operation of motor vehicles.
(Code 2002, § 77.08; Ord. 8-20-09(B), passed 8-20-09)

§77.09 SLOW MOVING VEHICLE SIGN.

All golf carts must display on the back of the golf cart a "slow moving vehicle" emblem in accordance with I.C. 9-21-1-3 and, if operated after dark or before dawn, the equipment described herein under §77.05.
(Code 2002, § 77.09; Ord. 8-20-09(B), passed 8-20-09)

§77.10 SPEED LIMIT.

No golf cart shall be operated at a speed in excess of 20 miles per hour irrespective of posted speed limit. In the event any posted speed limit is less than 20 miles per hour, the posted speed limit shall be the maximum.
(Code 2002, § 77.10; Ord. 8-20-09(B), passed 8-20-09)

§77.11 SAFETY EQUIPMENT.

All golf carts shall be equipped with:

(A) Seat belts installed for each designated seating position;

(B) Brakes as specified in I.C. 9-19-3-1;

(C) Turn signal lamps, front and rear;

(D) Rear view mirror for operation.
(Code 2002, § 77.11; Ord. 8-20-09(B), passed 8-20-09)

§77.12 PARKING.

Parking of golf carts shall be in designated area for parking of golf carts or motor vehicles. No parking on sidewalks or tree lawns.
(Code 2002, § 77.12; Ord. 8-20-09(B), passed 8-20-09)

§77.13 REGISTRATION AND INSPECTION FEE.

A valid, current registration/inspection sticker must be affixed to a golf cart at all times while operating on town streets.

(A) An annual golf cart inspection shall occur for an annual registration, and an inspection fee of $25 shall be paid to the Town Marshal. At time of payment, the Marshal before issuing annual registration/inspection sticker shall inspect the golf cart's safety equipment and confirm that it is operational and satisfactory to comply with the town ordinance and shall further confirm at time of inspection the existence of financial responsibility. The annual inspection sticker must display on the front of the golf cart in a visible location.

(B) A temporary registration sticker may be obtained for a period of ten days beginning on and including the day of issuance for a fee of $10, provided the applicant for said temporary permit certifies;

(1) Financial responsibility on the application, and

(2) The golf cart is equipped with all equipment described in §77.11 above and that all said equipment is operational and will remain such during the term of the temporary permit. Only one temporary permit per year may be issued for any one golf cart.
(Code 2002, § 77.13; Ord. 8-20-09(B), passed 8-20-09)

§77.99 PENALTY.

A violation of any provision of this chapter shall constitute a violation of the Bristol Town Code. An owner, lessee or operator may be cited to appear in a court of competent jurisdiction by issuance of an Indiana Uniform Traffic Ticket. Upon a finding by such court that an owner, lessee or operator of a golf cart has violated any provision of this chapter, such person shall be subject and determined to have committed a Class C infraction subject to a fine not to exceed $200 for each offense along with court costs in the amount same now exists or may hereafter be determined by ordinance or statute. Fine proceeds shall be deposited into the general fund of the Town of Bristol. Specific violations unique to golf carts include failure to have and display current inspection sticker; failure to have or malfunctioning safety equipment or required after sunset before sunrise lighting equipment.
(Code 2002, § 77.99; Ord. 8-20-09(B), passed 8-20-09)

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CHAPTER 90: FAIR HOUSING

§90.01 POLICY STATEMENT.

It shall be the policy of the town to provide, within constitutional limitation, for fair

housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, 42 USC 3601 et seq. as amended, the Federal Housing and Community Development Act, 42 USC 5301 et seq. as amended, and I.C. 22-9.5.
(Code 1997, §6-120; Code 2002, § 90.01; Ord. 12-4-95(A), passed 12-4-95)

§90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGGRIEVED PERSON. Any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

(2) Believes that the person will be injured by a discriminatory housing practice that is about to occur.

(I.C. 22-9.5-2-2)

COMMISSION. The Indiana Civil Rights Commission created pursuant to I.C. 22-9.5-1-6.

(I.C. 22-9.5-2-3)

COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6.

(I.C. 22-9.5-2-4)

DISABILITY.

(1) With respect to a person:

(a) A physical or mental impairment which substantially limits one or more of the person=s major life activities;

(b) A record of having such an impairment;

(c) Being regarded as having such an impairment;

(d) An impairment described or defined pursuant to the Federal Americans With Disabilities Act, 42 USC 21101 et seq.;

(e) Any other impairment defined under I.C. 22-9.5-2-10.

(2) DISABILITY shall not include current illegal use of or addiction to a controlled substance as defined in 21 USC 802, pursuant to I.C. 22-9.5-2-10(b); nor does the term DISABILITY include an individual solely because that individual is a transvestite.

(I.C. 22-9.5-2-10(c))

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§90.04 through 90.08.

DWELLING. Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy, as a residence by one or more families.

(I.C. 22-9.5-2-8)

FAMILIAL STATUS. Discrimination on the basis of familial status means discrimination because the person is (1) pregnant; (2) domiciled with an individual under the age of 18 years of age in regard to whom the person is (a) the parent or legal custodian or (b) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

FAMILY. An individual or individuals having familial status as that term is defined in this section.

(I.C. 22-9.5-2-9)

PERSON. This term includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers and fiduciaries.

(I.C. 22-9.5-2-11)

TO RENT. To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises not owned by the occupant.
(Code 1997, §6-121; Code 2002, § 90.02; Ord. 12-4-95(A), passed 12-4-95)
(I.C. 22-9.5-2-13)

§90.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this section, §90.09 and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth in I.C. 22-9.5-5-1 et seq. and in §90.04 shall apply to:

(A) All dwellings except as exempted by division (B) of this section and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) of this section, nothing in §90.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the more recent resident of the house prior

to the sale, the exemption shall apply only to one such sale within any 24-month period. The private individual owner may not own any interest in, nor have owned or reserved on his or her behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson or any person in the business of selling or renting dwellings or of any employee or agent of any broker, agent or salesperson or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of this chapter, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(C) For the purposes of division (B) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing sales of rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.
(Code 1997, §6-122; Code 2002, § 90.03; Ord. 12-4-95(A), passed 12-4-95)
Penalty, see §10.99

§90.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by §90.03 and except as exempted by §90.03(B) and (C), it shall be unlawful:

(A) To refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, disability or national origin.

(I.C. 22-9.5-5-1(a))

(B) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, sex, familial status, disability or national origin.

(I.C. 22-9.5-5-1(b))

(C) To make, print, publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, disability, familial status or national origin or an intention to make any such preference, limitation or discrimination.

(I.C. 22-9.5-5-2)

(D) To represent to any person because of race, color, religion, sex, disability, familial status or national origin that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

(I.C. 22-9.5-5-3)

(E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status or national origin.

(I.C. 22-9.5-5-4)

(F) (1) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with such dwelling because of a disability of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

(c) Any person associated with that person.

(3) For purposes of this subsection, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be

necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the conditions that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:

1. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars; and

d. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standards Institute (ANSI) standards for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as AANSI A117.1") suffices to satisfy the requirements of subsection (3)(b)3.

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.
(Code 1997, §6-123; ; Code 2002, § 90.04; Ord. 12-4-95(A), passed 12-4-95)
(I.C. 22-9.5-5-5)

§90.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because

of race, color, religion, sex, disability, familial status or national origin.

(I.C. 22-9.5-5-6(b))

(B) As used in this section, the term RESIDENTIAL REAL ESTATE RELATED TRANSACTION means any of the following:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling; or

(2) The selling, brokering or appraising of residential real property.

(I.C. 22-9.5-5-6(a))

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, disability or familial status.
(Code 1997, §6-124; Code 2002, § 90.05; Ord. 12-4-95(A), passed 12-4-95)
(I.C. 22-9.5-3-5) Penalty, see §10.99

§90.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers= organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, disability, familial status or national origin.
(Code 1997, §6-125; Code 2002, § 90.06; Ord. 12-4-95(A), passed 12-4-95)
(I.C. 22-9.5-5-7) Penalty, see §10.99

§90.07 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of his or her having exercised or enjoyed or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by §§90.04 through 90.06.
(Code 1997, §6-126; Code 2002, § 90.07; Ord. 12-4-95(A), passed 12-4-95)
(I.C. 22-9.5-5-8) Penalty, see §10.99

§90.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

(A) No person, whether or not acting under color of law, shall by force or threat of force willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with:

(1) Any person because of his or her race, color, religion, sex, disability, familial status or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(2) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, disability, familial status or national origin, in any of the activities, services, organizations or facilities described in this chapter;

(b) Affording another person or class of persons opportunity or protection so to participate; or

(3) Any person because he or she is or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, disability, familial status or national origin in any of the activities, services, organizations or facilities described in division (A) of this section or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate.

(B) Any person violating this section shall be fined not more than $1,000.
(Code 1997, §6-127; Code 2002, § 90.08; Ord. 12-4-95(A), passed 12-4-95)

Statutory reference: Offenses, see I.C. 22-9.5-10-1

§90.09 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. 22-9.5-3 et seq. shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in the religion is restricted on account of race, color or national origin; nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(I.C. 22-9.5-3-2)

(C) (1) Nothing in this chapter regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, HOUSING FOR OLDER PERSONS means housing:

(a) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly person (as defined in the

state or federal program);

(b) Intended for, and solely occupied by, person 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit.
(Code 1997, §6-128; Code 2002, § 90.09; Ord. 12-4-95(A), passed 12-4-95)
(I.C. 22-9.5-3-4)

§90.10 ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commission as set forth in division (B) of this section shall be vested in the town administration.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, the town, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this chapter, herein elects to refer all formal complains of violation to the Indiana Civil Rights Commission (Commission) for administrative enforcement actions pursuant to I.C. 22-9.5-6, and the town administration shall refer all complaints to the Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of the town shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.

(D) The Town Administrator or his or her designee shall provide information on remedies available to any aggrieved person or complainant requesting the information.
(Code 1997, §6-129; Code 2002, § 90.10; Ord. 12-4-95(A), passed 12-4-95)

CHAPTER 91: PARKS AND RECREATION

§91.01 AUTHORITY TO OPERATE.

The town may establish, aid, maintain and operate public parks, playgrounds and recreation facilities and programs.
(Code 1997, §5-1; Code 2002, § 91.01)
(I.C. 36-10-2-2)

§91.02 ADMINISTRATION OF PARKS AND RECREATION PROGRAMS.

The Park Board as addressed in §§33.20 et seq. shall be responsible for administering programs under the Park and Recreation Law, I.C. 36-10-3-1 et seq.
(Code 1997, §5-2; Code 2002, § 91.02)

§ 91.03 RENTAL FEES AND CLEANING DEPOSIT FOR PAVILIONS AND OPEN SHELTERS.

The Bristol Park fees are established as follows:

(A) Pavilion rental fees: $125 Bristol resident; $175 Bristol non-resident (plus sales tax).

(B) Open Shelter rental fees: $50 (plus sales tax)

(C) Cleaning deposit for Pavilion: $200; Cleaning deposit for Open Shelter: $100.

(D) Cancellation Fee. In the event of cancellation of the Pavilion, within 30 days of rental date, Bristol will retain $50 as a "cancellation fee" and will refund the remainder of the rental fee and cleaning deposit.

(E) Payment of all fees and cleaning deposit must be paid in full at time of reservation.
(Code 1997, §5-15; Code 2002, § 91.03; Am. Ord. 7-16-09(a), passed 7-16-09; Am. Ord. 6-21-12A, passed 6-21-12; Ord. No. 9-19-19, § 91.03, 9-19-2019)

§91.04 REGULATIONS FOR HERMANCE PAVILION.

The following regulations govern the Hermance Pavilion:

(A) Attach ceiling decorations to metal framework only. Do not use tape or tacks in ceiling panels. All decorations and tape, including decorations placed adjacent to roadway will be removed.

(B) Any vehicles left overnight will be considered abandoned and will be impounded by the proper authorities.

(C) Bag all trash from restrooms and kitchen and deposit in trash cans at road edge. Do not remove trash cans from road edge. Replace trash bags with new bags after dumping trash.

(D) Sweep and damp mop floor.

(E) Collapse chairs and tables and return to carriers; and tables must be clean.

(F) Close and lock all windows. Turn heat down to 50 degrees.

(G) Do not move furniture outside.

(H) Lock door.

(I) When the key has been returned and the building found to be in satisfactory condition, the Town Clerk-Treasurer will be notified to return your deposit.

(J) Reservations will be confirmed upon receipt of rental money. Make checks payable to the town.
(Code 1997, §5-16; Code 2002, § 91.04; Am. Ord. 6-21-12A, passed 6-21-12)

§91.05 PARKING IN PARKS.

It shall be unlawful for any person to park any motor vehicle in or on any section of any public park, playground, play lot or tot lot within the municipality not designed as a parking area or designed and regularly maintained as a roadway. However, nothing contained in this section shall be construed as prohibiting the parking of a motor vehicle parallel to a designated and regularly maintained roadway in any such park or playground where at least two wheels of the motor vehicle are resting on the roadway. Overnight parking is prohibited.
(Code 1997, §5-20; Code 2002, § 91.05; Am. Ord. 6-21-12A, passed 6-21-12) Penalty, see §10.99

CHAPTER 92: CEMETERIES

Statutory reference: Indiana general cemetery law, see I.C. 23-14-44 through 23-14-76

GENERAL PROVISIONS

§92.01 ESTABLISHMENT OF CEMETERY FUND.

The Clerk-Treasurer shall establish an account to be known as the "Cemetery Fund Account" as a repository for funds paid to the town for the acquisition of spaces in or use of spaces in the Town Cemetery.
(Code 1997, §5-35; Code 2002, § 92.01; Ord. 2-21-91, passed 2-21-91; Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.01, 1-5-2022)

§92.02 FEES FOR BURIAL SITES.

(A) Space fee. The fees charged by the town for individual burial sites (space fee) and the charge for the opening and closing of the site at the time of a funeral wherein it is used (set fee) shall be as follows, until such time as this ordinance would be modified (residency, for purposes of this subsection, is that of space owner at time of purchase; spaces must be ultimately owner occupied, but may be transferred pursuant to 92.05):

Description	Space Fee
1. Adult space purchased by a non-resident of the Town of Bristol.	$600
2. Adult space purchased by a resident of the Town of Bristol	$500
3. Child/infant space in Babyland space (48" or under) purchased by resident of the Town of Bristol	$400
4. Child/infant space in Babyland space (48" or under) purchased by a non-resident of the Town of Bristol	$500
space space	
7. Installation of rose vase and nameplate	

(B) Set fee. (Opening and closing of graves interment.)

(1) Standard, excluding baby section:

(a) Weekdays before 2:30 p.m.: $600.

(b) Weekdays after 2:30 p.m.: $750.

(c) Saturdays: $1,050.

(2) Burial of cremations remains, including Babyland section:

(a) Weekdays before 2:30 p.m.: $350

(b) Weekdays after 2:30 p.m.: $450

(c) Saturdays: $600

(3) Niche Tower:

(a) Weekdays before 2:30 p.m.: $250

(b) Weekdays after 2:30 p.m. and Saturdays before noon: $400

(c) Saturdays after noon: $500

(4) Babyland Section:

(a) Weekdays before 2:30 p.m.: $300

(b) Weekdays after 2:30 p.m.: $450

(c) Saturdays: $600

(C) Payment of space fee. All payments for the purchase of spaces should be made payable to the Town of Bristol, , delivered to the Clerk-Treasurer for the town during normal business hours prior to the use of the space.

(D) Title. The sexton or the Clerk-Treasurer of the town is authorized on behalf of the town to issue evidence of title to town cemetery spaces, upon receipt of payment for the spaces.

(E) Sexton. The term SEXTON herein shall be a defined term and is established to be appointment by either Council or Town Manager.

(Code 1997, §5-36; Code 2002, § 92.02; Ord. 2-21-91, passed 2-21-91; Am. Ord. 5-8-97, passed 5-8-97; Am. Ord. 8-16-01(A), passed - -01; Am. Ord. 9-18-08, passed 9-18-08; Am. Ord. 02-18-16, passed 3-17-16; Ord. No. 1-5-2022-1, § 92.02, 1-5-2022)

§92.03 PAYMENT AND COLLECTION OF SET FEE FOR GRAVE SITES.

(A) The set fee for any grave site which is opened or closed shall be made payable to the town and shall be delivered to the Clerk-Treasurer or the sexton. The sexton shall have the responsibility for opening and closing the graves and all requests for either and all scheduling of all grave site openings and closings shall be made through the sexton. At all times, the sexton shall be the agent of the town and shall be entitled to usewhatever town facilities or equipment he/she deems necessary to fulfill the responsibility to open and close grave sites. The sexton shall immediately turn over to the Clerk-Treasurer all set fees paid for any grave site opening and closing.

(B) All business should be done at the Bristol Town Hall. 303 East Vistula Street (574) 848-7007.
(Code 1997, §5-37; Code 2002, § 92.03; Ord. 5-8-97, passed 5-8-97; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.03, 1-5-2022)

§92.04 CEMETERY PROCEEDS.

The entire proceeds of the sale of spaces in the cemetery are to be applied to the Cemetery Fund Account
(Code 1997, §5-39; Code 2002, § 92.04; Ord. 10-15-13, §1, 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.04, 1-5-2022)

§92.05 ROLE OF TOWN COUNCIL

The Town Council shall have the right to prevent or remove any structure or inscription which they may deem offensive or improper, and to remove or prune any tree or shrubbery which may obstruct the view or mar the effect and beauty of the scenery, or may otherwise be injurious or detrimental.
(Code 1997, §5-41; Code 2002, § 92.06; Ord. 10-15-13, §3, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.05, 1-5-2022)

§92.06 SPECIFICATIONS.

(A) The sexton shall assist in surveying all blocks or parts of blocks and shall see that all streets and alleys are brought to a proper grade.

(B) All graves in the cemetery shall be dug by the sexton, or sexton’s assistant.
(Code 1997, §5-49; Code 2002, § 92.07; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.06, 1-5-2022)

§92.07 DEEDS, TRANSFER OF INTEREST, AND TERMINATION OF UNUSED

(A) All deeds to spaces of the cemetery shall be executed by the Town Clerk or the Town Clerk’s designee and issued by the Town Clerk to the party vested upon the payment to the Town Clerk of the purchase price covering the space. All deeds/certificates/or instruments transferring interest in any space shall be in writing and signature of transfer notarized or by probate of will.

(B) Any space owner desiring to sell or otherwise transfer a space must do so through

the cemetery in order to keep records correct. If transfer is by owners last will and testament, a copy of the probated will and proof of probate shall be supplied to the Town Clerk. In transferring a space, when no provision has been made for perpetual care, such provision must be made when the space is transferred. A fee of $25 will be charged by the Town Clerk for transferring all deeds to defray the cost of materials and handling involved. Proof of purchase must be obtained from the Town Clerk. In addition, if the transfer is from an owner who is a town resident to an owner who is not at the time of death a resident of the Town, there will be an additional charge of $100.00.

(C) If multiple adjoining spaces (two or more) are purchased, they together may be designed as a "lot" in which case each burial space shall be identified sequentially (e.g., Lot 53, space "A" "B" "C").

(D) If for a period of fifty (50) or more years from date of original sale or last transfer recorded by the Town Clerk, a burial space remains unused, the rights and ownership interest of the owner may be terminated in accordance with the Indiana Code.
(Code 1997, §5-50; Code 2002, § 92.08; Ord. 10-15-13, §18, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.07, 1-5-2022; Ord. No. 8-3-2023-18, exh. A, 8-3-2023)

§92.08 GROUNDS AND MAINTENANCE.

(A) Every person entering the cemetery for the purpose of erecting any tombstone, or removing any rubbish from any space in the cemetery shall remove all rubbish from the ground of the cemetery. Trash receptacles are available.

(□97 Code, ' 5-51)

(B) Orders are not to be given or complaints made to workmen. Workmen are forbidden to accept orders or instructions for work except as issued through the office of the sexton or Town Manager.

(C) Flower placement is restricted to the tops or ends of each memorial stone to aid in grounds keeping of the cemetery or within concrete foundation.

(D) Winter decorations may be placed on grave sites on or after November 1. If not removed by April 1, cemetery personnel will remove and dispose of them by that date. Decorations for summer may be placed on top or ends of each memorial stone on or after May

1. Summer decorations must be removed by October 1. If not, cemetery personnel will remove and dispose of them.

(E) The cemetery reserves the right to remove any object, floral display or other decoration on any space that might become litter or pose a risk of causing injury to employees using grounds keeping equipment.

(F) Watering utensils must not be left on spaces. In no case will the cemetery be responsible for articles left on space. Normal watering of the spaces, plants and flowers is allowed with watering utensils.

(G) All foundations for memorials shall be placed and constructed by the cemetery or the monument maker. Painting a foundation is not permitted.

(H) For the best interest of the space owners, temporary memorials of cement, artificial stone, composite, wood, tin, or iron are not permitted. The cemetery will remove temporary funeral director markers when permanent memorials are installed. Temporary markers are removed after 12 months.

(I) No statues over 36 inches high will be permitted in the cemetery.

(J) Any wire, plastic or wood fence on or around any space is prohibited, any other obstruction which may interfere with the mowing of grass will be removed.

(K)

(1) The following are recommended maximum sizes for memorials in Oakridge Cemetery. Variations beyond these can be made after approval from Board.

Single Graves	Length	Thick	Height
One-piece memorial	36 in.		20 in
Two-piece memorial	36 in		30 in
Two grave spaces (or) four back to back	72 in		40 in
Babyland	18 in	4 in	22 in

(2) Some space sizes in the old part of the cemetery are shorter in length and width. It isrequired to check with the sexton as to whether the above size is suitable on given spaces in these areas. Vertical type memorials are permitted, provided the maximum size of the monument (including tablet and base) doesn’t exceed an overall height of 48 inches. All foundations must have urn extensions 4 inches larger than memorial base for space size.
(Code 2002, § 92.09; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.08, 1-5-2022)

REGULATIONS

§92.09 GENERAL.

(☐97 Code, ' 5-47)

(A) All funeral processions while within the cemetery grounds will be subject to the control of the sexton or his or her assistant.

(B) The sexton shall have the care and superintendence of the cemetery, and shall

keep the same in proper repair, and shall be present either in person or when absent, by deputy, at any time to designate the place for interments, with a view to their regularity, and shall perform all duties necessary to keep the burying grounds in the best of order.

(☐97 Code, ' 5-47)

(C) No person shall interfere with or interrupt the sexton in the discharge of his or her duties, or remain in the cemetery with any vehicle, except in case of funerals, after sunset, unless admitted by the sexton, in which case such person must leave the cemetery on due notice so to do given by the sexton. (☐97 Code, ' 5-47)

(D) No person other than the sexton shall enter the cemetery and inter therein any dead body, except with the authority of or under the direction of the sexton.

(☐97 Code, ' 5-47)

(E) All funeral processions, while within the grounds, will be subject to the control of the sexton or his or her assistants.
(Code 2002, § 92.20; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.09, 1-5-2022)

§92.10 DUMPING ON CEMETERY PROPERTY PROHIBITED.

Tree trimmings and/or brush clippings deposited on the property by duly authorized town employees in the performance of care or maintenance of the Town Cemetery property shall be excluded from this provision.
(Code 1997, §5-38; Code 2002, § 92.21; Ord. 12-13-90, 1-10-91; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.10, 1-5-2022)

§92.11 INTERMENT.

(A) No interment of dead bodies shall be made within the town except in the regular burying grounds already established, or hereafter to be established by authority of the Council for such purposes.
(☐97 Code, ' 5-42)

(B) No interments will be permitted on Sundays or any of the following holidays: Labor Day; Memorial Day; Fourth of July; Thanksgiving; Christmas; New Years and Veterans Day (November 11) except in case of death from a contagious disease, and then only when order by the Board of Health
(Code 2002, § 92.22; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.11, 1-5-2022)

§92.12 SPEED LIMIT IN CEMETERY.

Automobiles and trucks must not be driven at a speed exceeding 10 mph. Drivers of the vehicles are requested not to dive off the avenues, nor turn around in the grass.
(Code 1997, §5-43; Code 2002, § 92.23; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.12, 1-5-2022)

§92.13 CONDUCT REQUIREMENTS.

(A) No obscene language, nor loud or boisterous conversation shall be used in the cemetery.
(☐97 Code, ' 5-44)

(B) Visitors are reminded that the cemetery grounds are sacredly devoted to the interment of the dead, and a strict observance of all that is proper in a place so dedicated will be requested of all persons entering the cemetery.
(Code 2002, § 92.24; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.13, 1-5-2022)

§92.14 ALCOHOL AND HORSES AND HORSE DRAWN VEHICLES PROHIBITED IN CEMETERY

No person while in a state of intoxication shall drive within the gates of the cemetery, nor shall any person remain in the cemetery after having been ordered to leave by the sexton, such person being then and there in a state of intoxication. No alcohol shall be consumed in the cemetery. Horses and horse drawn vehicles shall not enter the cemetery grounds property but may be tethered securely immediately outside the cemetery gate.
(Code 1997, §5-45; Code 2002, § 92.25; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.14, 1-5-2022)

~~§92.26 FIREARMS RESTRICTED.~~

~~No person shall discharge any firearms within the cemetery except at military funerals and on public occasions.~~
~~(Code 1997, §5-46; Code 2002, § 92.26; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01)~~

§92.16 PERMIT REQUIRED; FEES.

(A) A burial permit conforming to requirements as specified by the Indiana State Board of Health must be furnished to the cemetery sexton at the time of interment.

(B) No person shall remove any body from the cemetery without approval of the sextant and submitting payment to the Town Clerk the sum of $250 and providing required documentation. No body or bodies shall be removed from one part of the cemetery to another without paying to the Town Clerk the sum of $75 and the town shall issue a permit for the removing of such bodies.
(Code 1997, §5-48; Code 2002, § 92.27; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.16, 1-5-2022)

§92.17 SURFACE VAULTS.

The use of surface vaults or so-called individual mausoleums (flush with ground level) usually constructed on masonry materials is prohibited. Any burial below grade will be in concrete or steel vault excepting those burials requiring a casket measuring less than 3 feet 6 inches; in these cases fiberglass vaults will be acceptable. No grave site can be larger than 2 feet 48 inches in Babyland.

(Code 2002, § 92.28; Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.17, 1-5-2022)

§92.18 CREMATION REMAINS.

Four cremation remains from one family may be interred in one cemetery space; markers used on the space must be flush to the ground, and installed, before or no later than one year after interment.
(Code 2002, § 92.29; Ord. 8-16-01(A), passed - -01; Ord. No. 1-5-2022-1, § 92.18, 1-5-2022)

§92.19 NICHE TOWERS.

(A) Niches. For the internment of cremation remains, the town has installed and may from time to time install niche towers to the extent possible and, except as otherwise stated herein, the rules and regulations of this chapter shall be applicable to the sole use and care of the niche towers and the remains placed therein.

(1) The cemetery will sell two sizes of niche sites:

(a) Single niche: 9 ½ inches wide by 5 inches tall by 4 inches deep (measurements are front face surface are);

(b) Family niche: 9 ½ inches wide by 11 inches tall by 10 ½ inches

deep.

(2) A single niche may be used for the internment of the remains of a single individual. A family niche may be used for the internment of the remains of up to four individuals placed in separate niche containers.

(3) The cemetery will provide copper niche containers for cremation remains. Other suitable sealed containers may be used but must fit the dimension of the copper containers.

(4) Name plates for niches must be purchased from and installed by sexton employees. Name plates are bronze and include the name, birth year and death year. Single niches may use only single-sized name plates. . Niches may use family name plate or single-name plate. Size Single 12 inches by three inches size; Family 12 inches by ten inches.

(5) No marker or grave site decorations may be placed at or near niche towers. A small bronze bud vase may be purchased from and installed by sexton employees on niches (one vase per niche)The only exception shall be the temporary placement of floral displays at time of internment which should be removed within 14 days thereafter. Consistent with 92.09 (H), any floral display left remaining after such time may be disposed of by sexton employees.

(B) Prices and charges. The following prices and charges shall be charged for and associated with the use of niches:

(1) Single niche, purchase:

(a) $300 for resident at time of purchase;

(b) $400 for non-resident at time of purchase.

(2) Family nice, purchase:

(a) $600 for resident at time of purchase;

(b) $800 for non-resident at time of purchase.

(3) Bud vase: market price.

(4) Name plates:

(a) Market price for single niche

(b) Market price for family niche.

(5) Fee to install name plate and bud vase. $150

(6) Payments. The fees stated above shall be collected in the same manner as fees described in 92.03 and applied as provided in 92.04.

(C) Ownership. Evidence of ownership of niches shall be provided in a form similar to deeds for spaces in the cemetery and the records of the Town Clerk as to niche ownership shall be the Town Clerk's records. Transfer and cost of transfer of ownership shall be as provided for in 92.08.
(Code 2002, § 92.30; Ord. 3-20-03, passed 3-20-03; Am. Ord. 02-18-16, passed 3-17-16; Ord. No. 1-5-2022-1, § 92.19, 1-5-2022)

§92.20 PENALTY.

Any person violating any of the provisions of this chapter shall be subject to a fine not less than $25 nor more than $100.
(Code 2002, § 92.99; Ord. 10-15-13, passed 10-15-13; Am. Ord. 8-16-01(A), passed 8-16-01; Ord. No. 1-5-2022-1, § 92.20, 1-5-2022)

CHAPTER 93: FIRE PREVENTION; FIREWORKS

GENERAL REGULATIONS

§93.01 BURNING RESTRICTED.

It shall be unlawful for any person, firm or corporation to kindle or set on fire or burn, or cause to be fired or burned, within the corporate limits of the town any waste, garbage or rubbish, except when contained in a container or incinerator of a minimum capacity of 55 gallons. If the container or incinerator is larger than 55 gallon capacity, it shall have a

stack of sufficient height and capacity to effectually carry off the smoke and noxious odors arising from the container or incinerator in a manner as will not be offensive to or injurious to the health and comfort of, the inhabitants or any portion of the inhabitants of the town. Burning shall be allowed only between the hours of 7:00 a.m. to 12:00 a.m.
(Code 1997, §6-75; Code 2002, § 93.01; Ord. 12-11-69, passed 12-10-69) Penalty, see §10.99

§93.02 BURNING ON STREETS AND ALLEYS PROHIBITED.

It shall be unlawful for any person, firm or corporation to kindle or set on fire or burn, or cause to be fired or burned, any combustible substance on any paved street or alley within the corporate limits of the town, the wearing surface of which paved street or alley consists of any material other than brick.
(Code 1997, §6-76; Code 2002, § 93.02; Ord. 12-11-69, passed 12-10-69) Penalty, see §10.99

§93.03 EXTINGUISHING FIRES.

It shall be unlawful for any person, firm or corporation in possession, as owner or tenant, of any real estate within the corporate limits of the town, knowingly to suffer or permit any fire to be kindled or to continue to burn on the real estate or on any street or alley abutting thereon in violation of §§93.01 or 93.02 without making a reasonable effort to extinguish the fire.
(Code 1997, §6-77; Code 2002, § 93.03; Ord. 12-11-69, passed 12-10-69) Penalty, see §10.99

FIREWORK REGULATIONS

§93.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXPLOSIVE. Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion or that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

FIREWORKS. Any combustible or explosive composition, or any substance or combination of substances or articles prepared for the explosion, deflagration or detonation and shall include toy pistols, toy canes or long toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman Candles, Daygobombs or other fireworks of like construction and any fireworks containing any explosives or flammable substance or any tablets or other device containing any explosive substance. FIREWORKS does not include fixed ammunition for firearms, ammunition components intended for use in forearms, muzzle-loading cannons and small arms, any shells and cartridges intended therefor, or primers therefor and shall

not include gold star producing sparklers on wires which contain in the manufacturing no magnesium, chlorate or prechlorate, sparklers in paper tubes, sparkling devices which do not contain magnesium and trick noisemakers containing less than .025 of a grain of explosive mixture, toy snakes which contain no mercury in the manufacturing, toy smoke devices consisting of small paper or composition tubes or containers containing a small charge of slow burning smoke producing powder, toy pistols, toy canes, long toy guns or other devices in which paper caps, manufactured in accordance with United States Interstate Commerce Commission regulations regulating the packing and shipping of toy paper caps, are used and toy pistol paper caps which are manufactured as provided herein, the sale and use of which shall be permitted at all times.
(Code 1997, §6-48; Code 2002, § 93.20)

§93.21 FIREWORKS DISPLAY; CERTIFICATE OF INSURANCE.

(A) Supervised public fireworks displays are permitted subject to the provisions of I.C. 22-11-14-2.

(B) The governing body of the municipality shall require a certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than $10,000 and to property in an amount of not less than $10,000, by reason of the licensed display and arising from any acts of the licensee, his or her agents, employees or subcontractors. However, the governing body of the municipality may in its discretion require additional amounts of insurance coverage not to exceed $100,000 for damages caused to a person or persons or $100,000 for damage to property.
(Code 1997, §6-49; Code 2002, § 93.21)

§93.22 STORAGE OF EXPLOSIVES.

It shall be unlawful to store at any time within the municipality a quantity of gunpowder or other similar explosive weighing in excess of 100 pounds without the express authorization of the legislative body.
(Code 1997, §6-50; Code 2002, § 93.22)
Penalty, see §10.99

§93.23 BLASTING PERMIT.

No person shall cause a blast to occur within the municipality without making application in writing beforehand, setting forth the exact nature of the intended operation and receiving a permit to blast from the executive or other proper administrative officer. The executive or other proper administrative officer before granting the permit may require the applicant to provide a bond to indemnify the municipality and all other persons against injury or damages which might result from the proposed blasting.
(Code 1997, §6-51; Code 2002, § 93.23)

§93.24 STORAGE OF FLAMMABLES.

(A) All flammable or combustible materials shall be arranged and stored in a manner which affords reasonable safety against the danger of fire.

(B) Waste paper, ashes, oil rags, waste rags, excelsior or any material of a similar hazardous nature shall not be accumulated in any cellar or any other portion of any building of any kind. Proper fireproof receptacles shall be provided for such hazardous materials.

(C) No matter shall be stored or arranged in a manner which impedes or prevents access to or exit from any premises in case of fire.
(Code 1997, §6-52; Code 2002, § 93.24)

§93.25 FIREPROOFING CERTAIN BUILDINGS.

(A) All business blocks and buildings for business purposes erected, moved to or constructed on Vistula Street and all intersecting streets for one block from Vistula Street and Division Street from the bridge south to the Lake Shore and Michigan Southern Railway shall be constructed of brick, brick veneer, stone, steel or other fireproof material.

(B) No wooden buildings shall be moved to or on any of the streets and blocks in division (A) of this section for business purposes.

(C) All persons wishing to erect, construct or move any building on the streets and blocks in division (A) of this section shall be required to obtain a permit from the Town Council before any work shall be done toward the erection or moving of any buildings on the streets or blocks.
(Code 1997, §6-53; Code 2002, § 93.25)

§93.26 CONSUMER FIREWORKS.

No person shall fire any type of firecracker or other type of fireworks within the town limits except for between the hours of 5:00 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9; between the hours of 10:00 a.m. and 12:00 midnight on July 4; and between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.
(Code 2002, § 93.26; Ord. 7-19-07, passed 7-19-07)

§93.99 PENALTY.

The penalty for violation of §93.26 shall be a fine of $200 for the first time offense and $500 for the second or subsequent offenses during the same calendar year.
(Code 2002, § 93.99; Ord. 7-19-07, passed 7-19-07)

CHAPTER 94: ANIMAL CONTROL

94.01 DEFINITIONS

For this Code chapter, the following definitions from IC: 35-46-3-0.5 will apply unless the context indicates or requires a different meaning.

A. Abandonment. To desert a vertebrate animal in the person's custody and recklessly, knowingly, or intentionally abandons or neglects the animal's health by failing to provide or arrange to provide the animal with food or drink, if the animal is dependent

upon the person for the provision of food or drink. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster as defined in IC: 35-46-3-7. Restraining an animal for more than a brief period in a manner that endangers the animal's life or health using a rope, chain, or tether that:

(1) Is less than three (3) times the length of the animal.

(2) Is too heavy to permit the animal to move freely, or

(3) Causes the animal to choke by restraining an animal in a manner that seriously endangers the animal's life or health.

(4) Failing to provide reasonable care for; or seek veterinary care for; an injury or illness to an animal that seriously endangers the life or health of the animal, or

(5) Leaving an animal outside and exposed to excessive heat without providing the animal with a means of shade from the heat, or excessive cold if the animal is not provided with straw or another means of protection from the cold; regardless of whether the animal is restrained or kept in a kennel.

B. Abuse. Animal cruelty involves gratuitously inflicting harm, injuring, or killing an animal. The cruelty can be intentional, such as kicking, burning, stabbing, beating, or shooting; or it can involve neglect, such as depriving an animal of water, shelter, food, and necessary medical treatment. Animal fighting, in which animals are trained or forced to attack each other in violent confrontations at the risk of grave injury or death, is another form of animal cruelty.

C. Adequate Food. Providing the appropriate quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species, and breed requirements, which is sufficient to prevent starvation, malnutrition, or risk to the animals' health. Garbage or spoiled or rancid food is not considered adequate food.

D. Adequate Shelter. A structurally sound shelter, maintained in good repair, and constructed with material that protects the animal from injury:

(1) Allows the animal easy access in and out.

(2) Has a weather-resistant top, bottom, sides, and floor to protect the animal from all elements of the weather.

(3) Provides access to adequate, dry bedding material, or other means of protection from the weather that will allow the animal to retain body heat when the temperature is 40 degrees or lower or is colder than what an animal of that breed and conditions can comfortably tolerate, or the animal must have continued and uninterrupted access to a climate-controlled facility.

(4) Provides access to adequate shade during daylight hours provided by trees, a tarp, or other means that prevent overheating or discomfort to the animal when the temperature is 80 degrees or higher or is warmer than what an animal of that breed and condition can comfortably tolerate, or the animal must have continued and uninterrupted

access to a climate-controlled facility, and

(5) Is adequately monitored during extreme weather conditions and temperatures (including a heat advisory, wind chill warning, or tornado warning that has been issued by a local, state, or national authority) by a competent person or, continued and uninterrupted access to a climate-controlled facility.

E. Adequate Space. Any area in which an animal is confined and is suitable for the animal's species, size, age, and breed allowing the animal to turn about freely, stand erect with the animal head up, sit, lie, and move comfortably and in a normal position. Sick and injured animals should be confined as directed by an authorized veterinarian.

F. Adequate Veterinary Care. Care is provided under the direction of an authorized veterinarian and includes medical care necessary to maintain an animal's health and prevent unnecessary suffering. Adequate care is based on age, species, breed, and the potential for disease or condition to spread to other animals or humans, including but not limited to:

(1) Ongoing infections.

(2) Infestation of parasites.

(3) Any disease, or

(4) Any medical condition or injury where withholding or neglecting to provide such care would endanger the health or welfare of the animal.

G. Adequate Water. Water that is clean, fresh, and potable water sufficient to prevent dehydration, properly sustain health, and prevent a significant risk to the animal's health. Snow, ice, rancid, or contaminated water is excluded from the definition of Adequate Water.

H. Animal. Every living non-human vertebrate animal.

I. Animal Control Agency. Any governmental or private entity charged with or subcontracted with for the implementation of animal control services for and on behalf of the Town of Bristol.

J. Animal Control Facility. A facility or vehicle operated by an animal control agency for promoting animal welfare and humane treatment of animals. This may include not-for-profit entities incorporated to promote animal welfare.

K. Animal Mutilate. To wound, injure, maim, or disfigure an animal by damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:

(1) Serious permanent disfigurement.

(2) Serious temporary disfigurement.

(3) Permanent or protracted loss or impairment of the function of a bodily part or organ, or

(4) A fracture.

L. Animal Torture. The definition in IC: 35-46-3-0.5(6) involves:

(1) To inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain.

(2) To administer poison to a domestic animal (as defined in section 12(d) of the Indiana Code) or expose a domestic animal to a poisonous substance with the intent that the domestic animal ingests the substance.

(3) To destroy an animal by electrocution, or

(4) To intentionally freeze or heat an animal to death.

M. Animal Veterinarian. Any person licensed or permitted to practice veterinary medicine under the laws of the state and having had no previous judgments related to their practice of veterinary medicine.

N. At Large. Whenever an animal is not contained inside a structure, fence, on a tether, or under the control of the owner or another person by a leash, cord, chain, or another device of actual physical restraint.

O. Bite. To seize, tear, wound, or cut with the teeth, resulting in a break in the skin. A bite does not include a nip or scratch.

P. Colony. One or more free-roaming animals (feral cats), whether managed or unmanaged, in a particular locale.

Q. Colony Caretaker. A person who provides, food, water, and shelter for one or more free-roaming animals (feral cats) in a managed colony.

R. Managed Colony. A colony that is registered with a sponsoring animal control agency and is maintained by a colony caretaker using a trap, neuter, and return methodology.

S. Dangerous Animal.

(1) Any animal which:

(a) Has seriously injured a human or domestic animal.

(b) If an animal, without provocation, bites a person who is acting peaceably and who is in a location where the person may be required to be to discharge a duty imposed upon the person by local, state, and federal laws. The owner of the animal is liable for all damages suffered by the person or animal bitten according to IC: 15-20-1-3.

(c) Has attacked or bitten a domestic animal while off the property of its owner or the owner's agent, or

(d) Is at large and has been documented to be at large by an animal control agent or law enforcement officer on three (3) or more separate occasions in 12 months and has been documented to show aggressive behaviors, including those listed above.

(2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person was:

(a) Committing or attempting to commit, at the time, trespass, or other torts upon the premises lawfully occupied by the owner of the animal.

(b) Provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly in the past provoked, tormented, abused, or assaulted the animal, or

(c) Was committing or attempting to commit a crime.

(3) No animal will be considered a dangerous animal if the animal causes injury or damage while:

(a) Responding to pain or injury.

(b) Protecting itself or its offspring, or

(c) Protecting or defending a human within the immediate vicinity of the animal from an attack or assault.

T. Domestic Animals. Any of the various animals that have been tamed and made fit for the human living environment, not including farm livestock.

U. Exotic Animal:

(1) Any poisonous snake, reptile, vicious or dangerous or carnivorous wild animal, domesticated animals or any other animal or reptile of the wild, or dangerous propensities other than sold by a pet store or pet sale business duly licensed for the sale and distribution of the animals to the public by the state. This term also includes but is not to be restricted to apes, bears, constrictor snakes over six (6) feet in length, coyotes, deer, foxes, gamecocks, and other fighting birds, monkeys, and wolves, and

(2) Any wild animal requiring now or hereafter a permit to possess by the Indiana Department of Natural Resources as described in IC: 14-22-26-1.

V. Feral cat. Any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable, and unable to be approached or handled.

W. Livestock. Any animal typically kept and raised for resale on an agricultural farm, including but not limited to, swine, fowl, sheep, goats, horses, cows, donkeys, camels, buffalo, llama, alpaca, yak, reindeer, chickens, ducks, goose, and other animals of a similar kind, nature, type of use, and domestically raised wild animals. The regulation of

livestock is generally governed under IC: Title 15 and Indiana Administrative Code Title 345. Livestock within the Town of Bristol is not permitted. Laying chickens (hens) are permitted within the corporate limits of the Town of Bristol with a registered town permit in accordance with Section 94.10 of this Chapter. All other chickens, including broilers, are prohibited.

X. Owner. Is any person who owns, harbors, keeps, feeds, maintains, or has lawful possession of an animal, or knowingly causes or knowingly permits an animal to be harbored or kept in their care or to remain on or about their premises for thirty (30) consecutive days or more. However, this will not include a person hired or acting as a custodian of the animal for its owner and will not include colony caretakers of registered colonies of feral cats.

Y. Service animal. A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained, or untrained, are not considered service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to:

(1) Assisting individuals who are blind or have low vision with navigation and other tasks.

(2) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.

(3) Providing non-violent protection or rescue work.

(4) Pulling a wheelchair.

(5) Assisting an individual during a seizure.

(6) Alerting individuals to the presence of allergens.

(7) Retrieving items such as medicine or the telephone.

(8) Providing physical support and assistance with balance and stability to individuals with mobility disabilities.

(9) Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

(10) The crime-deterrent effects of an animal's presence and the provision of emotional support, well- being, comfort, or companionship are not considered work or tasks under the definition of a service animal.
(Code 1997, § 6-14; Code 2002, § 94.01; Ord. 12, passed - -59; Am. Ord. 8-11-94(A), passed 8-11-94; Ord. No. 7-21-19, exh. D, § 94.01, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.01, 4-6-2023)

94.02 GENERAL ANIMAL CARE REQUIREMENTS

A. Every person responsible for any animal located within the Town of Bristol will ensure that such animal:

(1) Has immediate access to adequate space and is kept in a clean, sanitary, and healthy manner, and is not confined to being forced to stand, sit, or lie in excrement.

(2) Has adequate food and adequate water.

(3) Has immediate access to adequate shelter (excluding livestock).

(4) Receives adequate veterinary care by from a licensed veterinarian.

(5) Is not beaten, cruelly treated, overloaded, overworked, involved in animal fighting, or otherwise abused.

(6) Is not abandoned, neglected, or tortured.

(7) Does not become a public nuisance under the Bristol Town Code 95, or otherwise.

(8) Does not unprovoked, bite, kick, butt, claw, assault, attack, or otherwise create a danger to the health and/or safety of other animals or human beings.

(9) Is properly vaccinated and/or licensed as required by law.

(10) Is prevented from running at large on property other than private property owned or lawfully occupied by its owner utilizing a leash, chain, cooped, kenneled, caged outside of a dwelling, or other appropriate physical restraint.

(11) Is not left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(12) Is not transported in the open bed of a vehicle unless confined appropriately to reasonably prevent the animal from jumping or being thrown from the same.

(13) Does not defecate on the property of another unless the person responsible for the animal immediately thereafter removes or has removed from such property as much of the feces as is reasonably possible.

(14) Is not kept in unsanitary conditions.

B. Any person tethering an animal in the Town's corporate limits will comply with the following requirements:

(1) An animal will not be tethered for an excessive time, and may not be tethered between the hours of 11:00 p.m. and 6:00 a.m. In determining whether the tethering period is excessive, the investigating officer will consider the animal's breed, age, and condition.

(2) An animal will not be tethered or confined at a vacant structure or premises for any

purpose or time when it is not monitored by a competent person who is present at the property for the duration of such tethering or confinement.

(3) During the duration of the tethering, the animal must have adequate shelter from the weather, and be free from becoming entangled with the tether.

(4) The tether must be at least twelve (12) feet in length with operational swivels on both ends. If the animal is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.

(5) An animal shall not be tethered by the use of a choke collar nor by any rope, chain, or cord directly attached to the animal's neck, or in any manner that could harm or cause pain or discomfort to the animal.

(6) The tether must not be of a weight heavy enough to cause physical damage to the animal's neck or body.

(7) The tether must be able to move freely in all directions and attached in a manner so that it cannot wrap around vertical items such as a barrel, pole, or tree.

(8) An animal shall not be tethered unless it is monitored by a competent person who is present at the property for the duration of such tethering.

C. It is unlawful for any person or entity to breed an animal intentionally or knowingly for the purpose of using the animal or its offspring in illegal activity, including, but not limited to, animal fighting as defined in IC: 35-46-3, Offenses Relating to Animals.

D. It is encouraged that an animal has one of the following permanent means of identification:

(1) A durable collar with a permanent tag bearing the owner's current name or animal's name and telephone number.

(2) An implanted microchip with a registered identification number that can be read by a standard microchip scanner, or

(3) If an animal that is three (3) months of age or older is found running at large in violation of subsection A (10) of this Code chapter and the animal is without one of the above permanent means of identification, its owner may receive a fine per occurrence.

E. Where appropriate, the Bristol Police Department may use the Tufts Animal Care and Condition Scales (866- 670-0570) as an investigating tool to assist in determining the appropriate standard of care for animals and well-being based on their breed, age, body, and health condition, and acclimation to the environment and weather conditions.

F. A person finding and taking possession of a lost or stray animal within the Town's corporate limits must notify the Bristol Police Department within forty-eight (48) hours of finding and taking possession of the animal. At the discretion of the Police Department, the lost animal may be allowed to remain in the custody of the finder, surrendered to the

Elkhart County Humane Society, or be cared for by other means. The cost of care, including veterinary and boarding care, for an animal, will be the responsibility of the animal's owner. A person finding and taking possession of an animal is obligated to comply with all rules and regulations of this Code chapter while the animal is in the finder's custody awaiting return to the owner.

G. Nothing in this Code chapter will restrict an owner or owner's agent from allowing an animal to be outside for reasonable amounts of time during extreme temperatures to relieve itself and exercise if the animal is being monitored by a competent person.

H. Nothing in this Code chapter will prohibit the use of commercially sold poisons or devices for the control of rats, mice, groundhogs, moles, or other similar rodents if the person using the poisons or devices uses reasonable care to ensure that no other animal is exposed to the risks imposed by the poisons or devices.

I. This Code chapter does not replace state laws but is considered supplementary and in addition to the laws of the state and is to be fully enforced were not inconsistent with those laws. Any violation that is violating state laws shall be enforced under the state statute.
(Ord. No. 7-21-19, exh. D, § 94.02, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.02, 4-6-2023)

94.03 ANIMAL BITES AND QUARANTINE

A. Any person that is a victim of an animal bite shall immediately notify the Bristol Police Department or the Elkhart County Health Department or the Elkhart County Humane Society of the incident and provide a description of the animal and identify the animal owner if possible. When an animal is determined to have bitten a person, the owner of the animal will surrender the animal that is suspected of having been exposed to rabies for a supervised quarantine at an approved veterinary hospital, boarding kennel, or left at the owner's residence. The animal may be reclaimed by the owner upon the expiration of at least ten (10) days (IC:15- 17-6-11(c)(1)) if adjudged free of rabies and infectious diseases upon payment fees and in compliance with all licensing provisions.

B. The owner of an animal who recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the animal or allows the animal to enter property other than the property of the animal's owner and as the result of the owner's failure to restrain the animal, the animal bites or attacks another person without provocation, resulting in bodily injury to the other person, commits a criminal offense under IC: 15-20-1-4.

C. Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation may take custody of the animal involved in the following acts according to IC: 15-20-1-4:

(1) The owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the animal.

(2) The animal enters property other than the property of the animal owner.

(3) As the result of the owner's failure to restrain the animal, the animal bites or

attacks another person without provocation, resulting in bodily injury to the other person, and

(4) Violations in this Chapter result in the death of a person.

D. In addition to any other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before the animal will be released. If the owner is unable or unwilling to pay for the costs, the animal may be humanely euthanized, and the owner is still responsible for paying all costs incurred in quarantine and/or impoundment.

E. If the owner of the quarantined animal cannot be determined, the animal will be impounded under the authority and at the discretion of law enforcement or an animal control agent and confined in an approved animal control facility for the period of observation.
(Code 1997, § 6-22; Code 2002, § 94.06; Ord. 12, passed - -59; Ord. No. 7-21-19, exh. D, § 94.03, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.03, 4-6-2023)

94.04 ANIMAL IMPOUND PROCEDURES

A. Any Bristol Police Officer, Code Enforcement Officer, or Animal Control Agent may immediately pick up and impound any of the following animals:

(1) Any animal at large.

(2) Any unattended animal that is ill, injured, or otherwise in need of emergency care.

(3) Any animal that is reasonably suspected of having rabies, or

(4) Any unattended animal that is exhibiting aggressive or dangerous behavior and is not sufficiently confined to its property.

B. Any Bristol Police Officer, Code Enforcement Officer, or Animal Control Agent with probable cause may impound the animal involved under IC: 35-46-3-6 (Impounding Animals):

(1) For which there has been a violation under IC: 35-46-3 (Offenses Relating to Animals), or

(2) For which there has been a violation under IC: 15-20-1-4 (Dog Bite Liability; Criminal Offense).

C. If a dangerous animal is found at large and cannot be safely captured, a Bristol Police Officer or Code Enforcement Officer may seek assistance such as tranquilizing, or the police officer may shoot the animal to prevent harm to individuals and other animals.

D. If stray animals are picked up by or turned into an animal control facility, the animal will be scanned by the animal control facility for an identifying microchip unless doing so presents an unnecessary hazard to the animal control agent. The owner of the animal will be notified by the animal control facility. If an animal has an identification tag

containing the owner's address and/or phone number, the animal control facility is responsible for notifying the owner. If the animal is bearing no identification or microchip, the animal control facility will attempt to locate the owner.

E. No later than five (5) days after impounding a tagged animal, the shelter is responsible for notifying the owner, by either telephone and/or mail. If the animal is sheltered by other means, the Bristol Police Department is responsible for notifying the owner. If the owner's identity is unknown, no notice of any kind needs to be issued.

F. The owner of any animals impounded according to this Code chapter may, within five (5) days after the impoundment redeem their animal by paying all expenses incident to impound. Additional animal fees may include the paying of all lawfully imposed and unpaid license fees for such animals that have accrued up to the time of redemption. Such impounding authority must release such an animal to the owner.

G. All animals which are afflicted with a contagious or infectious disease and have been found at large, or have encountered, or exposed to any public place will be placed in an animal shelter provided for that purpose by contract or otherwise by the Town of Bristol. (IC: 15-17-6-5 Impounding area)

H. Nothing contained herein will limit the animal control facility's ability from following its protocol.
(Code 1997, § 6-19; Code 2002, § 94.03; Ord. 12, passed - - 59; Ord. No. 7-21-19, exh. D, § 94.04, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.04, 4-6-2023)

94.05 DANGEROUS ANIMAL REQUIREMENTS

A. The owner of a dangerous animal is responsible for posting visible warning signs on their property. The owner is responsible for notifying the Bristol Police Department of a dangerous animal an escape or running at large.

B. A dangerous animal may be impounded until the requirements of this Code chapter are fulfilled. If the discretion of a Bristol Police Officer and/or the Code Enforcement Officer, the animal is too dangerous to keep in any home, dwelling, or enclosure, an emergency court order may be requested by law enforcement to have the animal humanely euthanized or finding other suitable housing for the animal outside the Town limits once all hearings have been exhausted.

C. The owner is responsible for the cost of caring for the dangerous animal during the period of impoundment, including the costs of boarding and veterinary treatment if necessary. If the owner institutes an appeal and the animal is ultimately determined not to be a dangerous animal, the owner will not be charged the costs of boarding the animal.

D. Upon the impoundment of a dangerous animal according to this Code chapter, the owner will be given 48 hours to show proof of, or to complete, a dangerous animal registration. If the owner fails to show proof of or to complete a dangerous animal registration within 48 hours of impoundment, or if the owner waives in writing all ownership interest in the animal, the animal may be humanely euthanized.
(Ord. No. 7-21-19, exh. D, § 94.05, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.05, 4-6-2023)

94.06 NOXIOUS ANIMAL ODORS

A. No person will have, keep, or otherwise harbor an animal in the Town of Bristol if noxious and/or offensive odors are thereby caused to enter upon or across the real estate owned or occupied by another, upon, or across any public right-of-way.

B. The owner of the property where any violation exists is responsible for eliminating the violation by removing the substances, materials, or animal excrements giving rise to any odor and maintaining the premises free from such unwholesome substances. Should the owner, upon proper notice in writing, fail or refuses to remove the violation, the Town may enter upon the premises where the violation exists and abate the violation by removal of the substances, materials, or animal excrement-giving rise to the offensive odors and by impounding the animal found on the premises. The animal will be impounded and placed in an animal shelter. The animal owner is responsible for all restitution clean-up costs and kenneling fees before the animal is released.
(Ord. No. 7-21-19, exh. D, § 94.06, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.06, 4-6-2023)

94.07 SECURING ANIMALS

A. It is unlawful for a person to leave unattended, any horse, or other animals that are tethered to a vehicle, tree, or objects on any streets, alleys, or public place without securely fastening the animal to an object made for preventing the animal from wandering away.

B. It is unlawful for a person to tether a horse or other animals within the Town limits without securing the animal so that it cannot go upon or over a sidewalk.
(Ord. No. 7-21-19, exh. D, § 94.07, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.07, 4-6-2023)

94.08 CONTROL MEASURES REGARDING BARKING, AND DAMAGE.

A. Animal owners will always keep their animals under control.

B. When the owner does not have control of their animal and permits the animal to:

(1) Damage or defile the premises or property of another.

(2) Bark and/or howl unduly, especially between the hours of 11:00 p.m. and 6:00 a.m., to disturb the quiet of the neighborhood or any person.

(3) Bite, or attempt to bite, attack, or belligerently pursue any persons or animals, see Code section 94.03 for animal bites.
(Code 1997, § 6-15; Code 2002, § 94.20; Ord. 12, passed - -59; Ord. No. 7-21-19, exh. D, § 94.08, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.08, 4-6-2023)

94.09 KEEPING FARM LIVESTOCK AND EXOTIC ANIMALS

It is unlawful for a person to keep or maintain in the Town of Bristol any farm livestock or

exotic animals as described in Code section 94.01(U and W).
(Code 2002, § 94.25; Ord. 12-17-15(a), passed 12-19-15; Ord. No. 7-21-19, exh. D, § 94.09, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.09, 4-6-2023)

94.10 KEEPING EGG-LAYING CHICKENS

A. This Code chapter does not apply to any real estate that is zoned agricultural or to any real estate that has been granted a zoning variance that specifically permits the raising of chickens on the real estate.

B. Keeping chickens.

It shall be unlawful for a person to keep, possess, or maintain chickens in violation of this Code chapter.

C. Chickens permitted.

(1) Chickens shall be permitted only upon real estate containing an occupied single-family dwelling or upon real estate containing a duplex provided the owner of the real estate resides in one (1) of the two (2) units. Chickens are otherwise prohibited on the premises of a multi-family dwelling.

(2) Each residence wishing to keep chickens shall pay a registration/permit fee of Twenty-Five Dollars ($25.00) every two (2) years.

(3) Permits are granted to the persons harboring the chickens and do not run with the real estate. Permit holders that move can request the Town transfer the permit to a new address for a fee of Twenty-Five Dollars ($25.00), subject to the approval of the adjoining real estate owners as required by this Section 94.10(C)(5)(c). If the applicant moves to a rental property, consent documentation from the property owner must be provided with the transfer fee.

(4) Permits may only be granted to residents that are currently compliant with all town codes, as determined by the Bristol Code Enforcement Officer and that have no code violations in previous six (6) months.

(5) To be eligible to receive a permit, an application must be filed with the Clerk-Treasurer at the Bristol Municipal Complex and shall include:

(a) The name, address, and telephone number of the applicant;

(b) The address where the chickens will be harbored;

(c) The written approval of each adjoining real estate owner. Adjoining real estate owners are limited to the owners of real estate, with a residence, that are immediately adjacent to the real estate that is keeping chickens provided the real estate parcels are not separated by a street or alley; and

(d) In the case of a rental property, the Town shall require a "Consent to Harbor Chickens" signed by the property owner.

(6) After receiving the Town permit, the applicant shall present an Indiana Board of Animal Health premise number to Town Hall within 60 days.

(7) The Town Council may revoke a permit if the applicant is unable to maintain his/her chickens so as to not create a nuisance, as evidence by two (2) admitted or determined violations of this Code chapter by the Bristol Code Enforcement Officer within twelve (12) consecutive months.

D. Limitations.

(1) No more than six (6) female laying egg chickens may be located on any real estate. Roosters, broilers, and other types of fowl are prohibited.

(2) Chickens shall be kept for pets or personal, non-commercial use only, Selling of eggs and fertilizer is prohibited.

(3) Breeding of chickens is prohibited on the premises.

(4) Slaughtering of chickens is prohibited on the premises.

(5) A chicken may not be turned loose or taken to the humane shelter.

E. Chicken enclosure.

All chickens shall be kept outside of the dwelling in a chicken enclosure which shall include a chicken coop and a covered chicken pen/run.

(1) The chicken enclosure shall be secure to prevent the entry of rodents and predators and shall effectively contain and protect the chickens.

(2) The chicken enclosure shall be located at least fifteen (15) feet from the property lines, and at least twenty (20) feet from any adjacent residential dwelling church, school, or place of business. The chicken enclosure shall not be located in the front yard of the residential dwelling. The chicken enclosure may be located in a yard adjacent to a street that is not considered a front yard if the location meets the front yard setbacks established by the Elkhart County Zoning Ordinance.

(3) The chicken coop shall be constructed of solid materials on all sides, including roof and door(s). Vents, covered with wire, shall be placed as necessary for adequate ventilation. The chicken coop shall provide at least two (2) square feet of area per chicken.

(4) The chicken pen/run shall be connected to and/or surround the chicken coop and be constructed of traditional building materials or fencing. The pen/run shall provide at least two (2) square feet of area per chicken, not exceeding six (6) feet in height, and shall be covered with wire, aviary netting, or solid roofing.

(5) The chicken coop, pen, and run shall be constructed and maintained in a workmanlike manner and comply with all applicable Elkhart County Building Code

requirements for accessory structures as may be amended from time to time.

(6) All manure, uneaten feed, and other trash shall be regularly removed and disposed of in a sanitary manner so that the chicken enclosure and surrounding area do not constitute a nuisance, safety hazard, or health problem to the surrounding property.

F. Inspection.

It shall be a condition to the issuance of any permit required by this Code chapter that:

(1) The Bristol Code Enforcement Officer, and/or his/her designees shall be permitted to inspect the chickens, structure and/or premises wherein a coop is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.

(2) The Bristol Code Enforcement Officer, and/or his/her designees are authorized to enter the structure or premises wherein a coop is maintained (or believed to be maintained) at reasonable times to inspect the chickens, structure and/or premises, subject to constitutional restrictions on unreasonable searches and seizures.

(3) If the owner or those in possession of chickens, structure or premises wherein a chicken flock is maintained (or believed to be maintained) refuse inspection of said chickens or coop, the Bristol Code Enforcement Officer and/or his/her designees may obtain an inspection warrant from any court of record in Elkhart County in order to determine if the chicken flock or coop is maintained in accordance with this title or request the Bristol Town Council to revoke the owner's permit.

(4) All reports of such inspections shall be in writing and maintained by the Bristol Code Enforcement Officer.

G. Disposal.

Those who wish to dispose of their hen(s) shall transport them to a licensed processor for butchering, take them to a veterinarian's office for euthanizing, or place the hen(s) in a new home. The new home will include the new owner's permission and the new placement will meet all criteria of this Code chapter.

H. Enforcement.

This Code chapter shall be enforced following the applicable provisions of this Code, as may be amended by the Bristol Town Counsel when a change is warranted.
(Ord. No. 4-6-2023-5, exh. A, § 94.10, 4-6-2023)

94.11 DOMESTICATED ANIMALS IN TOWN PARKS

No domesticated animals are allowed in town parks during the Bristol Homecoming Festival or other specified Bristol Town festivals unless the animal is a service animal.
(Code 2002, § 94.26; Ord. 6-15-17(b), passed 6-15-17; Ord. No. 7-21-19, exh. D, § 94.10, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.11, 4-6-2023)

94.12 SERVICE DOGS AND EMOTIONAL SUPPORT ANIMALS

A. When and where a service animal is allowed access:

(1) Under Indiana laws on the rights of people with disabilities and the Federal Americans with Disabilities Act (ADA), people with disabilities may bring their service animal into all areas of public facilities and private businesses where members of the public, program participants, clients, customers, patrons, or invitees are allowed.

(2) A service animal can be excluded from a facility if its presence interferes with legitimate safety requirements of the facility (e.g., from surgery or in a hospital in which a sterile environment is required).

(3) A public entity or a private business may ask an individual with a disability to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control the animal. A service animal must have a harness, leash, or other tethers unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the service animal's ability to safely perform its work tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

B. Neither the ADA nor Indiana's service animal laws include pets or what some people refer to as emotional support animals. These animals provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions. These are not trained animals. Under the ADA and Indiana law, owners of public accommodations are not required to allow emotional support animals, only service animals.

C. To determine if an animal is a service animal, a public entity or a private business may ask two questions:

(1) Is this animal required because of a disability?

(2) What work or task has this animal been trained to perform?

D. These questions may not be asked if the need for the service animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person's wheelchair). A public entity or private business may not ask about the nature or extent of an individual's disability or require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require the animal to wear an identifying vest.

E. A person who knowingly or intentionally interferes with the actions of a service animal or strikes, torments, injures or mistreats a service animal while the animal is engaged in assisting an impaired person is an offense under IC: 34-46-3-11.5 subsection (b)(2).
(Ord. No. 7-21-19, exh. D, § 94.11, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.12, 4-6-2023)

94.13 ANIMAL LAWS

Compliance with the terms and provisions of this Code chapter does not obviate nor eliminate the need for any person to comply with and meet the requirements of any other federal, state, or local laws or regulations concerning animals. In the event of any conflict with this Code chapter, the terms and provisions which are stricter shall govern. The Town of Bristol reserves, retains, and preserves for itself all rights and remedies available under any other applicable federal, state, or local laws or regulations concerning animals. (Ord. No. 7-21-19, exh. D, § 94.12, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.13, 4-6-2023)

94.14 ENFORCEMENT AND REVIEW PROCESS

A. Any person who violates any of the provisions of this Code chapter is subject to a civil fine as set forth in the schedule of fines in §94.14N. together with court costs and costs of enforcement including legal fees. Any person found liable for a subsequent violation or violations of this Code chapter within one (1) year after a violation will be subject to a civil fine of not less than Five Hundred ($500.00) Dollars nor more than Two Thousand Five Hundred ($2,500.00) Dollars together with court costs and costs of enforcement including legal fees. For purposes of this Code chapter, each day's violation of any of its terms or provisions of this Chapter shall be deemed a separate violation.

B. Under this Code chapter, violations will be enforced under proceedings according to IC: 34-28-5 like that of infractions with a complaint and summons described in IC: 9-30-3-6 issued by the Bristol Police Department. Any person who is found to have violated any provisions of this Code chapter that is a misdemeanor or felony shall be investigated and/or arrested under criminal law.

C. A Bristol Police Officer and/or the Bristol Code Enforcement Officer who observes the violation of any provision of this Code chapter will determine if an Indiana Uniform Traffic Citation will be issued to the owner or owner's agent and advise that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation. Upon the failure of the owner to make such payment within the seven (7) day period, the original violation fine will increase by Ten ($10.00) Dollars a day, as applicable. If this enhanced animal fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the animal notice, the Clerk- Treasurer will notify the issuing police officer and the officer is responsible for filing the animal violation into any traffic court within Elkhart County. The officer will notify the owner or owner's agent either in person or by certified mail of the location of the court, and the date and time of the hearing. The owner or owner's agent will be subject to the general penalties provided for violations of Indiana Animal Codes. Nothing in this Code chapter will limit the Town's right to impound any animal found to violate any provision of this Code chapter. The cost of such violation and impoundment is to be paid by the animal owner in addition to the payment of any fine assessed hereunder.

D. For any legal proceeding that is pending involving the animal impoundment, the owner may post a surety bond in favor of the Town assuring that all costs, expenses, and fees incurred by the Town or the animal control agency in maintaining the animal or animals during the period of impoundment shall be paid by the owner or the surety. If a

surety bond is posted by the owner, the animal or animals involved will not be placed for adoption or humanely euthanized during the pendency of the proceeding without court approval. If a surety bond is not posted or if a surety bond expires and is not renewed, the animal or animals may be placed for adoption or humanely euthanized unless prohibited by court order.

D. All fines received by the Clerk-Treasurer for violations of this Code chapter will be deposited into the Town's General Fund under applicable law.

E. Animal impoundment or removal. Enforcement officers may find cause to impound or destroy a dangerous animal while at large in violation of this Code chapter. The owner of the animal in violation of this Code chapter is responsible for all costs incurred by the Town for the impoundment of the animal or animals. All costs will be paid before releasing the animal or animals. The enforcement officer may in lieu of impoundment release the animal or animals to the owner or owner's agent to be quarantined for a determined number of days.

F. Impoundment Cost Appeal.

(1) The owner of an impoundment animal or animals may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) After the hearing, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the animal owner within 10 working days of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The animal owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.

G. Non-Impoundment Review and Appeal Process. For violations occurring on private property, the animal owner may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in the Code chapter, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk-

Treasurer and at a minimum will contain the owner's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically state the reason if any citation is disputed. From and after receipt by the Marshal of the request for reviewing additional citations for the same violation will not be issued until a written determination of review is issued and mailed First Class Mail to the owner by the Town Marshal.

H. Right to hearing or the right to appeal.

(1) The owner of an impounded animal may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the animal owner making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner within ten (10) workdays of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The owner requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The animal owner will file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

I. Prosecution. If a citation is not paid as required, prosecution of the violation may be brought in the name of the Town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be determined by the court.

J. Animal Infraction Fines.

(1)	Animal Abuse/Cruelty.	$117.00
(2)	Animal abandonment.	$100.00
(3)	Animal bites - Victim failed to report/owner failure to quarantine.	$367.00
(4)	Animal confinement.	$150.00

(5)	Animal At Large - First offense.	$57.00
(6)	Animal At Large - Second offense within 12 months.	$100.00
(7)	Animal At Large - Third offense within 12 months.	$250.00
(8)	Animal Left in a Motor Vehicle - Conditions of a health hazard.	$117.00
(9)	Animal Restraints - Improper tethers.	$67.00
(10)	Animal waste on public/private property - Noxious odors	$117.00
(11)	Barking and howling dog.	$100.00
(12)	Chickens - Having more than six chickens.	$75.00
(13)	Chickens - Improper coop or pen location.	$75.00
(14)	Chickens - Improper size of coop or pen.	$75.00
(15)	Chickens - No permit or falsifying permit application information.	$175.00
(16)	Dangerous Animal - Enclosure confinement failure to report escape.	$367.00
(17)	Dangerous Animal - Owner fails to post visible warning signs.	$367.00
(18)	Dangerous Animal - Owner fails to notify the animal running at large.	$367.00
(19)	Livestock - Keeping livestock within the town limits.	$117.00
(20)	Poisoning animals on public or private property.	$367.00
(21)	Vaccination - Failure to vaccinate domestic animals.	$117.00
(22)	Vaccination record-Owner is required to maintain proof.	$117.00

(Code 2002, § 94.99; Ord. 6-15-17(b), passed 6-15-17; Ord. No. 7-21-19, exh. D, § 94.13, 8-18-2022; Ord. No. 4-6-2023-5, exh. A, § 94.14, 4-6-2023)

CHAPTER 95: NUISANCES; HEALTH AND SANITATION

GENERAL PROVISIONS

§ 95.01 TOWN'S AUTHORITY TO REGULATE.

The Town of Bristol, Indiana may regulate the conduct or use, or possession of property that might endanger the public health, safety, or welfare of its citizens. The Town Manager or his or her designee is hereby authorized and directed to administer and enforce all the provisions of this Code chapter. This includes the discretion of determining whether this Code has been complied with, and no such provision shall be construed as giving any officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by ordinances or to enforce this Code chapter in an arbitrary or discriminatory manner.
(Code 1997, § 6-1; Code 2002, § 95.01; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.01, 8-18-2022; Ord. of 10-4-2022, § 95.01)
(I.C. 36-8-2-4)

§ 95.02 AUTHORITY TO REGULATE AIR AND SOUND.

The Town of Bristol, Indiana may regulate the introduction of any substance or odor into the air or any generation of sound as defined in IC: 36-8-2-8.
(Code 1997, § 6-3; Code 2002, § 95.02; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.02, 8-18-2022; Ord. of 10-4-2022, § 95.02)

§ 95.03 AUTHORITY TO REGULATE PUBLIC GATHERINGS.

A. The Town of Bristol, Indiana may regulate public gatherings, such as shows, demonstrations, fairs, conventions, sporting events, and exhibitions in any open public meeting on any property abutting any street or public way as defined in IC: 36-8-2-9.

B. If the gathering is anticipated to have an attendance of more than fifty (50) people or twenty (20) vehicles or to be conducted in all or part on public property, then a permit is required 14 days before the event.

C. An application for the permit required by this Code chapter will be made in writing to the Town Clerk/Treasurer by the person in charge of the activity for which the permit is sought. In such an application, the applicant will set forth the location of the event and/or the route along which the parade or precession is to proceed, its starting date, time, and the names of persons in control of the event.

D. Upon application being made for the permit, the Town Manager is responsible for ensuring the event will not create or constitute a nuisance, and will not tend to breach the peace, or unnecessarily interfere with the public use of the streets and ways of the Town or the peace and quiet of the inhabitants thereof, the Town Manager will direct the Clerk/Treasurer to issue such a permit to the person making the application, without an application fee.

E. Any person who marches, rides, or in any other manner participates in any parade or procession upon a street or public way, attends an open-air public meeting held upon any ground abutting upon a street or public way for which a written permit has not been obtained from the Town Manager will violate this Code chapter. The organizers of the event and/or the participants may be cited according to this Code chapter.
(Code 1997, § 6-4; Code 2002, § 95.03; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.03, 8-18-2022; Ord. of 10-4-2022, § 95.03)

§ 95.04 DEFINITIONS.

A. For this Code chapter, the following definitions will apply unless the context indicates or requires a different meaning.

(1) Dwelling. A dwelling is a self-contained unit of accommodation used by one or more people as a house, apartment, mobile home, or other inhabited structure.

(2) Graffiti will have the following meaning:

(a) Graffiti is the unauthorized markings of someone else’s property visible from the

premises and open to public view, which has been placed upon the property using substances capable of marking the property.

(b) The owner is any entity having a legal or equitable interest in the estate or personal property including a tenant.

(c) Premises open to the public. All public spaces, including but not limited to streets, alleys, sidewalks, parks, and private property where the public is regularly invited to enter.

(d) Unauthorized is without the consent of the owner.

(3) Hazardous Materials and Waste. Hazardous materials are defined under IC: 13-11-2-96 as a chemical and substance that is on the list of extremely hazardous substances published by the United States Environmental Protection Agency. Hazardous waste is defined under IC: 13-11-2-99 as a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in:

(a) mortality;

(b) serious irreversible illness;

(c) incapacitating reversible illness;

(d) pose a substantial present or potential hazard to human health; or

(4) the environment.

(4) Junk. Old or discarded articles that are considered useless or of little value remain outdoors for ten (10) days. Placing a for-sale sign on these articles will not exempt said item from this Code chapter.

(a) Items identified hereafter as junk by the Town Council will be amended to this Code chapter.

(5) Noise. The following definitions will apply unless the context indicates or requires a different meaning.

(a) A Weighted Sound Level is the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level reading is designated dB(A) or dBA.

(b) Consumer Firework for this Code section, the same definition of consumer fireworks as outlined in IC: 22-11-14-1, as currently in effect, or as from time to time hereafter adopted or amended.

(c) Decibel (dB) is a unit for measuring the volume of a sound, equal to 20 times the

logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro pascals (20 micronewtons per square meter).

(d) Sound Pressure Level Meter is an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound pressure levels in a manner specified by this Code chapter that the slow meter response of the sound pressure level meter will be used to best determine the average pressure as a standardized measurement set by the American National Standards Institute (ANSI) S-1.4-1971. Classification of areas into residential, school, church, commercial manufacturing, and/or business zones for this Code chapter will be as defined in the then-existing Town zoning ordinance. For purposes of this Code chapter, school, and church, zones are considered residential zones. Cell phone decibel meter applications are not recognized as certified devices for measuring sound pressure.

(e) Termination Request is an oral or written request of any person (to specifically including, but not limited to, a Town police officer with general, specific, or limited police powers), reasonably addressed to or presented to a person making, continuing, or causing to be made, or continued, or permitting, any noise that is reasonably deemed by the requesting person to be contrary to the general rule is found in this Code chapter, under section 95.53 requesting the person to whom it is presented to cease, continue or cause to be stopped or terminated, the making, causing or permitting of such noise.

(f) Daytime is the nonstationary sources will mean 6:00 a.m. to 11:00 p.m. and for fixed sources will mean 7:00 a.m. to 9:00 p.m.

(g) Nighttime is the nonstationary source will mean 11:00 p.m. to 6:00 a.m. and fixed sources will mean 9:00 p.m. to 7:00 a.m.

(h) Fixed Source is a machine or device capable of creating a noise level at the property’s perimeter upon which it is regularly located, or upon which it is regularly used, projecting into another property; this includes but is not limited to industrial and commercial process machinery and equipment, pumps, fans, air-conditioning apparatus, refrigeration machines, powered lawn mowers, and chain saws.

(i) Holidays. The Town Council recognizes the following observed holidays, New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(j) Motor Vehicles as defined in IC: 9-13-2-196 are by which a person or property is, or maybe, transported or drawn upon a highway.

(k) Muffler is any device used upon a motor vehicle whose purpose is the deadening of combustion noises of any engine thereon, or the deadening of any other motor noises, including but not limited to the noise of exhaust gases, or other mechanical devices for the deadening of the noise and intake gases upon a motor vehicle.

(l) Sound is a sound made by people, or a combination of sounds, which exceeds the sound pressure level as established by this Code chapter for a particular sound-producing

object, vehicle, residential zone, church zone, school, or any other area limited by this chapter.

(m) Nonstationary Source is a machine or device capable of being moved for occasional or temporary use at a given location including, but not limited to, motor vehicles, pile drivers, and bulldozers.

(n) Person is a person, firm, association, co-partnership, joint venture, corporation, or any entity, public, or private in nature.

(o) Pneumatic Hammers are driven by compressors with greater than ten (10) horsepower or that use a hose with a diameter greater than three-eighths (3/8) of an inch.

(6) Rank Vegetation has the following meaning:

(a) Lawn grass or weeds which are permitted to grow to a height of not more than eight (8) inches on any developed (i.e., building or improvements have been constructed on the property) residential, commercial, or industrial property (whether occupied or not) or on any undeveloped land or land in agricultural use.

(b) Rank vegetation is any plant exceeding eight (8) inches in height. Shrubberies, flowers, ornamental grasses, and crops exceeding eight (8) inches are not to be considered rank vegetation unless they constitute an extreme deviation from the aesthetic appearance of the neighborhood.

(c) Bushes, shrubs, vines, and the like, whether cultivated or naturally growing and are permitted to grow if they do not:

1. Encroach upon, obstruct the normal use of or render hazardous a public sidewalk or vehicle thoroughfare; or

2. Encroach upon, impair the normal use and enjoyment of or detract from the appearance of any adjacent public or private property.

(7) Real estate is a parcel of land and everything that is permanently attached to the land. The owner of real estate, as used herein, shall mean an individual, firm, company, partnership, cooperation, government units, or charitable and other non-profit organizations holding legal title to real estate.

(8) Real Estate Development. Real estate developments, residential or commercial, which occur within the Town limits of Bristol, or outside, but are thereafter annexed into the Town of Bristol, which at the time of development record in the Elkhart County Recorder’s office as part of said development’s plat map, rezoning, or otherwise, covenants or conditions regulating or restricting use or developing the land within said developments, the Town will consider violations of those recorded covenants or restrictions as the creation a public nuisance and may enforce said violation as otherwise provided for in the public nuisance sections of the Town Ordinances.

(9) Responsible persons of real estate will mean any person, including individuals, sole

proprietors, partnerships, corporations, firms, or associations who alone or jointly or severally with others have legal or equitable title to any dwelling, dwelling unit, building, structure, or parcel of real estate. The definition will include any person who has care or control of any dwelling, dwelling unity, building, structure, or parcel of real estate in the legal or equitable owner's stead, including, but not limited to an executor, administrator, trustee, guardian or any party prosecuting a foreclosure of the real estate who has obtained a judgment that affords the person the right to request that an Elkhart County Sheriff's Office sale be held to satisfy a portion of the person's judgment. Care or control will be construed to include the right to schedule a sheriff's sale in those instances where no one resides in the real estate or operates a business on the real estate, and no one has properly maintained the real estate or the buildings or structures on the real estate.

(10) Wooded areas will mean an area densely covered with trees and shrubs.

(11) Wetlands will mean a swampy or marshy area and include the areas immediately surrounding ponds, riverbeds, and streams.

(12) Tree Planting, Maintenance, and Removal of Street Trees will have the following meanings:

(a) Public Way is the width, including easements and rights-of-way of any street, highway, avenue, boulevard, road, or lane provided for public travel;

(b) Public Place is a place that is generally open and accessible to people such as public parks and other grounds owned by the municipality;

(c) Municipality is the corporate Town limits of Bristol, Indiana;

(d) Street Trees are any trees on public or private property located within the public way;

(e) Person is any person, partnership, corporation, or other entity; or

(f) Property Owner is any person having an ownership interest in real estate within the Town of Bristol.

(13) Unfit for Human Habitation. Dangerous or detrimental to life or health because of:

(a) Need of repair;

(b) Defects in the drainage, plumbing, lighting, ventilation, or construction;

(c) Infection with contagious disease; or

(d) The existence of the premises of an unsanitary condition that is likely to cause sickness among occupants of the dwelling.

(>97 Code, ' 6-94)

(14) Weeds are any plant, vine, or small bush that is naturally growing and is not

normally planted deliberately, cultivated, and maintained for ornamental or agricultural purposes.
(Code 2002, § 95.04; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.04, 8-18-2022; Ord. of 10-4-2022, § 95.04)

§ 95.05 COMMON LAW AND STATUTORY NUISANCES.

In addition to what is declared in this Code chapter to be a public nuisance, those offenses that are known to the common law and statutes of Indiana as a public nuisance may be treated as such and be proceeded against as is provided in this Code chapter or following other provision of law.
(Code 1997, § 6-95; Code 2002, § 95.05; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.05, 8-18-2022; Ord. of 10-4-2022, § 95.05)

§ 95.06 CERTAIN CONDITIONS DECLARED A NUISANCE.

A. It is unlawful for the responsible person having control or management of any land within the municipality to permit a nuisance to develop thereon.

B. It is unlawful to intentionally create a condition or perform an act that creates or constitutes a nuisance.

C. The following conditions are declared as a public nuisance:

(1) Dwellings and buildings unfit for and intended or used for human habitation. The erection, use, or maintenance of a commercial building and/or dwelling which is unfit for human habitation. Buildings or dwellings which are not connected to public utilities (water, sewer) or do not have operable heating and lighting systems. Buildings damaged by fire or weather whose repair is not beginning within 90 days and completed within 365 days from the date of damage.

(2) Dangerous buildings adjoining streets. Any building, house, or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, limb, or property of or cause hurt damage, or injury to persons or property using or being upon the streets or public way of the municipality adjoining the premises because of the collapse of the building, house, or structure or by the falling of parts thereof or objects therefrom.

(3) Dangerous trees or tree stacks adjoining streets. Any tree, tree stacks, or other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, limb, or property of, or cause hurt, damage, or injury to persons or property upon the public streets or public ways adjacent thereto by the falling thereof or of parts thereof.

(4) Dilapidated buildings, which include:

(a) Any building, house, or structure that is so out of repair and dilapidated that it constitutes a fire hazard that is liable to catch on fire or communicate fire or which due to lack of adequate maintenance or neglect endangers the public health, welfare or safely or materially interferes with the peaceful enjoyment by owners or occupants of adjacent

property.

(b) Any buildings or structures used for human residence, or occupancy which does not comply with the following requirements and/or contain;

1. A kitchen sink in good working condition;

2. A room that affords privacy to a person within the said room and which is equipped with a flush toilet and a bathroom sink in good working condition; and

3. A room that affords privacy to a person within the said room a bathtub or shower in good working condition, all of which are properly connected to a water system and sewer system, if available, and if no sewer system is available to a septic system approved by the County of Elkhart.

(c) Supplied facility, piece of equipment, or utility required under this Code constructed or installed such that it will not function safely and effectively and be maintained in satisfactory working condition.

(d) Every foundation, floor, wall, ceiling, and roof not reasonably weathered tight and rodent proof; will be capable of affording privacy; and maintained in good repair.

(e) Roof drains, gutters, flashings, and downspouts are not maintained in good repair and are free from obstructions and weather tightness. Roof water is being discharged in a manner that creates a hazard on the premises or adjacent property.

(f) Every window, exterior door, and basement hatchway not reasonably weathered tight and rodent proof and maintained in sound working condition and good repair.

(g) Every inside and outside stairway, porch, and appurtenance thereto not constructed safely for use and capable of supporting the load that normal use may cause to be placed thereon and maintained in sound working condition and good repair. Metal fire escapes are not maintained in a rust-free condition.

(h) Every handrail and guardrail not firmly fastened and capable of supporting normally imposed loads and maintained in good condition.

(i) All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches, and trim not maintained in good condition. Peeling, flaking, and chipped paint surfaces will be eliminated, and surfaces repainted.

(j) All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features are not maintained in good repair with proper anchorage and a safe condition.

(k) All canopies, pergolas, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts, and similar overhang extensions not maintained in good repair and properly anchored and maintained in a sound condition. When required, all exposed surfaces of metaland wood be protected from the elements against decay or rust by periodic application of weather coating materials, such as paint or similar surface

treatment.

(l) Pipes, ducts, conductors, fans, or blowers that discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(m) All additions or improvements to any building or structure not made in accordance with the County of Elkhart Building Codes.

(n) All premises not graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon; this includes fishponds and/or water garden ponds, or within any structure located thereon.

(o) All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas are not kept in a proper state of repair and maintained free from hazardous conditions.

(p) Any portion, member, or appurtenance of a building that will likely fail, become detached, dislodged, or collapse and thereby injure persons or damage property.

(q) Building or structure not manifestly safe for the purpose for which it is being used.

(r) The building or structure is in such a condition that it is likely to collapse partially or completely due to:

1. Dilapidation, deterioration, or decay;

2. Faulty construction;

3. The removal, movement, or instability of any portion of the ground necessary for supporting such building; or

4. The deterioration, decay, or inadequacy of its foundation.

(s) If a fire, earthquake, flood, tornado, wind, or any other cause, damages the structural strength and stability are materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location, the property owner has 90 days after the event to begin remediation and is only in violation if that hasn’t occurred. *

(t) If structural damage is caused by fire, tornado, wind, earthquake, or flood that causes dilapidation and deterioration are freely assessable to people and animals, the property owner has 90 days from the date of the incident to begin remediation and is only in violation if that hasn’t occurred.*

(u) A building or structure which, because of obsolescence, dilapidated condition, deterioration, damage, lack of sufficient fire-resistive construction, electrical wiring, gas connection, or heating apparatus, becomes a fire hazard.

(v) A portion of a building or structure being demolished and/or materials from demolition remains on the real estate for more than 90 days after demolition began*

Footnote: * If the property owner or responsible person cannot complete the required remediation to abate the nuisance as provided in 95.06(4)s; C(4)t; or C(4)v. The person may appeal to the town manager for our extension of time.

(5) Accumulation of rubbish. An accumulation on any premises of filth, refuse, grass clippings, trash, garbage, overgrown vegetation, damages, obsolete or unusable machinery, damaged, obsolete or unusable equipment, inoperable appliances, scrap not stored in enclosed containers, or other waste material that endangers the public health, welfare or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and/or propagating vermin, rodents or insects or its blowing or rubbing into any street, sidewalk or property of another or its propensity to constitute a safety hazard as an attractive nuisance to children.

(6) Noxious odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke, or other matter that renders ordinary use or physical occupation of other property in the vicinity uncomfortable or impossible.

(7) Noise. Emitting unreasonable, unnecessary, excessive, and offensive noise from all sources is subject to its law enforcement power. Above certain levels, noise is detrimental to the health and welfare of the citizens and in the public interest will be systematically regulated and proscribed by the Town. Refer to 95.50, Loud and Unnecessary Noise Prohibited.

(8) Storage of explosives or combustible material. The storage of combustible or explosive material creates a safety hazard to other property or persons in the vicinity.

(9) Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, excavation, or vault situated upon a private premise in any open or unfenced lot or place.

(10) Trees and shrubbery obstruct streets and sidewalks. The growing and maintenance of trees with less than 14 feet clearance over streets or less than eight (8) feet over sidewalks or the growing and maintenance of shrubbery over three (3) feet in height within the radius of 20 feet from the point where the curb line of any street intersects with the curb line of another street. See Code section 95.43

(11) Scrap metal. The storage of scrap metal within the municipal limits except on premises authorized by the Town Council for such purposes.

('97 Code, 6-96) (Ord. 5-8-97(A), passed 5-8-97)

(12) Junk. Old or discarded articles that are considered useless or of little value remain outdoors for ten (10) days. Placing a for-sale sign on these articles will not exempt said item from this Code chapter. Provided that if old or discarded articles are stored in a building, said storage will not create or constitute a health and/or fire hazards.

(13) Building Materials. Any materials or remnants of material used in the construction, improvement, or renovation of buildings or structures were allowed to remain on the real

estate but not attached to any building or structure for ten (10) after the completion, renovation, or improvement was completed including but not limited to the following:

(a) Lumber;

(b) Plywood;

(c) Stone;

(d) Metal;

(e) Brick;

(f) Wiring and electrical material or equipment;

(g) Plumbing fixtures;

(h) Air conditioning or heating materials;

(i) Shingles or steel roofing or roofing materials;

(j) Mortar, bulk concrete, or concrete;

(k) Plastic;

(l) Insulation materials; or

(m) Leftover construction materials not listed above.
(Code 1997, § 6-96; Code 2002, § 95.06; Ord. 5-8-97(A), passed 5-8-97) (Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.06, 8-18-2022; Ord. of 10-4-2022, § 95.06)

§ 95.07 NUISANCE CREATED BY OTHERS.

For this Code chapter, the nuisance does not have to be created or contributed to by the owner, occupant, or the person having control or management of the premises, but merely that the nuisance is created or contributed to by licensees, invitees, guests, or other persons for whose conduct the owner or operator is responsible or by persons for whose conduct the owner or operator is not responsible but by the exercise of reasonable care would have prevented, or simply if once created the owner or occupant allows the public nuisance to continue after receipt of notice to have it abated.
(Code 1997, § 6-98; Code 2002, § 95.07; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.07, 8-18-2022; Ord. of 10-4-2022, § 95.07)

§ 95.08 REMOVAL OF ICE AND SNOW.

It is the responsibility of all municipality owners and occupants of every parcel of real estate in the municipality abutting upon the accumulation of snow and ice on private sidewalks in front and on the side of their premises as part of good citizenship.
(Code 1997, § 6-105; Code 2002, § 95.08; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No.

07-21-19, exh. E, § 95.08, 8-18-2022; Ord. of 10-4-2022, § 95.08)

§ 95.09 GARAGE, PORCH, PATIO AND YARD SALES.

A. No person, firm, or corporation and no group or groups of persons will organize, operate, and maintain a garage, porch, patio, rummage, or yard sale zoned (residential sales) in any residential area or on any premises primarily used for residential purposes for any period or term exceeding four (4) days after which the premises are to be cleaned up, and no person, firm, corporation, group or groups of persons may thus organize, operate, or maintain a garage, porch, patio, or yard sale more than two (2) times a calendar year at the same location. A minimum of 30 days will lapse between sales at the same location.

B. Residential sales are allowed provided the following conditions are met:

(1) No merchandise other than normally found in a household or garage may be sold;

(2) The sale is conducted by the owner or occupant of the premises on which the sale is being conducted;

(3) No advertisement signs will be posted off the sale premises;

(4) It is unlawful to place sale items on a sidewalk, blocking the free movement of pedestrians;

(5) Sale hours do not exceed 7:00 a.m. to 8:30 p.m.; and

(6) When traffic congestion occurs at a sale location, law enforcement will decide on best practices in eliminating the congestion, which may include ordering the sale to immediately stop.

C. Failure to adhere to these requirements in this Code section will constitute creating a public nuisance. Each violation day will constitute a separate offense. The offense may be charged against the owner of the location, the party conducting the sale, or both.
(Code 2002, § 95.09; Ord. 12-18-03, passed 12-18-03; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.09, 8-18-2022; Ord. of 10-4-2022, § 95.09)

95.10 POSTING NOTICES

A. No person will post or affix any notices, posters, or other paper or devices which is calculated to attract the attention of the public to any lamppost, public utility pole, traffic signpost, tree, upon any public structure, or building, except as may be authorized by law. Failure to adhere to these requirements will constitute creating a public nuisance.

B. No signs shall be displayed within the street tree line or in a public right of way at any time.
(Code 1997, § 6-63; Code 2002, § 95.30; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.10, 8-18-2022; Ord. of 10-4-2022, § 95.10)

95.11 GRAFFITI

A. Any form of graffiti within the Town of Bristol's municipality is a nuisance by the provisions of this Code section. Graffiti definitions are in section 95.04(A)(2) of this Code chapter.

B. Any person applying graffiti within the municipality is responsible for the immediate removal unless

law enforcement or code enforcement served a 72-hour removal notice. Each day after the notice will constitute a new violation.

C. After notifying the responsible persons who applied the graffiti, either law enforcement or code enforcement will notify the owner of the property on which the graffiti was placed of the Town's intent to remove the graffiti at the Town's expense. The Town has the right to enter the property for removing the graffiti from 8:00 a.m. to 5:00 p.m., Monday through Saturday. Once the property owner receives notice and objects to the removal of the graffiti, the owner has 72 hours to contest the removal to the Town Marshal.

D. If the property owner files an objection and does agree to the removal of the graffiti at their expense or the period for removal has expired, a scheduled hearing before the Town Marshal, providing the property owner the opportunity to present evidence as to why the graffiti should be removed or not removed by the Town. If an agreement cannot be reached at the marshal’s level, the property owner will have the opportunity to cross-examine any witnesses present by the Town Council in support of the removal of the graffiti.

E. A person violating this Code section is liable to the Town of Bristol for the cost of graffiti removal. A person under the age of 18 violating this Code section, the child's parents, and/or guardian are responsible for the cost of removing the graffiti provided by IC: 34-31-4-2.

F. Nothing in this Code section should preclude the Town of Bristol from taking either civil or criminal action to have graffiti removed or act against persons responsible for the graffiti.
(Ord. No. 07-21-19, exh. E, § 95.11, 8-18-2022; Ord. of 10-4-2022, § 95.11)

LITTER AND DUMPING REGULATIONS

§ 95.20 THROWING LITTER FROM VEHICLE.

When law enforcement has probable cause that a person discarded refuse from a moving vehicle, then that person commits littering and will constitute creating a public nuisance under IC: 35-45-3-2.
(Code 1997, § 6-58; Code 2002, § 95.25; Am. Ord. 4-19-07A, passed 4-19-07;Ord. No. 07-21-19, exh. E, § 95.20, 8-18-2022; Ord. of 10-4-2022, § 95.20)

§ 95.21 TRACKING FOREIGN MATTER ON STREETS.

No person will drive or move any vehicle, truck, trailer, or heavy equipment within the

municipality, when the wheels or tires of which carry onto or deposit in any street, alley, or another public way with excessive mud, dirt, sticky substances, litter, or foreign matter of any kind. Committing such an act will constitute creating a public nuisance.
(Code 1997, § 6-59; Code 2002, § 95.26; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.21, 8-18-2022; Ord. of 10-4-2022, § 95.21)

§ 95.22 HAULING LOOSE MATERIAL.

Vehicles and trailers with contents escaping (dripping, sifting, leaking, or blowing) are prohibited from operation on any street, alley, sidewalk, or public place will constitute creating a public nuisance. The owner/operator of the vehicle is responsible for immediate cleaning of any loose materials and all costs under IC: 9-21-8-48.
(Code 1997, § 6-60; Code 2002, § 95.27; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.22, 8-18-2022; Ord. of 10-4-2022, § 95.22)

95.23 KEEPING SIDEWALKS FREE OF LITTER

A. No person will sweep, blow, or deposit any materials into the stormwater gutter, street, or other public places within the Town and the accumulation of litter from any building, lot, any public or private sidewalk, or driveway. Persons owning or occupying the property will keep the sidewalk in front and on the side of their premises free of litter as part of good citizenship.

B. Store owners are prohibited from displaying merchandise for sale on public sidewalks, except in conjunction with the Town's annual sidewalk sale days approved by the resolution of the Town Council. No person shall encumber or store material on any street or sidewalk to interfere with the free and unobstructed use of said sidewalk or street. Failure to adhere to these requirements will constitute creating a public nuisance.
(Code 1997, §§ 6-61, 6-62; Code 2002, §§ 95.28, 95.29; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.23, 8-18-2022; Ord. of 10-4-2022, § 95.23)

95.24 LITTER ON PRIVATE PROPERTY

No person will throw or deposit litter on any private property within the municipality, whether owned by that person or not, except that the owner or person in control of the private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried, deposited by the elements upon streets, sidewalks, other public places, upon any private property. Failure to adhere to these requirements will constitute creating a public nuisance.
(Code 1997, § 6-64; Code 2002, § 95.31; (Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.24, 8-18-2022; Ord. of 10-4-2022, § 95.24)

95.25 DUMPING TRASH IS PROHIBITED

Depositing or dumping of trash, litter, junk vehicles, vehicle parts, appliances, other litter, or rubbish on Town property is prohibited, except to the extent it is deposited in authorized, proper collection receptacles in such a manner that the item deposited in the receptacle will be prevented from being carried or deposited by the elements on the streets, sidewalks, or other public places. Failure to adhere to these requirements will constitute creating a public nuisance.

(Code 1997, § 6-70; Code 2002, § 95.32; Ord. 12-13-90, passed 1-10-91; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.25, 8-18-2022; Ord. of 10-4-2022, § 95.25)

WEEDS AND RANK VEGETATION

95.30 REQUIRED MAINTENANCE

A. The owner or responsible person for real estate located within the Town of Bristol is responsible for cutting and removing rank vegetation from their property.

B. If the responsible person has a variance, that has been approved by the Town Council, the person is responsible for maintaining the property by the conditions of the variance.
(Ord. No. 07-21-19, exh. E, § 95.30, 8-18-2022; Ord. of 10-4-2022, § 95.30)

95.31 APPLICATION FOR A VARIANCE

A. Property owners within the Town of Bristol may apply for a preliminary variance either before or after the responsible person is served with a violation. The Town Manager may issue a preliminary variance and the Town Council may permit the responsible person a variance for growing rank vegetation.

B. Variance request will be in writing and describe the real estate affected in sufficient detail and the types of vegetation to be grown will provide the history of the property.

C. Application for a preliminary variance:

(1) If the Town Manager or Code Enforcement Officer, upon review of the application for a

preliminary variance and any follow-up or additional information determine the conditions of the property for which the variance is sought is:

(a) Not in extreme deviation from the aesthetic appearance of the neighborhood and/or;

(b) Could be considered natural landscaping and/or;

(c) Has been maintained in its current condition continuously for a considerable time without significant complaints by neighbors, and a preliminary variance will be issued.

(2) In the event a complaint is filed with the Town Council after a preliminary variance has been issued by any property owner within 300 feet of the property subject to the preliminary variance, the complaint shall be submitted to the council for consideration.

D. If the Town Council agrees the preliminary variance met this Code section requirement, the Council will notify by mail of a preliminary meeting, to the property owners within 300 feet of the variance holder's responsible peers. The responsible person will be notified of the variance hearing, date, and place of the preliminary meeting and the

responsible person will have an opportunity to speak at the meeting after the complainant presents their complaint. The Town's Clerk-Treasurer is responsible for notifying the media of the preliminary meeting as required under the Public Meeting (Indiana Open Door) according to IC: 5-14-1.5. The complainant will have the burden of proof and will be responsible when filing this complaint with the Town Council to supply the names and addresses of property owners within 300 feet.

E. At the hearing, the Town Council will consider the variance's impact on the neighborhood's overall appearance, taking into consideration the type of neighborhood into which the variance will be introduced, the location and size of the area affected, the visibility to neighboring real estate or to public sidewalks or roadways, and the objections of neighboring real estate owners. The Council will consider any trend toward natural landscaping and allow for the introduction of new ideas and approaches, provided the variance request is not an extreme deviation from the aesthetic appearance of the existing neighborhood.

(1) The variance request needs to be approved unless a majority of the Council determines the information submitted will do one of the following.

(a) Pose a substantial hazard to adjoining parcels of real estate. The hazard will be different in kind or degree from the hazards posed to adjacent real estate owners in areas where natural landscaping is permitted by exemption or by variance.

(b) Materially lower real estate values of adjacent parcels of real estate.

(c) Constitute an extreme deviation from the aesthetic appearance of the existing neighborhood.

(2) The Council may add reasonable conditions to the maintaining or granting of any variance.

(3) The Council may approve a variance that constitutes an extreme deviation from the aesthetic appearance of the existing neighborhood if the legislative body finds the benefits of the variance, has a positive impact on the environment, and outweigh the negative impact on the aesthetic appearance of the existing neighborhood.
(Ord. No. 07-21-19, exh. E, § 95.31, 8-18-2022; Ord. of 10-4-2022, § 95.31)

§ 95.32 UNLAWFUL GROWTH.

The responsible person for any lot or parcel of land within the municipality is responsible for mowing rank vegetation upon their property when the rank vegatation is greater than eight (8) inches, during the months of April through October. Failure to follow these requirements will constitute creating a public nuisance.
(Code 1997, § 6-82; Code 2002, § 95.45; Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 8-15-19B, § 95.45, 8-15-2019; Ord. No. 07-21-19, exh. E, § 95.32, 8-18-2022; Ord. of 10-4-2022, § 95.32; Ord. No. 11-17-2022(a), att., § 95.32, 11-17-2022)

§ 95.33 NOTICE TO REMOVE.

A. Pursuant to IC: 36-7-10.1-1, the Town Council will require the responsible person of real property in the Town of Bristol to maintain their property by complying with 95.31 and 95.32. Upon observing the property violation, the Code Enforcement Officer will issue a notice of violation to the responsible person of the property requiring the owner to abate the violation. The responsible person will have five (5) days to abate the violation.

(>97 Code, ' 6-83) (Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07)

B. Service of this notice is adequate if given to at least one (1) responsible person of record at the address for the person as indicated in the records of the Elkhart County Auditor's Office. The first citation to the responsible person or tenant will impose a fine. Each subsequent citation issued to the responsible person or tenant will impose a penalty of an additional fine. Notice of violation may be issued to the owner or tenant by:

(1) Posting a notice warning;

(2) In-person;

(3) First class mail; or

(4) Certified mail, return receipt requested.

C. If the notice of violation includes a continuous abatement notice, the notice will be served by certified mail, return receipt requested, and the first-class mail to at least one (1) responsible person of record at the last address of the owner as indicated by the County Auditor’s records.

D. If a continuous abatement notice has been served to the responsible person following the mentioned provisions, a notice of a subsequent violation in a conspicuous location upon the real estate will be posted. The responsible person will have three (3) days from the date the notice of subsequent violation is posted on the real estate to abate the violation.
(Code 1997, § 6-83; Code 2002, § 95.46; Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.33, 8-18-2022; Ord. of 10-4-2022, § 95.33)

§ 95.34 REMOVAL COSTS.

A. If the responsible person fails to cut or remove the rank vegetation within the time prescribed, the Town may remove the noxious vegetation from the property within five (5) business days as required by the notice. Pursuant to IC: 36-7-10.1-3(b)(5) town employees or contract employees may enter the property to abate a violation of the ordinance if the owner fails to abate the violation. The procedure shall be to post on the property no less than 24 hours in advance of abatement work with the name of entity and of town employees performing and beginning date of abatement work. The Clerk-Treasurer will make a certified statement of the actual cost incurred by the Town in the removal. The statement will be delivered to the responsible person of the property, either by the Town's Code Enforcement Officer or by registered mail, and the responsible person is responsible for making payment to the Clerk-Treasurer.

The procedure shall be to post on the property no less than 24 hours in advance of abatement work with the name of the entity and of town employees performing and the beginning date of abatement work. The Clerk-Treasurer will make a certified statement of the actual cost incurred by the Town in the removal. The statement will be delivered to the responsible person of the property, either by the Town's Code Enforcement Officer or by registered mail, and the responsible person is responsible for making payment to the Clerk-Treasurer.

B. If the responsible person fails to pay the amount within ten (10) days after receiving the statement, a certified copy of the statement of costs will be filed in the Elkhart County's Auditor Office as provided by IC: 36-7-10.1-4. The Auditor is responsible for placing the amount claimed on a tax duplicate against the property affected by the work and the amount will be collected as taxes are collected and disbursed to the Town's general fund.

C. The cost of mowing properties in the Town will be a minimum fee per hour per lot, under 95.80(K) Enforcement and Review Process.
(Code 1997, § 6-84; Code 2002, § 95.47; Res. - -, passed 6-6-91; Am. Ord. 1996-3, passed 7-11-96; Am. Ord. 01-09-97, passed 1-09-97; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 8-15-19B, § 95.47, 8-15-2019; Ord. No. 07-21-19, exh. E, § 95.34, 8-18-2022; Ord. of 10-4-2022, § 95.34; Ord. No. 11-17-2022(a), att., § 95.34, 11-17-2022)

~~**§ 95.48 RIGHT TO APPEAL.**~~

~~Any person aggrieved shall have the right to appeal to the legislative body. The appeal shall be taken within 30 days after the notice. The legislative body shall act on the appeal within 30 days after its receipt.~~
~~(Code 2002, § 95.48; Am. Ord. 12-15-05(A), passed 12-15-05; Am. Ord. 4-19-07A, passed 4-19-07)~~

~~TREE TRIMMING~~

~~**§ 95.60 RESTRICTED BY SIDEWALKS.**~~

~~It shall be unlawful for the owner of any shade trees or ornamental trees growing in any street in the town to allow any of the branches thereof to grow at a closer distance than 14 feet from the sidewalk level.~~
~~(Code 1997, § 6-88; Code 2002, § 95.60; Ord. - -, passed 6-28-29; Am. Ord. 4-19-07A, passed 4-19-07)~~
~~Penalty, see § 10.99~~

~~**§ 95.61 OBSTRUCTION OF STREET LIGHTS PROHIBITED.**~~

~~It shall be the duty of the owner of every lot or part of lot fronting on any street or highway in the town to cause the shade trees in front of the lot or part of lot to be trimmed in such a manner that the branches will not obstruct the light of the electric street lights nor in any way impair the efficiency of the street lights in the town.~~
~~(Code 1997, § 6-89; Code 2002, § 95.61; Ord. - -, passed 6-28-29; Am. Ord. 4-19-07A,~~

~~passed 4-19-07)~~

TREE PLANTING, MAINTENANCE, AND REMOVAL

95.40 PURPOSE

The purpose of this Code section is to promote the enhancement and protection of the aesthetics and the environment as well as the public health, safety, and general welfare of the persons and properties of the citizens of Bristol. Promoting the planting, maintenance, and removal of street trees on public or private lands within the Town of Bristol and establishing procedures for planting trees on Town-owned property.
(Ord. No. 07-21-19, exh. E, § 95.40, 8-18-2022; Ord. of 10-4-2022, § 95.40)

95.41 TREES THAT ARE PROHIBITED

The Bristol Town Council is responsible for determining what type of trees are prohibited within ten (10) feet of the street or planted on a tree lawn.
(Ord. No. 07-21-19, exh. E, § 95.41, 8-18-2022; Ord. of 10-4-2022, § 95.41)

95.42 DAMAGING AND INJURING TREES

A. It is unlawful for any person to:

(1) Damage, cut, carve, or injure any street trees;

(2) Attach any signs, wire, or injurious material to any street tree. However, wires or other supports used to straighten trees will not be deemed unlawful; or

(3) Allow any gaseous, liquid, or solid substance harmful to the tree root system or bark of any street tree.
(Ord. No. 07-21-19, exh. E, § 95.42, 8-18-2022; Ord. of 10-4-2022, § 95.42)

95.43 TRIMMING AND MAINTENANCE OF STREET TREES

A. Other than street trees, property owners with any kind of tree, shrub, or hedge are responsible for trimming and maintaining so that all dead wood and decaying branches are removed to prevent dangerous conditions to people and/or property. Other than street trees, the property owner is responsible for maintaining clear visibility, and free use of public ways, so they do not interfere with streetlamps and their lighting.

B. The purpose of the Town’s brush pick-up service program is to clean up storm damage material and normal maintenance. The Bristol Street Department’s brush crew will pick up brush on the 3rd Thursday of each month starting in April and ending in November of each year. The brush crew will accept reasonable amounts of trimmings from trees and bushes. During the scheduled brush collections, the brush crew will make one pass through the Town to pick up the brush starting at 7:00 am. Homeowners are responsible for having brush by the front curb, but not in the street before pickup. Brush piles will be trash-free. Brush crews will not pick up the brush if vehicles are blocking the brush piles.

(1) Brush crews will accept branches up to eight (8) feet in length. If more than one pile is needed, a clear separation between piles is necessary.

(2) Small sticks (smaller than a broom handle), twigs, leaves, and other small debris will be bagged or placed in trash cans for normal trash pick-up, following their yard waste removal regulations. Brush crews are not responsible for picking up this type of material.

(3) Homeowners who contract with contractors or workers (professional tree trimmers, landscapers, builders, etc.) are required to remove all tree limbs, trunks, logs, etc. that they generate. The brush crews will not pick up this type of material.

C. The Bristol Street Department is responsible for all street trees, shrubs, or hedges within the public way. All growth will be trimmed to a height and width not to interfere with free pedestrians and vehicular traffic. Street trees will be trimmed to a height of not less than eight feet (8) over sidewalks and 14 feet over streets will be construed to meet this Code section. If a homeowner plants a tree, shrub, or hedge on their property and the growth interferes with street lamps, sidewalks, or signage, the Town Manager may contact the street department to bring the issue into conformity with this Code section. A notice (95.45) may be sent to the property owner and the owner will have 30 days to trim their tree, shrub, or hedge to come into compliance. The Town Council and Town Manager are responsible for deciding on the height of all street trees.

D. When Town officials find it necessary to take emergency action concerning a tree to protect life, safety, or property, officials may take immediate action without issuing the responsible person a notice.
(Ord. No. 07-21-19, exh. E, § 95.43, 8-18-2022; Ord. of 10-4-2022, § 95.43)

95.44TREE AND STUMP REMOVAL AND REPLACEMENT OF TREES

A. All dead, decayed, or diseased street trees will be removed unless the diseased or decayed tree can be brought back to health. Homeowners and businesses are responsible for maintaining healthy trees on their property with the exemption of wooded areas.

B. Town officials may notify property or business owners in writing that they have trees on their property that may be dead, decayed, or diseased. The notice will give the owner 90 days to start the process of removing the trees or take action to cure the existing disease.

C. During periods of emergency, such as high winds, ice storms, floods, or other acts of nature causing a tree to fall on the homeowner or business property, the owner or business is responsible for the tree removal. If a homeowner or business’s tree falls into a public right of way during a storm, the Town may absorb the cost of emergency removal. Unless the down tree can be determined if the tree was disease or insects have caused the tree to be dead or dying, the cost of removal may be shared with the homeowner or business, upon the Town Council's decision. If a street tree falls onto private property, the Town is responsible for the removal.

D. If the Town removes a tree for road widening or utility construction, the Town will compensate the property owner for the tree if required for a state or federally funded project or offer to plant a replacement tree at the Town's expense.

(Ord. No. 07-21-19, exh. E, § 95.44, 8-18-2022; Ord. of 10-4-2022, § 95.44)

95.45 NOTICE TO REMOVE A STUMP OR TREE

A. This Code section may be enforced by the Town Manager. Notice's will contain the name of the person to the order is issued, the address of the property subject of the order, the required order action, the time the action is required to be completed, and a brief statement of why the action is required, and a statement that the property owner may appeal the Town's determination that the stump or tree violates this Code section.

B. Appeals to the Town Council will be made within 30 days of the receipt of the notice. The property owner requesting the appeal will be allowed to appear at a public hearing to present evidence that reasonably relates to whether the required action is consistent with the terms of this Code section. The property owner will be allowed to cross-examine any person providing information or testimony to the Council.

C. Any service of process required by this Code section is sufficient if it is served upon owners of the property listed in the Elkhart County Auditor's Office by first-class U.S. mail. Besides, the notice will be posted on the property or handed to the owner where the tree is located.

D. Any action of the Town Council is subject to review by any Elkhart County court and filed within 20 days of the action taken by the Council.
(Ord. No. 07-21-19, exh. E, § 95.45, 8-18-2022; Ord. of 10-4-2022, § 95.45)

LOUD AND UNNECESSARY NOISE PROHIBITED.

95.50 SOUND PRESSURE LEVEL OR NOISE MEASUREMENT

A. All sound pressure levels, or noise measurements will be made by a designated police officer or the code compliance officer trained in the use of the sound monitoring equipment.

B. Measurement of sound or noise will be made with a sound pressure level meter meeting the standards prescribed by the American Standards Association. The instrument will be maintained in calibration and in good working order. A calibration check will be made of the system before or after any sound or noise measurement. Measurements recorded will be taken to provide a proper representation of the noise source. The microphone during measurement will be positioned so as not to create any unnatural enhancement or diminution of the measured sound or noise.

C. Measurement will be made at any point on the property into which the noise is being transmitted and will be made at least three (3) feet away from any ground, wall, floor, ceiling, roof, or other plane surfaces.

D. In the event of multiple occupancies of a property, the measurement may be made at any point inside the premises to which any complainant has a right of legal private occupancy; provided, that the measurement is made at least three (3) feet from a plane surface.

E. The average measurement for this Code section will be the sum of all the readings taken divided by the number of readings.

F. Measurement of motor vehicles will be taken at least 50 feet from the centerline of travel of the source in areas other than residential. If the noise projects into a residential property, as defined in the definitions of this Code section, the measurement for purposes of investigating a complaint made by a citizen on any public street will be taken at least 20 feet from the centerline of travel of the source.

G. The procedure for measurement of motor vehicles will be as follows:

(1) One measurement will be made when the vehicle is 110 feet from the point of placement of the sound pressure level meter as measured along the line of travel;

(2) A second reading will be taken when the vehicle is parallel to the point of placement of the sound pressure level meter; and

(3) The median measurement will then be recorded as the measurement for that moving vehicle.

H. If a measurement is taken at the boundary of two (2) zones then the more restrictive zone will apply.
(Ord. No. 07-21-19, exh. E, § 95.50, 8-18-2022; Ord. of 10-4-2022, § 95.50)

95.51 SOUND PRESSURE LEVEL LIMITS IN DB(A) FOR SINGLE NOISE OR SOUND SOURCES IN RESIDENTIAL, BUSINESS, AND MANUFACTURING ZONES

A. For stationary or fixed sources, the required measurement of sound will consist of readings taken at 10-second intervals for three (3) minutes within a one (1) hour period. For non-stationary sources, like motor vehicles, the required measurement will consist of two (2) readings taken within a one (1) hour period. The average measurement for these sources will not exceed the sound pressure level limits for the locations and times listed in the chart below.

Zones	*Daytime*	*Nighttime*
Residential	80	70
Business	80	75
Manufacturing	85	75

B. The Town Council, or its authorized representative, will be empowered to adjust these levels after said review to reflect current manufacturing techniques and/or standards set by the federal or state guidelines.

C. Mandatory public review of this chapter will take place within six (6) months of the date of passing and annually thereafter. Reviews will be conducted under the direction of the Town Council and must be publicly advertised for at least one (1) month before being held.
(Ord. No. 07-21-19, exh. E, § 95.51, 8-18-2022; Ord. of 10-4-2022, § 95.51)

95.52 NOISES PROHIBITED

A. It is a violation of this Code section for any person to create any unnecessary, loud, disturbing, or offensive noise on any street, sidewalk, or public place adjacent to any school, an institution of learning, library, or church while any of the same is in use.

B. It is a violation of this Code section to operate, or cause to be operated, any non-stationary source or fixed source which emits a noise above the limits found in Code section 95.51, except as specifically exempted in Code section 95.53. Measurement will be made in accordance with Code section 95.50(C), (D), (F), (G), or (H).

C. It is a violation of this Code section to operate a motor vehicle or combination of vehicles towed by such motor vehicle which creates noise or sound which exceeds the noise level limits set out in Code section 95.51.

D. Every motor vehicle with internal combustion, steam, or air motor will be equipped with a suitable and efficient muffler. A muffler will be considered suitable and efficient, for this Code section, when it does not create excessive noise. Excessive noise will be determined when any sound created by the motor vehicle at any time and under any condition exceeds the limits set out in Code section 95.51. Except by specific governmental authorization given by the Police Department or the office of the Town Manager, no person while on a public or private highway, street, or road will operate a motor vehicle with the muffler cut out or removed. No cutout will be so arranged or connected as to permit its operation or control by the driver of any motor vehicle while in position for driving or by a passenger of any motor vehicle.
(Ord. No. 07-21-19, exh. E, § 95.52, 8-18-2022; Ord. of 10-4-2022, § 95.52)

~~**§ 95.75 LOUD AND UNNECESSARY NOISE PROHIBITED.**~~

~~(A) It shall be a violation of this chapter for a person to make or allow property under his or her control to make any loud, raucous, improper, unreasonable, offensive or unusual noise which disturbs, injures or endangers the comfort, repose, health, peace, safety or quiet enjoyment of others within the town.~~

~~(B) It shall be the duty of every real property owner, the owner or manager of any business in the town or motor vehicle driver operating a vehicle within the town to prevent persons using property under their control from violating this section.~~
~~(Code 2002, § 95.75; Ord. 8-19-99, passed 8-19-99; Am. Ord. 4-19-07A, passed 4-19-07)~~

~~**§ 95.76 ENUMERATION OF CERTAIN PROHIBITED ACTS.**~~

~~(A) The following acts, among others, are declared to be loud, raucous or disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.~~

~~(B) The acts enumerated in this section are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section or limiting the offense hereunder to the particular offense hereinafter enumerated:~~

~~(1) Using, operating or permitting to be played, used or operated any radio receiving set, CD player, musical instrument, speakers, tape deck, public address or paging system or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener. The operation of any such set, instrument, phonograph, machine or device in such a manner to be plainly audible to any persons on or in an adjoining property, apartment, office, structure, sidewalk or vehicle shall be prima facie evidence of a violation of this chapter.~~

~~(2) Using, operating or permitting to be placed, used or operated any radio receiving set, musical instrument, CD player or tape deck, loudspeaker, sound amplifier, public address system or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.~~

~~(3) Yelling, shouting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any commercial building or in any dwelling or other type of residence or of any person in the vicinity.~~

~~(4) The creation of any loud and raucous noise on any street adjacent to any school, library, church or court while the same are in use which unreasonably interferes with the working of such institution or which unduly disturbs persons in the facilities, provided conspicuous signs are displayed in the streets indicating that the same is a school, library or court street.~~

~~(5) The use of any sound creating instrument or device for the purpose of generating a sound to attract attention by creation of noise to any performance, show or sale.~~

~~(6) The participation in or permitting of any parties or gatherings which create loud or raucous noise.~~

~~(7) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.~~

~~(8) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.~~

~~(9) To operate, cause to operate or use a motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal or as the result of the operation of audio devices such as but not limited to radios, CD players and tape players on or from such vehicle.~~

~~(10) To intentionally or unintentionally utilize or engage an engine exhaust or compression regulating system or similar device installed on a diesel engine which results during the braking, freewheeling or deceleration of the engine and the vehicle upon which it is installed noise greater than that which occurs when that same engine is under acceleration. Noise caused by the activity shall be considered excessive noise and is prohibited.~~

~~(C) In addition to the standards set forth above any noise or sound shall be considered excessive noise and a nuisance if it exceeds a noise level of 85 decibels (dba) based on a distance of measurement 15 feet from the noise source. Decibel measurement shall be only one source of evidence for ordinance violation.~~
~~(Code 2002, § 95.76; Ord. 8-19-99, passed 8-19-99; Am. Ord. 4-19-07A, passed 4-19-07)~~

95.53 EXEMPTIONS

A. Nonamplified crowd noises resulting from legal activities, between the hours of 7:00 a.m. and 9:00 p.m. Sunday through Thursday. Friday and Saturday, hours may be extended from 7:00 a.m. to 11:00 p.m.

B. Construction operations for which building permits have been issued or construction operations for which a permit is not required will be exempt from the noise control ordinance under the following conditions and with the following exceptions:

(1) Such operations that occur after sunrise from the first of April to the first of October and after 6:00 a.m. the rest of the year and before 10:00 p.m. all year long will be exempt from the noise level regulations, except on Sundays and holidays, during which time such operations are subject to noise level regulations. However, in recognition of the work necessary to prepare and close a site each day, motor vehicles transporting heavy construction equipment or construction materials to and from construction sites at those times will be exempt from the noise level regulations.

(2) Because of the loud and unusual sounds, and the ground vibrations associated with pile drivers, heavy equipment, pneumatic hammers, and the operation of this equipment will be exempt from the noise level regulations only when it occurs between the hours of 7:00 a.m. and 8:00 p.m. or when allowed by special permit.

(3) To be exempt from the noise level regulations, all equipment used in such operations will be operated with the manufacturer’s mufflers and noise-reducing equipment in use and in proper operating condition.

C. Noises of safety signals, warning devices, and emergency pressure relief valves.

D. Noises resulting from any authorized emergency, fire, ambulance, or police vehicle when responding to an emergency call, acting in time of emergency, or connecting with official ambulance service, police, or fire department business.

E. Noises resulting from emergency work as defined in 95.04(A)(6)(e).

F. Noises are made by churches using bells as part of their religious observance.

G. Noises are made by the daily testing of the emergency fire siren.

H. Noises are made by the Elkhart County weekly weather advisory sirens.

I. All noises resulting from normal operations of railroad trains are exempt; provided, however, that excessive use of railroad train signaling devices will be considered violations of this Code section.

J. The Town Council has the authority to regulate the days and hours when consumer fireworks may be used, ignited, or discharged under IC: 22-11-14-10.5. A person 18 years of age or older may ignite consumer fireworks during the following authorized dates and times and all other discharges will be considered a nuisance:

(1) Between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, July 1, 2, 3, 5, 6, 7, 8, and 9;

(2) Between the hours of 10:00 a.m. and midnight on July 4.

(3) Between the hours of 10:00 p.m. on December 31 and 1:00 a.m. on January 1.

K. Noise from lawn maintenance and tree service equipment (i.e., chain saws, blowers, mowers) are permitted between the hours of 9:00 a.m. and 6:00 p.m.

L. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit, therefore, has been granted by the Town in accordance with 95.54. Regulation of noises emanating from operations under the permit will be according to the conditions and limits stated on the permit or license.
(Code 2002, § 95.77; Ord. 8-19-99, passed 8-19-99; Am. Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.53, 8-18-2022; Ord. of 10-4-2022, § 95.53)

95.54SPECIAL PERMITS

A. Any temporary permit granted by the Town Manager or other authorized person will be in writing, with appropriate copies to the town hall and the police department will contain all conditions upon which said permit will be effective. The Manager or authorized person may grant the relief as applied for under the following conditions:

(1) The Town Manager, or an authorized person, may prescribe any reasonable conditions or requirements necessary to minimize adverse effects upon the community or the surrounding neighborhood, including the use of mufflers, screens, or other sound attenuating devices.

(2) Except in emergencies, as determined by the Town Manager or other authorized person, the temporary permit may be issued only for the hours between 7:00 a.m. and 9:00 p.m., and such permit will not be issued for longer than one (1) week, renewable by further application to the Manager or other authorized person. Provided, such renewal(s) are not automatic nor longer than four (4) consecutive weeks.

(3) The Town Manager may authorize civic event permits. These permits will be limited

to the hours of 7:00 a.m. and 11:00 p.m., will be issued for no longer than one (1) day, and will not be renewable. The average noise level allowed under a civic event permit will not exceed 115 dB(A) for more than three (3) cumulative minutes in any one (1) hour when measured at 50 feet from the sound source.
(Ord. No. 07-21-19, exh. E, § 95.54, 8-18-2022; Ord. of 10-4-2022, § 95.54)

95.55 OTHER NOISES PROHIBITED: STANDARDS FOR UNNECESSARY NOISES

A. Some sounds may be such that they are not measurable by the sound pressure level meter or may not exceed the limits outlined in this Code section, but they may be excessive, unnatural, prolonged, unusual, or are a detriment to public health, comfort, convenience, safety, and welfare of the residents of the Town. Noise prohibited by this section is a violation of this Code section although no violation of 95.52 and 95.53. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Code section, but said enumeration will not be deemed to be exclusive, namely:

(1) The sounding of any horn or signaling device on any vehicle or watercraft, except as a warning; the creation utilizing any signaling device of any unreasonable, loud, or harsh sound. The sounding of any signaling device for any unnecessary and unreasonable time. The unreasonable use of any signaling device creates sound. The playing of a vehicle or watercraft sound system or other sound-producing devices at a volume that is audible more than 50 feet from the vehicle or watercraft. The volume of the device will not be louder than is necessary for the convenient hearing of persons who are inside/outside a vehicle or watercraft within which such a device is operated.

(2) The playing, using or operating, or permitting to be played, used or operated, any radio or television receiving set, musical instrument, sound amplifier, phonograph, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in a room, enclosure, vehicle, watercraft, or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, instruments, amplifiers, sound system, phonograph, or other machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner to be audible at 50 feet from the building, structure, enclosure, vehicle, or watercraft in which it is operated, will be prima facie evidence of a violation of this subsection.

(3) Any person making a complaint under this Code section is required to give the person’s name and other pertinent information to law enforcement upon requesting an investigation. If a person does not make a complaint, no further action will be taken.
(Ord. No. 07-21-19, exh. E, § 95.55, 8-18-2022; Ord. of 10-4-2022, § 95.55)

95.56 NOISE ENFORCEMENT

A. The Town Manager, authorized persons, or law enforcement, whose duties include, but are not limited to, investigation, study, and/or measurement of sound pressure levels in and for the Town.

B. Law enforcement may issue a written warning or a Uniform Traffic Ticket to each

person for violating this Code section. All moving violations will be performed by a law enforcement officer. The Town's Code Enforcement Officer has the authority to issue warnings and give notice of violations as designated under this Code section, see section 95.80. All violations will be on file at the Bristol Police Department.
(Ord. No. 07-21-19, exh. E, § 95.56, 8-18-2022; Ord. of 10-4-2022, § 95.56)

95.57SEVERABILITY

If any provision, clause, sentence, or paragraph of this Code, or the application thereof to any person or circumstances will be held invalid, such invalidity will not affect the other provisions or applications of the provisions of this Code which can be given effect without the invalid provisions or applications, and, to this end, the provisions of this Code are declared to be severable.
(Ord. No. 07-21-19, exh. E, § 95.57, 8-18-2022; Ord. of 10-4-2022, § 95.57)

PARKING

§ 95.60 PARKING RESTRICTIONS.

A. Vehicles permitted to park in residential areas within the Town limits will be operable vehicles, pick-up trucks (up to one ton), pull-trailers (up to 100 square feet), motorcycles, recreational vehicles, and watercraft. All vehicles parked on private property shall be parked on a hard surface area. Failure to use appropriate hard surfaces shall constitute creating a public nuisance by the owners of the motor vehicles, pick-up trucks, motorcycles, recreational vehicles, or trailers.

B. The following approved hard surface parking will include:

(1) Concrete;

(2) Asphalt;

(3) Concrete/stone pavers;

(4) Aggregate material;

(5) Slurry material;

(6) Gravel; or

(7) A material that is acceptable as a hard surface.

C. The following vehicles are not permitted to park in said residential areas including but may not be limited to: large pick-up or panel trucks over one (1) ton, and other large commercial vehicles, semi-trucks, truck-tractors, farm tractors, road tractors, semitrailers, buses; or inoperable vehicles, vans, panel and pick-up trucks (up to one ton), pull-trailers (up to 100 square feet), motorcycles, recreation vehicles, and watercraft vehicles.

D. Permitted and prohibited parking in residential areas is summarized as follows ("Y" means Yes; "N" means No):

Area 1	Driveway	Street	Alley	Yard(1)
Operable vehicles	Y	Y	Y	N
Operable vans (up to one ton)	Y	Y	Y	N
Operable panel, flatbed, or pick-up trucks (up to one ton)	Y	Y(2)	Y	N
Operable pull-trailers (up to 100 square feet)	Y	Y(3)	Y	N
Operable motorcycles, snowmobiles, utility terrain vehicles (UTV)	Y	Y	Y	N
Area 2	Driveway	Street	Alley	Yard(1)
Operable recreational vehicles	Y	N	N	N
Operable watercraft vehicles	Y	N	N	N
Area 3	Driveway	Street	Alley	Yard(1)
Inoperable vehicles	N	N	N	N
Inoperable vans (up to one ton)	N	N	N	N
Inoperable panel, flatbed, and pick-up trucks (up to one ton)	N	N	N	N
Inoperable pull-trailers (up to 100 square feet)	N	N	N	N
Inoperable motorcycles, snowmobiles, utility terrain vehicles (UTV)	N	N	N	N
Inoperable recreational vehicles	N	N	N	N
Inoperable trailers and watercraft vehicles	N	N	N	N
Operable or inoperable vehicles over one ton	N	N	N	N
Operable or inoperable semi-trucks	N	N	N	N
Operable or inoperable truck-tractors	N	N	N	N
Operable or inoperable farm tractors	N	N	N	N
Operable or inoperable road tractors	N	N	N	N
Operable or inoperable semi-trailers	N	N	N	N
Operable or inoperable pull-trailers over 100 square feet	N	N	N	N
Operable or inoperable buses	N	N	N	N

Area 1. Yard includes back yard, side yard, front yard, parkways, curb or parkway overlap, and areas that are not approved for parking.

Area 2. Operable panel, flatbed, or pick-up (up to one ton) with an overall width of more than 7'6" will not be parked in the street.

Area 3. Pull-trailers not connected/hitched to an operable vehicle will not be parked in the street.

(Code 2002, § 95.80; Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.60, 8-18-2022; Ord. of 10-4-2022, § 95.60)

~~ENFORCEMENT, ABATEMENT AND APPEAL PROCEDURE~~

~~§ 95.90 ABATEMENT PROCEDURE. PRIVATE REAL PROPERTY.~~

(A) If the offense is use, occupancy or an act involving private real property, it shall be the duty of an officer or agent designated by the legislative body to serve or cause to be served a notice upon all easily ascertained persons holding a substantial interest in any premises (i.e., occupant and owner) on which there is kept, maintained or occurring any nuisance in violation of the provisions of this chapter, and to demand the abatement of the nuisance within a reasonable time stated in the notice, no less than 48 hours and no more than 30 days. The notice shall contain a statement that the recipient of the notice has a right to dispute the violation described in the notice by filing with the Town Clerk-Treasurer, before the expiration of the time provided for abatement, a request for review by the Town Council, in which case the matter and action on the notice shall be delayed until the next Town Board meeting and said matter shall be placed on the agenda for review. Notice shall be served upon persons by any reasonable means, except where a specific means is required by state statute, in which case that means of notice shall be used, if the whereabouts of the persons is unknown and cannot be ascertained by the officer or agent in the exercise of reasonable diligence. The serving of notice may be made by posting a copy of the notice in a conspicuous place on the premises affected by the notice. However notice is given, the officer of agent shall make an affidavit or other written record of the date, method of giving notice, and shall file the same, along with a copy of the notice, with the Town Clerk.

(B) If the person so served does not request review by the Town Board or abate the nuisance within the reasonable period stated in the notice, the municipality may either under § 95.91(A) proceed with the issuance of a citation, or proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant. Notice of the costs and expenses incurred shall be provided in the same manner as notices of abatement to the owner or occupant. Upon receipt of a notice of the intent to proceed with abatement, the occupant or owner of the real estate may request a review of the amounts and/or of any lien and may request an accounting of the proceeds, if any, from the disposition of items removed from the premises.
(Code 1997, § 6-97; Code 2002, § 95.90; Ord. 5-8-97(A), passed 5-8-97; Am. Ord. 4-19-07A, passed 4-19-07; Am. Ord. 12-18-14(a), passed 12-18-14)

§ 95.91 NON-PRIVATE REAL ESTATE VIOLATION AND GENERAL VIOLATIONS.

(A) Violations of nuisance ordinances not specific to use or occupancy of private real estate, or where no penalty or fine is specifically stated, shall be enforced by the issuance of a citation by town police officers and shall be further enforced or appealed in the same manner as any other misdemeanor citation issued by town police officers. The penalty for any such violation shall be an amount not to exceed $2,000 and shall be no less than $100; specifically, minimum fine for first offense shall be $100, and the minimum fine for second and subsequent offenses during the same calendar year as first offense shall be $250. Each day the violation occurs shall be a separate offense. Violation of any town noise ordinance shall be enforced as stated herein and not in regards to use or occupancy of private property. All sections of this chapter shall, for the purpose of considering the applicability of this section, be considered Anuisance ordinances.@

(B) Notwithstanding the above, in the event the alleged nuisance is not immediately (within 48 hours) abated, the town may pursue abatement in the same manner as

~~provided for the abatement of nuisance on private property, and/or may pursue any other legal remedy.~~
~~(Code 2002, § 95.91; Ord. 4-19-07A, passed 4-19-07; Am. Ord. 12-18-14(a), passed 12-18-14; Am. Ord. 12-18-14(b), passed 12-18-14)~~

RESTRICTIVE COVENANTS AND CONDITIONS

§ 95.70 REAL ESTATE DEVELOPMENTS.

Real estate developments, residential or commercial, which occur within the Town limits of Bristol, or outside, but are thereafter annexed into the Town of Bristol, which at the time of development record in the Elkhart County Recorder's office as part of said development's plat map, rezoning, or otherwise, covenants or conditions regulating or restricting use or developing the land within said developments, the Town shall consider violations of those recorded covenants or restrictions as the creation of public nuisance enforcement said violation may occur as otherwise provided for enforcement of other nuisance sections of the Town Ordinances.
(Code 2002, § 95.92; Ord. 4-19-07A, passed 4-19-07; Ord. No. 07-21-19, exh. E, § 95.70, 8-18-2022; Ord. of 10-4-2022, § 95.70)

ENFORCEMENT AND REVIEW PROCESS

95.80 ENFORCEMENT AND REVIEW PROCESS

A. The fine for the violation of most provisions of this Code chapter will not exceed the sum of $2,000.00 per violation, each day constituting a separate violation. Some violations will have a removal cost not to exceed $3,500.00 in addition to the fine. In addition to the fine assessed pursuant to this Code chapter, a vehicle violating any provision of this Code chapter may be towed and impounded at the owner's expense, such towing and impoundment costs to be paid in full before the release of said vehicle.

B. Any Police Officer or Code Compliance Officer who observes the violation of any provision of this Code chapter shall attach to the offending vehicle a notice to the owner/operator thereof that such vehicle is parked in violation of same and advising that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation, see the sum amount in 95.80(K). Upon the failure of the owner/operator to make such payment within the seven (7) day period, the original parking fine will increase by $10.00 a day, as applicable. If this enhanced parking fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the parking notice, the Clerk-Treasurer will notify the issuing police officer and the officer is responsible for filing the parking violation into any traffic court within Elkhart County. The officer will notify the owner/operator either in person or by certified mail of the location of the court and the date and time of the hearing. The owner/operator will be subject to the general penalties provided for violations of Indiana Traffic Codes. Nothing in this Code chapter will limit the Town's right to tow and impound any vehicle found to be parked in violation of any provision of this Code chapter. The cost of such towing and impoundment is to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

C. All fines received by the Clerk-Treasurer for violations of this Code chapter will be

deposited into the Town's General Fund pursuant to applicable law.

D. Who. Any law enforcement officer or the Town's code compliance officer who observes a violation may at their discretion issue a violation.

E. Notice. Upon discovery of any violation, a "notice of violation" as described below will be issued to the person committing the violation. Law enforcement officers will cite the violator on an Indiana uniform ticket as set out in IC: 9-30-3-6 unless an electronic citation is issued.

F. (1) Fine. The owner of the violating parked vehicles on grass is subject to a fine of $50 per violation. Each 24-hour day, a vehicle that remains parked in violation of the code will be a separate violation if a separate citation is issued.

(2) Payment. All nuisance fines will be paid to the Bristol Town Clerk-Treasurer in the Bristol Town Municipal Building during normal working hours. Payment constitutes an admission of the violation but is not a judgment for purposes of IC:33-37. Payment is due within five (5) business days of issuance of the citation.

G. (1) Towing. Enforcement officers may find cause to tow a vehicle parked on grass in violation of this Code section. The owner of the vehicle parked in violation of this Code is responsible for all costs incurred by the Town for towing and storage of the vehicle. All costs will be paid before releasing the vehicle.

(2) Notice to remove nuisance violations. Property owners and/or the responsible person who fails to maintain their property by cutting grass and removing weeds, other rank vegetation, and all other nuisance violations of this Code chapter is responsible for all costs incurred by the Town for all removal costs.

(3) Removal Cost Appeal:

(a) The owner of a towed vehicle and notice to remove a nuisance may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within ten (10) days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(b) After the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(c) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the vehicle owner within ten

(10) working days of receiving the appeal or as soon thereafter as is reasonably possible.

(d) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.

H. Review and Appeal Process:

(1) For violations occurring on private property, the owner and/or responsible person may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in by code, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk-Treasurer and at a minimum will contain the person's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically state the reason if any citation is disputed. From and after receipt by the Marshal of request for reviewing additional citations for the same violation will not be issued until a written determination of review is issued and mailed 1st Class Mail to the owner by the Town Marshal.

I. Right to hearing or the right to appeal:

(1) The owner and/or responsible person for a nuisance violation may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner and/or responsible person may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the owner and/or responsible person making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner and/or responsible person within 10 work days of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The person requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner will file within 60 days after the

date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

J. Prosecution. If a citation is not paid as required, prosecution of the violation may be brought in the name of the town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be as determined by the court.

K. Nuisance Fines:

Ordinance	*Description*	*Fine*
95.03	Application fees for public gatherings.	$30.00
95.06(C1)	Buildings unfit for human habitation.	$100.00
95.06(C2)	Dangerous buildings adjoining streets.	$100.00
95.06(C3)	Dangerous trees or stacks of trees adjoining streets.	$100.00
95.06(C4)	Dilapidated buildings.	$100.00
95.06(C5)	Accumulation of rubbish.	$100.00
95.06(C6)	Noxious odors or smoke.	$100.00
95.06(C7)	Loud and unnecessary noise.	$100.00
95.06(C8)	Storage of explosives or combustible materials.	$100.00
95.06(C9)	Open wells.	$100.00
95.06(C10)	Obstruction of trees and shrubbery.	$50.00
95.06(C11)	Scrap metal.	$100.00
95.06(C12)	Junk.	$100.00
95.06(C13)	Building materials.	$100.00
95.07	Nuisance created by others.	$100.00
95.08	Removal of snow and ice.	$0.00
95.09(A)	Having more than four sales a year.	$50.00
95.09(B1)	Selling unauthorized items.	$50.00
95.09(B3)	Posting sale signs off a sale property.	$50.00
95.09(B4)	Placing sale items on sidewalks.	$50.00
95.09(B5)	Exceeding sale hours.	$50.00
95.09(C)	Creating a public nuisance.	$100.00
95.10	Posting signs on public property.	$50.00
95.11	Graffiti.	$100.00
95.20	Throwing litter from a vehicle.	$100.00
95.21	Tracking foreign matter on streets.	$100.00
95.22	Hauling loose materials.	$100.00
95.23	Sweeping or blowing litter into stormwater gutters.	$100.00
95.24(A)	Failure to keep sidewalks clear of debris.	$100.00
95.24(B)	Displaying merchandise for sale on sidewalks.	$100.00
95.25	Litter on private property (plus cleanup cost).	$100.00
95.26	Dumping trash.	$100.00
95.30	Maintaining and removing all noxious weeds.	$100.00
95.32	Unlawful growth of rank vegetation.	$100.00
95.33	Each subsequent citation imposed.	$75.00
95.42	Damaging and injuring trees.	$100.00

95.43	Trimming and maintenance of trees.	$50.00
95.45	Notice to remove a stump or tree.	$50.00
95.51	Exceeding the maximum noise or sound decibels.	$100.00
95.52	Prohibited noises.	$100.00
95.54	Special permit violations.	$100.00
95.55	Excessive and unnecessary noises.	$100.00
95.56	Noise enforcement.	$100.00
95.60(C)	Vehicles are not permitted to park in residential areas.	$50.00
95.60(D)	Parking on grass.	$50.00

(Ord. No. 07-21-19, exh. E, § 95.80, 8-18-2022; Ord. of 10-4-2022, § 95.80; Ord. No. 11-17-2022(a), att., § 95.80, 11-17-2022)

95.81 VACANT AND ABANDONED STRUCTURES

A. Pursuant to the authority provided by IC: 37-7-36-7, by this Ordinance, the Town Council of Bristol adopts the Indiana Code Chapter 36, sections 36-7-36-1 through 36-7-36-10.

B. The Department allowed to administer the provisions of 95.81 shall be the office of the Town Manager and the enforcement authority shall be the Town Manager. The hearing authority for purpose of this Code chapter, 95.81 shall be the Town Council.

C. "Abandoned Structures" subject to the terms of this Code chapter are defined as follows:

(1) Commercial real property or a vacant structure on commercial real property that is used or was previously used for industrial or commercial purposes, and:

(a) That the owner of the property or structure has declared in writing to be abandoned; or

(b) For which the owner of the property or structure has given a written order by an enforcement authority to rehabilitate or demolish, and the owner:

(i) Has not applied for a permit to rehabilitate or demolish the property or structure; or

(ii) Applied for and was granted a permit, but rehabilitation or demolition work has not commenced on the property or structure within thirty (30) days after the date the permit was granted.

(2) Real property that has not been used for a legal purpose for at least six (6) consecutive months and:

(a) In the judgment of an enforcement authority, needs completion, rehabilitation, or repair, and completion, rehabilitation, or repair work has not taken place on the property for at least six (6) consecutive months;

(b) On which at least one (1) installment of property taxes is delinquent; or

(c) That has been declared a public nuisance by a hearing authority.

(3) Real property that has been declared in writing to be abandoned by the owner, including an estate or a trust that possessed the property.

(4) Vacant real property on which a municipal lien has remained unpaid for at least one (1) year.

(5) Real estate that a court has determined to be abandoned under IC: 32-30-10.6.

D. Rules of Enforcement, specifically as required and permitted by IC: 36-7-36-7(2) the Town of Bristol adopts for enforcement purposes those provisions of Bristol Town Ordinance 95.80, except where they would specifically conflict with the provisions of IC: 36-7-36-1 through IC: 36-7-36-10. With specific note fines, civil penalties and remedies will be as provided by IC: 36-7-36-1 through ten (10) not ordinance 95.80, and notice or citation for violation will be by and from the "enforcement authority", not a Town police officer or code enforcement officer.
(Ord. No. 07-21-19, exh. E, § 95.81, 8-18-2022; Ord. of 10-4-2022, § 95.81)

95.82 PRIVATE RIGHT OF ENFORCEMENT

Nothing contained in this Code chapter shall be interpreted to limit a private right of action to abate, enjoin, or seek damages for a nuisance under IC:32-30-6-7.
(Ord. of 10-4-2022, § 95.82)

CHAPTER 96: ABANDONED AND JUNK VEHICLES

96.01 DEFINITIONS

A. For this Code section, the following definitions will apply unless the context clearly indicates or requires a different meaning. The remaining definitions not altered or amended by this Code section and contained in IC: 9-13-2 and in IC: 9-22-1 are adopted for other terms appearing in this Code.

B. Abandoned Vehicle:

(1) A vehicle located on public property illegally, or a vehicle left on public property continuously without being moved, for more than seventy-two (72) hours.

(2) A vehicle mechanically inoperable located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicle traffic on a public right-of-way.

(3) A vehicle that has remained on private property without the consent of the owner, or person in control, of that property, for more than forty-eight (48) hours.

(4) A vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or inoperable and left on public

property.

(5) A vehicle that has been removed by a towing service upon request of a police officer enforcing a statute or ordinance other than in IC: 9-22-1-1 if the vehicle once impounded is not claimed or redeemed by the owner or owner's agent within twenty (20) days of its removal; or

(6) A vehicle that is three (3) or model years old and mechanically inoperable and is left on private property continuously in a location visible from public property for more than twenty (20) days.

C. Abandoned Vehicle Fund. The Abandoned Vehicle Fund shall be a revolving fund and all monies paid to the Town for the cost of removal, storage, and disposal of abandoned vehicles shall be placed in a said fund and no other place. Monies in existing accounts designated for the removal, storage, and disposal of abandoned or junk vehicles under previously enacted ordinances shall be transferred to the Abandoned Vehicle Fund continued herein. Said fund shall also have added to it such monies as may be appropriated by the Town Council. The costs of removal and storage of an abandoned vehicle or parts not claimed by the owner will be paid from the Abandoned Vehicle Fund. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing, or removing an abandoned vehicle or parts may not exceed the limits established by this ordinance according to IC: 9-22-1-25. All monies remaining in the said fund at the end of each year shall remain in such fund and not revert to the General Fund. The monies in the said fund will be expended and used only for the purposes enumerated in IC: 9-22-1.

D. Authorized Towing Service. A business that engages in moving or removing disabled vehicles, and once removed, storing or impounding vehicles; and that has been requested by law enforcement to tow vehicles.

E. Automobile Scrapyard. A business organized for scrap metal processing, crushing vehicles, or operating a junkyard.

F. Bureau. Indiana Bureau of Motor Vehicles.

G. Driveway. Asphalt, concrete, crushed stone, or another hard surface, is generally constructed between the road and a garage or dwelling and used for parking vehicles.

H. Emergency. A vehicle believed to be abandoned on private property may be removed immediately if the vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

I. Exempt Vehicles. A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways; a vehicle stored as the property of a member of the armed forces of the United States who is on active-duty assignment; a vehicle registered and licensed under IC: 9-13-2-3, as an antique vehicle.

J. Junk Cars. For this Code section, a junk motor vehicle shall mean any vehicle in poor condition; a vehicle that has been scrapped or is fit only for scrap. Because of the

danger to health by vermin and insects and because of the danger to the safety of children attracted by junk or junk cars, abandoned and junked motor vehicles are declared to be nuisances except in lawfully operated junkyards.

K. Officer. As used in this ordinance and according to IC: 9-22-1-2 an "officer" is a regular member of the Indiana State Police, city or town, town marshal deputy, county sheriff's office, and an individual of any agency designated by the ordinance of the Town Council.

L. Owner. The last known record titleholder of a vehicle, according to the records of the Bureaus under IC: 9- 17-1 (applications.) The owner is responsible for all costs incidental to the removal, storage, and disposal of the vehicle or its parts.

M. Park or Parking. The standing of a vehicle, whether occupied or not, on public or private property outside of a building.

N. Parts. All components of a vehicle that, as assembled, do not constitute a complete vehicle.

O. Police Department. The Bristol Police Department is designated to carry out the provisions of this Code section or the provisions of IC: 9-22-1-1 through 9-22-1-32. The preceding authorized persons will be referred to as "officers."

P. Police Officer. The Marshal has the authority to appoint deputy marshals and is approved by the Town Council as specified by the Indiana State Statute and is responsible for the official acts of his or her deputies. The powers and duties of the deputies who are Bristol Police Deputies are specified in IC: 36-5-7-4 and are virtually identical to the powers and duties of the marshal. The difference is the marshal has the responsibility for his or her actions and the actions of all department employees and reserves.

Q. Private Property. All property other than public property. A vehicle that has remained on private property (IC: 9-22-1-15) without the consent of the owner or person in control of that property for 48 hours or more.

R. Public Property. A public right-of-way, street, highway, alley, park, or other state, county, or municipal property. A vehicle located on public property for 72 hours or more in such a manner as to constitute a hazard or obstruction or the movement of pedestrian or vehicle traffic on a public right-of-way.

S. Trailer. A trailer is generally used for the hauling of miscellaneous household, commercial, construction, and/or landscaping materials, including those that attach to a personal motor vehicle.

T. Vehicle. An automobile, truck, trailer, semi-trailer, tractor, bus, school bus, recreational vehicle, motorcycle, motorized bicycle, golf cart, ATV, scooter, or snowmobile.
(Code 1997, § 6-29; Code 2002, § 96.02; Ord. 6-10-82, passed 6-10-82; Ord. No. 7-21-19, exh. F, § 96.01, 8-18-2022)

96.02 ENFORCEMENT

A. The Bristol Police Department is designated and assigned as the public agency with local responsibility for the removal and storage of abandoned vehicles and vehicle parts shall issue a written order of violation subject to civil penalties within the corporate limits of the Town, pursuant to IC: 9-22-1, as amended, and the Bristol Police Department is granted all powers reasonable and necessary for the performance of its responsibilities under this Code section.

B. An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information according to IC: 9-22-1-11:

(1) The date, time, officer's name, public agency, address, and telephone number to contact for information.

(2) That the vehicle or parts are considered abandoned.

(3) That the vehicle or parts will be removed after:

(a) Twenty-four (24) hours, if the vehicle is located on or within the right-of-way of a street, roadway, or alley; or

(b) Seventy-two (72) hours, for any other vehicle.

(5) The person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(6) The person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

(a) Twenty-four (24) hours, if the vehicle is located on or within the right-of-way of a street, roadway, alley, or parked creating a hazard, blocking driveways, or interfering with street maintenance; or

(b) Seventy-two (72) hours, for any other vehicle.

C. If a vehicle or vehicle parts are tagged by a police officer and the vehicle or vehicle parts are not removed within the applicable period, the officer will complete a written abandoned vehicle report and the standard police inventory report for each vehicle and/or vehicle parts, including information on the condition and any missing parts. Photographs and/or videos will be taken to describe the condition of the vehicle and missing parts according to IC: 9-22-1-12. The officer is responsible for completing the inventory report before turning the vehicle over to the towing service. If circumstances do not permit the inventory at that time, the inventory may be completed at the impound garage as soon as practical. The standard impound report form will be turned in before the end of the officer’s duty day.

D. An inventory may extend to all areas of the vehicle in which personal property or hazardous materials could be located. This includes the passenger compartment, trunk, and glove box. Closed containers found within the vehicle will be opened for purposes of

the inventory. Closed and locked containers will not be forced open but will be logged on the inventory report. Control and safekeeping of hazardous materials will be the responsibility of the Bristol Police Department.

E. Contraband and evidence discovered during an inventory will be taken as evidence. A police incident report will be completed, listing the circumstances and locations of the seized property, as well as entering the items taken as evidence before the officer ends their duty day.

F. Vehicles impounded as evidence of a crime will be searched only with a search warrant.
(Ord. No. 7-21-19, exh. F, § 96.02, 8-18-2022)

96.03 TIME LIMITS

It's unlawful for any person to store or allow to remain in the open upon any public street, public property, or private property within the Town limits, any disassembled or inoperable and unlicensed, or any junk, damaged, or abandoned motor vehicle for a period of 72 hours or more on such public street or other public property, or a period of 48 hours or more on any private property unless it is in connection with an automotive sales or repair enterprise, which is operated under a duly issued and exhibited store license and is located in a properly zoned area.
(Ord. No. 7-21-19, exh. F, § 96.03, 8-18-2022)

96.04 FINANCIAL RESPONSIBILITY AND LIABILITY

A. The owner of an abandoned vehicle or parts is responsible for the abandonment and is liable for all the costs incidental to the removal, storage, and disposal of the vehicle and/or the parts.

(1) The costs for storage of an abandoned vehicle may not exceed two thousand dollars ($2,000).

(2) The costs for storage of an abandoned vehicle with a length of at least thirty (30) feet may not exceed two thousand five hundred dollars ($2,500).

(3) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(4) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned as described in IC: 9-22-1-4 or IC: 9-22-6, whichever is applicable.
(Ord. No. 7-21-19, exh. F, § 96.04, 8-18-2022)

96.05 NOTICE AND DISPOSAL

A. Within three (3) business days after removing a vehicle and/or parts to a storage yard or towing service, the officer will search the National Motor Vehicle Title Information System or an equivalent and commonly available database, according to IC: 9-22-1-19 to

obtain the owner. The officer will conduct a search using the following methods:

(1) Make.

(2) Model.

(3) Vehicle Identification Number (VIN); and

(4) License plate number.

B. The officer or the towing service that obtains the name and address of the owner of a towed vehicle will contact the owner no later than three (3) business days after obtaining the information on the vehicle and will provide the owner notice of the following:

(1) The name, address, and telephone number of the police department or towing service.

(2) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed, and the charges are not paid; and

(3) The earliest possible date and location of the public sale or auction.

C. Certified mail or a certificate of mailing or utilizing an electronic service approved by the Bureau will be applied to the notice. Notwithstanding this Code section, the officer or towing service that fails to notify the owner of the vehicle as outlined in this Code section may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

D. This Code section applies to the police department or holder of the mechanic’s lien is responsible for posting a sales notice according to IC: 9-22-1-23:

(1) If the person who owns or holds a lien upon a vehicle and/or parts does not appear within 20 days after the mailing of a notice or the notification made by electronic service, the holder of a mechanic’s lien may sell the vehicle and/or parts by either of the following methods:

(a) The holder of a mechanic’s lien may sell the vehicle and/or parts to the highest bidder at a public sale or auction. Notice of the sale or auction will be published by either newspaper insertion or electronic social media not less than one (1) week before the sale or auction.

(b) The police department may sell the vehicle and/or parts as unclaimed property under IC: 36-1-11. The 20-day period for the unclaimed property is sufficient for a sale or auction.

E. Sales by the police department; deposit of proceeds; and payment of department costs and appropriations and all proceeds will be deposited in the Town's abandoned vehicle fund by the Clerk-Treasurer of the Town.

(1) This Code section and IC: 9-22-1-27 apply to sales of abandoned vehicles and/or

parts by the Town of Bristol. Proceeds from the sale include:

(a) Charges for bills of sale; and

(b) Money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles.

(2) The costs incurred by the police department in administering this Code section will be paid from the Town's abandoned vehicle fund.

(3) The Clerk-Treasurer will annually appropriate sufficient money as needed to the fund to carry out this Code section. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.
(Code 1997, § 6-33; Code 2002, § 96.06; Ord. 6-10-82, passed 6-10-82; Ord. No. 7-21-19, exh. F, § 96.05, 8-18-2022)

96.06 DISCOVERY OF A VEHICLE ABANDONED ON PRIVATE PROPERTY

A. In a complaint of an abandoned vehicle on private property for 48 hours or more without the consent of the owner or person in control of the property, an officer or code enforcement officer is responsible for following the procedures outlined in 96.05.

B. A person who finds an abandoned vehicle on private property that the person owns or controls (IC:9-22-1- 18) including rental property may:

(1) Obtain assistance from the Bristol Police Department; or

(2) Personally, arrange for the removal of the vehicle in an emergency.

C. According to IC: 9-22-1-15, if a person finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

(1) Obtain the assistance of the Bristol Police Department to have the vehicle removed; or

(2) Personally, arranges for the removal of the vehicle once the person who owns or controls the property attaches a notice tag in a prominent place containing the following information:

(a) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.

(b) That the vehicle is considered abandoned.

(c) That the vehicle will be removed after twenty-four (24) hours.

(d) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(e) That the person who owns the vehicle may avoid costs by removal of the

vehicle or parts within twenty-four (24) hours.

D. If after 24-hours according to IC: 9-22-1-16, the person who owns a vehicle believed to be abandoned on private property has not removed the vehicle from the private property, the person who owns or controls the private property on which the vehicle is believed to be abandoned may have the vehicle towed from the private property.
(Ord. No. 7-21-19, exh. F, § 96.06, 8-18-2022)

96.07 EXEMPT VEHICLES

A. The following vehicles will not be considered abandoned if it is:

(1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.

(2) A vehicle stored as the property of a member of the armed forces of the United States who is on active-duty assignment.

(3) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.

(4) A vehicle located upon property licensed or zoned as an automobile storage or impoundment yard; or

(5) A vehicle registered and licensed as a historic (antique) vehicle under IC: 9-13-2-3; or

(6) A vehicle will not be considered abandoned if it is stored in a garage or other building or within a fenced area that blocks the vehicle from public view.
(Code 1997, § 6-35; Code 2002, § 96.08; Ord. 6-10-82, passed 6-10-82; Ord. No. 7-21-19, exh. F, § 96.07, 8-18-2022)

96.08 TOWING AND STORAGE FEES

A. The charge for the towing and storage of abandoned vehicles will be the customary charge for towing and storage of other vehicles requested by the Bristol Police Department.

B. Notwithstanding any other provisions contained in this Code section, the costs for storage of an abandoned vehicle may not exceed $2,000 as specified in IC: 9-22-1-4(b), or $2,500 if the vehicle exceeds 30 feet in length as specified in IC: 9-22-1-4(c). If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, sale disposal, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned according to IC: 9- 22-1-4(e).
(Code 1997, § 6-36; Code 2002, § 96.09; Ord. 6-10-82, passed 6-10-82; Ord. No. 7-21-19, exh. F, § 96.08, 8-18-2022)

96.09 TOWING CONTRACTS

A. The Town Council is authorized to contract with any towing companies or storage facility on an annual basis to provide towing and storage services for the Town of Bristol.

B. Towing companies requesting to be placed on the Town's towing list will send a letter of application for inclusion on the list. Proof of insurance required licensing, and compliance with this Code section will be included. The written application will include the following statement:

(1) Name of the towing company agrees to comply with and maintain compliance with this Code section and accepts the right of the Town Council to add or remove the towing company from the list at the Council's discretion. No fee will be collected, nor gratuity offered or received for the selection as an approved towing company.

(2) Towing companies utilized by the police department will be available 24 hours a day and seven (7) days a week.

(3) Towing companies will meet all licensing and other applicable legal requirements of the State of Indiana.

(4) Towing companies will provide the Town Council proof of insurance protecting the owners of towed vehicles from damage and personal property which may arise out of services provided and safeguarding impounded vehicles from theft, fire, vandalism, or other damage or loss while in the possession of the towing company. The Town of Bristol and the police department will not be responsible for any damage or loss to any vehicle or property resulting from the use of a towing company while the vehicle and/or property are in control of the towing company.

(5) The Town Marshal will maintain a copy of the approved towing company's licenses and proof of insurance. Copies of renewals will be in the possession of the Marshal on or before the date of expiration.

(6) Towing companies are required to maintain at least 16,000lbs transport license plates for towing vehicles not registered or improperly registered as required by Indiana law.

(7) Approved towing companies will have their name lettered on their vehicle and easily recognizable.

(8) Towing companies will have their business and storage facilities located within Elkhart County, Indiana.

C. Towing companies are required to respond within a reasonable time without undue delay. Upon receiving a call from the police department, an estimated time of arrival will be requested. The towing company may be canceled at the requesting person's discretion if the estimated time of arrival is too lengthy and if the arrival is over 25 minutes of the estimated time. A second towing company may be contacted, and the first towing company will have no claim or charge for the call.

D. All towing company drivers will conduct themselves professionally and their equipment will be in working order and clean.

E. It is the Marshal's prerogative to examine fees and towing rates of applying towing companies.

F. The Marshal may periodically call meetings and/or inspections of the towing companies to ensure compliance with this Code section and have open lines of communication. Any complaints of misconduct by a towing company will immediately be forwarded in writing to the Marshal.

G. Under IC 9-22-1-19 National database search; notification; storage costs shall be as follows:

(1) Within three (3) business days after removal of a vehicle to a storage yard or towing service under IC: 9-22-6, the towing service shall search the National Motor Vehicle Title Information System or an equivalent and commonly available database, to attempt to obtain the last state of record of the vehicle to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(2) A towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than three (3) business days after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the following:

(a) The name, address, and telephone number of the public agency or towing service.

(b) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed, and the charges are not paid.

(c) The earliest possible date and location of the public sale or auction.

(3) The notice will be made by certified mail or a certificate of mailing or utilizing an electronic service approved by the bureau. The towing service that fails to notify the owner of or lienholder on the vehicle as outlined in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.
(Code 1997, § 6-37; Code 2002, § 96.10; Ord. 6-10-82, passed 6-10-82; Ord. No. 7-21-19, exh. F, § 96.09, 8-18-2022)

96.10 TIME

In computing, any time prescribed in this Code section, the day of the act, event or tagging, or mailing from which the designated time begins to run will not be included. Such time will begin to run on the next succeeding day and will conclude at midnight of the last day of the period that is not a Saturday, Sunday, or legal holiday.
(Code 1997, § 6-38; Code 2002, § 96.11; Ord. 6-10-82, passed 6-10-82; Ord. No. 7-21-19, exh. F, § 96.10, 8-18-2022)

96.11 ENFORCEMENT AND REVIEW PROCESS

A. The fine for the violation of most provisions of this Code section will not exceed the sum of $100.00 per violation, each day constituting a separate violation. In addition to the

fine assessed pursuant to this chapter, a vehicle and/or parts violating any provision of this Code section may be towed and impounded at the owner's expense, such towing and impoundment costs to be paid in full before the release of said vehicle.

B. Any police officer who observes the violation of any provision of this Code section shall attach to the offending vehicle or vehicle part a notice to the owner/operator thereof that such vehicle has been abandoned in violation of same and advising that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation, see the sum amount in 96.11(L). Upon the failure of the owner or operator to make such payment within the seven (7) day period, the original abandoned vehicle and/or vehicle part fine will increase by $10.00 a day, as applicable. If this enhanced abandoned vehicle and/or vehicle part fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the abandoned notice, the Clerk-Treasurer will notify the issuing enforcement officer and the officer is responsible for filing the abandoned vehicle and/or vehicle part violation into any traffic court within Elkhart County. The enforcement officer will notify the owner or operator either in person or by certified mail of the location of the court and the date and time of the hearing. The owner or operator will be subject to the general penalties provided for violations of Indiana Traffic Codes. Nothing in this Code section will limit the Town's right to tow and impound any vehicle and/or part found to be parked in violation of any provision of this Code section. The cost of such towing and impoundment is to be paid by the vehicle owner in addition to the payment of any fine assessed hereunder.

C. All fines received by the Clerk-Treasurer for violations of this Code section will be deposited into the Town's

General Fund pursuant to applicable law.

D. Who. Any law enforcement officer and the code enforcement officer who observes an abandoned vehicle may at their discretion issue a violation citation for abandonment,

E. Notice. Upon discovery of any violation, a "notice of violation" as described in 96.11(B) will be attached to the abandoned vehicle and/or vehicle part in a visible location. Abandoned violations on any public street or private property will be cited on an Indiana uniform citation as set out in IC: 9-30-3-6 unless an electronic citation is issued. If the discovery involves the code enforcement officer, the officer will follow 96.11(B) of this Code section.

F. (1) Fine. The owner of violating an abandoned vehicle or parts is subject to a fine of $50 per violation. Each 24-hour day, a vehicle or vehicle parts that remain abandoned in violation of this Code section will be a separate violation if a separate citation and/or notice is issued.

(2) Payment. All fines for all abandoned vehicles and vehicle parts ordinance violations will be paid to the Bristol Town Clerk-Treasurer in the Bristol Town Municipal Building during normal working hours. Payment constitutes an admission of the violation but is not a judgment for purposes of IC:33-

37. Payment is due within five (5) business days of issuance of the citation.

H. (1) Towing. Enforcement officers may find cause to tow a vehicle abandoned and/or vehicle parts on a street in violation of this Code section. The owner of the vehicle parked in violation of this Code is responsible for all costs incurred by the Town for towing and storage of the vehicle. All costs will be paid before releasing the vehicle.

(2) Towing Cost Appeal.

(a) The owner of a towed vehicle and/or parts may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(b) After the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(c) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the vehicle owner within 10 working days of receiving the appeal or as soon thereafter as is reasonably possible.

(d) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.

I. Non-Towing Review and Appeal Process.

(1) For violations occurring on private property, the vehicle owner may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in by code, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk- Treasurer and at a minimum will contain the owner's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically stated the reason if any citation is disputed. From and after receipt by the Marshal of request for reviewing additional citations for the same violation will not be issued until a written determination of review is issued and mailed 1st Class Mail to the owner by the Town Marshal.

J. "Right to hearing or the right to appeal."

(1) The owner of a towed vehicle may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.

(2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.

(3) If a satisfactory resolution of the appeal has not been resolved between the vehicle owner making the appeal and the Marshal, then the written appeal and the Marshal’s written review will be presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner within 10 workdays of receiving the appeal or as soon thereafter as is reasonably possible.

(4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The owner requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The vehicle owner will file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

K. Prosecution. If a citation is not paid as required, prosecution of the violation may be brought in the name of the town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town’s choosing. Fine and cost assessment in that event will be as determined by the court.

L. ABANDONED VEHICLE OR PARTS Fines.

Abandonment. $50.00

Financial Responsibility. $100.00
(Ord. No. 7-21-19, exh. F, § 96.11, 8-18-2022)

CHAPTER 97: STREETS AND SIDEWALKS

CONSTRUCTION STANDARDS FOR STREETS AND ROADS

§ 97.01 WIDTH AND CONTENT.

Exhibit AA@ to ordinance 5-11-95, incorporated by reference herein and on file in the office of the Clerk-Treasurer, shall be considered the construction specification for streets and roads in the town. The terms referred to therein shall be defined using the definitions

in the State of Indiana, Indiana Department of Highways, Standards Specifications, 1988. No variance from the specifications, standards and widths shall occur except where granted by written waiver or variance from this chapter granted by the Town Council at public meetings.
(Code 1997, § 7-1; Code 2002, § 97.01; Ord. 5-11-95, passed 5-11-95)

§ 97.02 CURBS AND GUTTERS.

If at the time the street construction begins there is a storm water drainage (sewer) system available to service the street, it shall be the responsibility of the contractor/developer to provide at their cost the extension and connection of the sewer lines and collection points servicing the street to be constructed.
(Code 1997, § 7-2; Code 2002, § 97.02; Ord. 5-11-95, passed 5-11-95)

§ 97.03 STANDARDS.

Except as otherwise provided for and covered in §§ 97.01 and 97.02, the Elkhart County Design Standards for Elkhart County public improvement projects as amended from time to time shall apply in the town. Any provision in the county standards contrary to §§ 97.01 and 97.02, however, shall be superseded by §§ 97.01 and 97.02. Provisions contained in the county standards for variations and exceptions are not incorporated by reference. All variations and exceptions must be obtained by the subdividers, developers or person seeking the variation by approval of the Town Council at public meeting. The Bristol Street Department shall have joint authority with the Elkhart County Engineer for enforcing the standards and requirements created by this chapter. Surety and bond requirements shall be applicable but shall not be duplicate. If the county requires a bond to be posted to the county, it will not be necessary to post in addition a bond to the town. It shall be the subdivider, developer or contractor=s responsibility to determine whether the county or the town is the proper party to be named on the bond.
(Code 1997, § 7-3; Code 2002, § 97.03; Ord. 5-11-95, passed 5-11-95)

§ 97.04 SIDEWALKS; DISABILITY ACCESSIBILITY REQUIREMENTS.

All road construction within the town shall provide for and install parallel to the road concrete sidewalks with appropriate disability accessibility at all street intersections. Waiver or variance from this requirement may be granted only by approval of the Town Council at public meetings.
(Code 1997, § 7-4; Code 2002, § 97.04; Ord. 5-11-95, passed 5-11-95)

EXCAVATIONS AND CONSTRUCTION REGULATIONS

§ 97.20 OPENING PERMIT REQUIRED.

It shall be unlawful for any person, other than the Street Commissioner, Municipal Engineer or other authorized person to make any opening in any street, alley, sidewalk or public way of the municipality unless a permit to make the opening has bees obtained prior to commencement of the work.
(Code 1997, § 7-25; Code 2002, § 97.20)
Penalty, see § 10.99

§ 97.21 APPLICATION AND CASH DEPOSIT.

Each permit for making an opening shall be confined to a single project and shall be issued by the executive or other proper administrative offices. Application shall be made on a form prescribed by the legislative body, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated and such other facts as may be provided for. The permit shall be issued only after a cash deposit sufficient to cover the cost of restoration has been posted with the executive or other proper administrative officer, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.
(Code 1997, § 7-26; Code 2002, § 97.21)

§ 97.22 RESTORATION OF PAVEMENT.

(A) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the Street Commissioner, Municipal Engineer or other authorized person and in accordance with rules, regulations and specifications approved by the legislative body.

(B) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or where not specified therein within a reasonable time after commencement of the work, the municipality may proceed without notice to make such fill and restoration and the deposit referred to in § 97.21 shall be forfeited. Thereupon the deposit shall be paid into the appropriate fund of the municipality, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the municipality for restoration services performed by it. If the amount of the services performed by the municipality should exceed the amount of the deposit, the Clerk-Treasurer or other proper administrative officer shall proceed to collect the remainder due from the permittee.
(Code 1997, § 7-27; Code 2002, § 97.22)

§ 97.23 BARRIERS AROUND EXCAVATIONS.

Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way shall have the excavation or opening fully barricaded at all times to prevent injury to persons or animals.
(Code 1997, § 7-28; Code 2002, § 97.23)

§ 97.24 WARNING LIGHTS.

Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley or other public way at all times during the night season shall install and maintain at least two illuminated red lamps which shall be securely and conspicuously pasted on, at or near each end of the obstruction or excavation, and if the space involved shall exceed 50 feet in extent, then at least one additional lamp for each added 50 feet or portion thereof excavated or obstructed.
(Code 1997, § 7-29; Code 2002, § 97.24)

§ 97.25 SIDEWALK CONSTRUCTION.

It shall be the duty of the Street Commissioner, Municipal Engineer or other authorized person to supervise construction or repair of sidewalks within the municipality. He or she shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to the legislative body for approval. When the specifications are approved, the legislative body shall advertise for proposals to do all the work which may be ordered by the municipality in construction and repair of sidewalks and shall contract therefor for a period not exceeding one year with the lowest responsible bidder who shall furnish good and sufficient sureties for the faithful performance of the work. The legislative body, if it deems advisable, may make separate contracts for the different kinds of work with different parties.
(Code 1997, § 7-30; Code 2002, § 97.25)

§ 97.26 UNLOADING ON STREET, SIDEWALK.

No person shall unload any heavy material in the streets of the municipality by throwing or letting the same fall upon the pavement of any street, alley, sidewalk or other public way without first placing some sufficient protection over the pavement.
(Code 1997, § 7-31; Code 2002, § 97.26)

§ 97.27 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk or other public way within the municipality by erecting thereon any fence or building or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon the public way shall be deemed a separate offense.
(Code 1997, § 7-32; Code 2002, § 97.27)

§ 97.28 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant or person having the care of any building or lot of land bordering on any street or sidewalk shall permit the same to be encumbered with barrels, boxes, cans, articles or substances of any kind so as to interfere with the free and unobstructed use thereof.
(Code 1997, § 7-33; Code 2002, § 97.28)

TITLE XI

BUSINESS REGULATIONS

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CHAPTER 110: GENERAL LICENSING AND REGULATIONS

GENERAL PROVISIONS

§ 110.001 CHARGE FOR PRESENTMENT OF A RETURNED CHECK OR DRAFT.

Any person or firm presenting a check or draft which is returned to the town marked "unpaid," "NSF" or a similar deficit posting shall be assessed the additional sum which shall be added to the fee or bill for which the "unpaid" draft was presented. The charge shall be $15 or 5% of the face amount of the check or draft whichever is greater, not to exceed $250.
(Code 1997, § 4-100; Code 2002, § 110.001; Ord. 01-09-97, passed 1-09-97)

§ 110.002 COPYING FEE.

(A) Any person requesting a copy of a public record shall pay in advance to the Clerk-Treasurer, the actual cost of copying the record determined to be $.50 per page for standard size copies (8½ x 11 or 8½ x 14) and $1 per page for nonstandard size copies.

(B) If the town does not have mechanical means for copying a requested record, the person requesting the record shall be entitled to inspect and manually transcribe the record. The town shall not charge to inspect a public record or to search for, examine or review a record to determine whether the record may be disclosed.
(Code 1997, § 4-101; Code 2002, § 110.002; Ord. 01-09-97, passed 1-09-97)

Statutory reference:

Authority to set copying fee, see I.C. 5-14-3-8(d)

§ 110.003 OUTDOOR ADVERTISING DISPLAY AND SIGN FEES.

(A) Fees for permits to erect displays shall be as prescribed by the Town Council. A fee shall be as prescribed by the Town Council. A fee shall be paid to the Clerk-Treasurer for each display to be erected with the filing of any application for the permit. The changing of a display face will not require the payment of an additional fee, provided the size (square footage) of the sign face does not change. Until otherwise amended by action of the Town Council, the fee shall be $1 per square foot of sign face.

(B) Consult Title XV for application information and regulations governing location, size and related items.
(Code 1997, § 4-102; Code 2002, § 110.003; Ord. 1-10-91, passed 11-14-91)

§ 110.004 TOWN COUNCIL APPROVAL REQUIRED FOR CABLE TELEVISION FRANCHISE.

(A) Because the operation of cable television systems or other utilities in enterprises requires the permission of the town to use the public ways, the Council has determined that it is proper and expedient to franchise the systems.

(B) All such business must seek the approval of the Town Council by the appropriate ordinance or resolution prior to initiating business in the town.

(C) All fees paid to the town shall be properly accounted for by the Clerk-Treasurer pursuant to applicable State Board of Accounts regulations.
(Code 1997, § 4-110; Code 2002, § 110.004)

§ 110.005 TOWN FEES.

The following chart sets forth fees charged by the town.

Activity Regulated	Fee	Code Section
Accident report	$5	110.030

Activity Regulated	Fee	Code Section
Amusement centers	$100	110.047
Renewal of license	$20	110.050
Transfer of license	$50	110.050
Building fees		Chapter 150
Burial sites	$250 to $350	92.02
Business and trades	$5	110.047
Copying public documents	$.50 to $1	110.002
Fingerprints	$5	
Outdoor advertising displays	$1 per sq. ft.	110.101
Outdoor theaters, carnivals or street fairs	$25	110.080
Park bandstand rental	$50	91.06
Park pavilion rental	$125 to $175 plus tax	91.06
Precious metal dealers	$25	110.065
Returned check (NSF)	$15	110.001
Taxicabs	$25	112.01
Vehicle inspections	$5	110.031
Zoning fees		Chapter 155

(Code 1997, § 4-102; Code 2002, § 110.005)

LICENSES

§ 110.015 AUTHORITY TO LICENSE.

The town has the authority to impose a license fee that is reasonably related to the administrative cost of exercising such regulating power.
(Code 1997, § 4-1; Code 2002, § 110.015)

Statutory reference:

Limitation on license fee, see I.C. 36-1-3-8(a)(5)

§ 110.016 APPLICATIONS.

All applications for a permit or license under this chapter shall be made available by the Town Clerk-Treasurer, unless otherwise specified.
(Code 1997, § 4-2; Code 2002, § 110.016)

§ 110.017 GRANTING OF LICENSES; DENIALS.

(A) After examination, the Clerk-Treasurer shall grant the permit or license unless good cause be shown why the permit or license should not be granted.

(B) Any denials may be petitioned to the Town Council at their next regularly scheduled meeting.
(Code 1997, § 4-3; Code 2002, § 110.017; Ord. 01-09-97, passed 1-09-97)

§ 110.018 DURATION AND INSPECTIONS.

(A) All licenses issued under this chapter, unless specified otherwise on the license, shall be issued for the duration of the calendar year for which they were issued and shall expire on December 31.

(B) Every person who is issued a license under the provisions of the licensed activity is being conducted, or if there are no premises shall carry the license while engaged in the activity for which he or she has been licensed and shall exhibit it to any town official or citizen upon request.

(C) The Town Marshal may inspect all places of business under license or required to have a license.
(Code 1997, § 4-4; Code 2002, § 110.018)
(I.C. 36-8-3-10(a)(13))

§ 110.019 FEES AND SUSPENSIONS.

(A) The Clerk-Treasurer shall issue licenses upon payment of the license fees and compliance with the applicable provisions of this code.

Statutory reference:

Clerk-Treasurer's authority to issue license and collect fees, see I.C. 36-5-6-6(a)(8)

(B) Licenses issued by the town may be revoked or suspended if the person holding the license has violated the terms or conditions of the license or the law under which it was issued or has conducted the business in such a manner as to constitute a threat to public health, safety or general welfare of the town citizens.
(Code 1997, § 4-5; Code 2002, § 110.019)

AUTOMOBILE

§ 110.030 POLICE ACCIDENT REPORT FEES.

(A) The town authorizes the Town Police Department to provide, upon request, to any individual or organization a copy of all automobile or motor vehicle related accident

reports prepared by Town Police Department members.

(B) For each copy provided, the Town Police Department shall charge the requesting entity or person a fee of $5. In the event additional copies are requested, the request shall be considered a new and separate request and an additional fee charge of $5 shall be made for each request.
(Code 1997, § 4-10; Code 2002, § 110.030; Ord. 01-09-97, passed 1-09-97)

§ 110.031 VEHICLE INSPECTION FEES.

(A) Pursuant to I.C. 9-29-4-2, the police officers who are members of the Town Police Department shall hereafter charge a fee of $5 per inspection per vehicle for any vehicle inspection conducted as required by I.C. 9-1-2-1(c).

(B) All fees collected pursuant to division (A) of this section shall be deposited in the local law enforcement continuing education fund, as required by I.C. 9-29-4-2.

(C) The Town Marshal shall account on a quarterly basis to the Clerk-Treasurer the total sums collected and deposited in the fund.

(D) The police officer making the inspection shall be required to make a record of the inspection upon the application form prepared by the Department of Motor Vehicles and shall further be required to provide the town at the time the inspection is performed. The Town Marshal shall provide the Clerk-Treasurer with the quarterly accounting for the inspection fees collected during the previous quarter, a tabulation of the vehicles inspected, indicating the name and address of the owner of the vehicle, the VIN# for the vehicle, make and model of the vehicle and date of inspection.
(Code 1997, § 4-11; Code 2002, § 110.031; Ord. 10-12-89, passed 10-12-89)

TRADES, BUSINESSES AND PROFESSIONAL LICENSING

§ 110.045 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES OR PROFESSIONS.

No person shall engage in any of the trades, businesses or professions for which licenses are required by this chapter or by any ordinance or provision of this code without first applying for and obtaining a license from the Clerk-Treasurer or other duly authorized issuing authority.
(Code 1997, § 4-24; Code 2002, § 110.045)

Statutory reference: Authority to regulate business and professions, see I.C. 36-8-2-10

§ 110.046 APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Clerk-Treasurer in writing upon forms to be furnished by him or her and shall contain:

(1) The name of the applicant and of each officer, partner or business associate;

(2) His or her present occupation and place of business;

(3) His or her place of residence for five years next preceding the date of application;

(4) The nature and location of the intended business or enterprise;

(5) The period of time for which the license is desired;

(6) A description of the merchandise to be sold, if for a vendor;

(7) Such other information concerning the applicant and his or her business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful knowingly to make any false statement or representation in the license application.
(Code 1997, § 4-25; Code 2002, § 110.046)
Penalty, see § 10.99

§ 110.047 ISSUANCE OF LICENSE.

Upon receipt of the application for a license, accompanied by the proper fee, if approval by another officer or department is not required the Clerk-Treasurer, by and with the written approval of the executive or other chief administrative officer, shall forthwith deposit the fee in the treasury and issue to the applicant a proper license certificate signed by the Clerk-Treasurer and executive or other chief administrative officer. If for any reason the license is not issued, this fee less $5 to cover expenses of considering the application shall be returned to the applicant.
(Code 1997, § 4-26; Code 2002, § 110.047)

§ 110.048 DATE AND DURATION OF LICENSE.

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issue of the license.
(Code 1997, § 4-27; Code 2002, § 110.048)

§ 110.049 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.
(Code 1997, § 4-28; Code 2002, § 110.049)

§ 110.050 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises the license certificate. Other licensees shall carry their license certificates at all times and whenever requested by any offices or citizen shall exhibit the license.
(Code 1997, § 4-29; Code 2002, § 110.050)

§ 110.051 REVOCATION OR SUSPENSION.

(A) Any license may be revoked by the executive or other chief administrative officer at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this subchapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any federal, state or municipal law or ordinance involving moral turpitude.

(B) The revocation shall become effective upon notice served upon the licensee or posted upon the premises affected.

(C) As a preliminary to revocation, the executive or other chief administrative officer may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.
(Code 1997, § 4-30; Code 2002, § 110.051)

§ 110.052 APPEAL AND REVIEW.

In case any applicant has been denied a license, or if his or her license has been revoked or suspended, the applicant or licensee as the case may be shall, within three business days, have the right to appeal to the legislative body from the denial, revocation or suspension. Notice of appeal shall be filed in writing with the Clerk-Treasurer who shall fix the time and place for a hearing which shall be held not later than one week thereafter. The Clerk-Treasurer shall notify the executive and all members of the legislative body of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the legislative body members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after hearing, a majority of the members of the legislative body present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be, otherwise the order appealed from shall become final.
(Code 1997, § 4-31; Code 2002, § 110.052)

PRECIOUS METAL DEALERS

§ 110.065 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER or SOLICITOR. Any person, firm or corporation who, as the duly authorized representative or agent of a dealer, shall canvass or solicit for the second-hand purchase or acquisition of any item containing any precious metal.

PRECIOUS METAL. Gold, silver or platinum, alone or in combination, including coins.

PRECIOUS METALS DEALER. A person, firm or corporation engaged in the business of purchasing or acquiring second-hand any item containing any precious metal.

WORKING DAYS. Any Monday through Friday of any week, excluding holidays recognized by the municipality.
(Code 1997, § 4-52; Code 2002, § 110.065)

§ 110.066 LICENSE APPLICATION.

(A) In addition to any other occupational license required by the municipality, each precious metals dealer must obtain a license from the municipality for the privilege of conducting the business of second-hand transactions in items containing precious metals.

(B) A precious metals dealer's license shall be issued by the Clerk-Treasurer after receipt of a notice from the Police Department that the prospective licensee has complied with application requirements of this subchapter.

(C) A precious metals dealer's license must be applied for to the Police Department. The application shall be on a standard form furnished by the Police Department and shall contain all information determined by that Department to be necessary for an evaluation of the applicant's eligibility for licensure.

(D) The Police Department shall, within 20 working days of receipt of a completed application form, make a complete review of the accuracy of the information contained therein, including a criminal records check on any individual named therein. The following standards shall apply concerning issuance:

(1) No license shall be issued to or held by any person not of good moral character, nor shall a license be issued to any corporation or partnership whose chief officers or members are persons not of good moral character.

(2) No dealer, canvasser or solicitor shall have been convicted of a felony involving moral turpitude.

(3) No dealer, canvasser or solicitor shall have been convicted of a criminal misdemeanor involving moral turpitude within the past two years.

(4) As part of the application process, a prospective dealer must present proof that, if approved for licensure, he or she can secure an approved indemnity bond in the amount determined by the municipality, issued by a surety company authorized to transact business within the state or can post a cash bond in such amount.

(E) The Clerk-Treasurer shall issue the license upon notification by the Police Department and upon posting of the surety or cash bond.

(F) If the application is to be denied, the Police Department shall provide the applicant with the written notification, including a statement of the reasons of denial, and any aggrieved applicant shall, within 30 days of the action, have a right to request a hearing before the Chief of Police.

(G) The Police Department shall have the authority to suspend or revoke any license issued pursuant to this subchapter for any violation of the terms of this subchapter. However, any aggrieved licensee shall, within 30 days of the action, have a right to request a hearing before the legislative body.

(H) Licenses issued under this section shall not be transferable. An individual license is required for each place of business conducted by a dealer. The license, or a copy thereof, must be posted in a conspicuous place in each place of business.

(I) The cost of the precious metals dealer's license shall be $25 per year which is not proratable, but which shall apply as a credit to any license fee due pursuant to any other provision of this code.
(Code 1997, § 4-53; Code 2002, § 110.066)

§ 110.067 RECORD KEEPING.

(A) Each precious metals dealer shall keep a record, on such standard form as the Police Department shall furnish, of each transaction involving the second-hand purchase by such dealer of an item containing a precious metal. The form shall be prepared in ink, in duplicate, the original to be retained by the dealer, the duplicate to be filed by the dealer with the Police Department by the close of business on the first working day after the completion of the transaction.

(B) The following must be noted concerning the transaction:

(1) Date;

(2) Time;

(3) Amount paid; and

(4) Disposition of the item, including name and address of purchaser.

(C) The following record must be kept relating to the articles sold:

(1) Description of the item to include:

(a) Manufacturer's name;

(b) Serial number, if any;

(c) Any distinguishing marks;

(d) Weight of the item;

(e) Pattern;

(f) Number of items;

(g) Setting of any precious or semiprecious stones; and

(2) A photograph of the item.

(D) The following records must be kept relating to the seller:

(1) Name;

(2) Address;

(3) Date of birth;

(4) Age;

(5) Hair;

(6) Race;

(7) Sex;

(8) Weight;

(9) Build;

(10) General appearance;

(11) Distinguishing marks;

(12) A legible right thumb print;

(13) Social security account number; and

(14) A photograph.

(E) Method of identification to include two identification cards, one with a picture and one corroborating, to include numbers from such cards.

(F) The original record of each second-hand transaction in any item containing any precious metal shall be subject to inspection and examination by any member of the Police Department and any member of the Police Department shall be permitted to examine and inspect any and all items purchased by a precious metals dealer which fall within the scope of this subchapter.

(G) There is specifically excepted from the terms of this subchapter any transaction by a person engaged in business within the municipality, possessing a current business license from the municipality, who is either accepting returns for cash, credit or replacement of any item originally purchased from the person or exchanging an item for another item of greater value. In addition, the terms of this subchapter shall not include any purchase by a retailer from a bonafide manufacturer, nor any banking institution licensed to do business in this state.
(Code 1997, § 4-54; Code 2002, § 110.067)

§ 110.068 RETENTION PERIOD OF ITEMS.

It shall be the duty of each precious metals dealer to retain each and every item containing a precious metal purchased second-hand by him or her in the same state or condition in which it was received at the place of business where purchased for a period of not less than 15 complete working days, which time period shall begin to run on the first working day following transfer of the duplicate record of the transaction to the Police Department. During such 15 days of retention period the article may not be resold, exchanged, altered or otherwise disposed of.
(Code 1997, § 4-55; Code 2002, § 110.068)

§ 110.069 BOND.

(A) Before engaging in the business of purchasing second-hand items containing precious metals, a dealer shall post a bond with the Clerk-Treasurer in an amount determined by the municipality either with a surety company licensed to do business in the state or in cash.

(B) The bond required in this subchapter shall be for a term of one year following the cessation of doing business in precious meals. The bond shall enure to the benefit of the municipality or to any person who shall be injured or sustain damages approximately caused by the failure to comply with the terms of this subchapter by any precious metals dealer, canvasser, solicitor or other agent or employee of the dealer.
(Code 1997, § 4-56; Code 2002, § 110.069)

§ 110.070 REGULATIONS OF TRANSACTIONS.

(A) No precious metals dealer shall transact any business involving a second-hand purchase of an item containing a precious metal from a minor unless the minor is accompanied by a parent or guardian.

(B) No precious metals dealer shall transact business involving a second-hand purchase of an item containing a precious metal which item the dealer knows or has reason to believe is stolen.
(Code 1997, § 4-57; Code 2002, § 110.070)

OUTDOOR THEATERS, CARNIVALS AND STREET FAIRS

§ 110.080 LOCATION RESTRICTIONS.

No theaters, specifically outdoor theaters, carnivals or street fairs, shall operate within the corporate limits of the town, at a point less than 500 feet from any residence or dwelling place therein.
(Code 1997, § 4-76; Code 2002, § 110.080; Ord. 1-1950, passed 9-13-50)

§ 110.081 LICENSE REQUIRED.

Any theaters, specifically outdoor theaters, carnivals or street fairs, shall not operate within the corporate limits of the town without procuring a license to do so.
(Code 1997, § 4-77; Code 2002, § 110.081; Ord. 1-1950, passed 9-13-50)

§ 110.082 LICENSE FEE.

The licenses may be obtained from the Town Clerk-Treasurer and that the theaters, specifically outdoor theaters, carnivals, or street fairs, shall be licensed in a sum of $25 for any performance or series of performances, same not to exceed a period of seven days, and all performances in excess of seven days shall be taxed again accordingly.
(Code 1997, § 4-78; Code 2002, § 110.082; Ord. 1-1950, passed 9-13-50)

§ 110.083 TRANSFER OF LICENSE.

No license granted or issued under the provisions of this subchapter shall be transferable, nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalty prescribed by this subchapter, except the licensee named on each license.
(Code 1997, § 4-79; Code 2002, § 110.083; Ord. 1-1950, passed 9-13-50)

§ 110.084 REFUSAL TO ISSUE LICENSE.

The provisions in this subchapter shall not conflict with the powers of the Town Council to refuse the issuance of a license in the exercise of its police powers and for the protection and health of the citizens of the aforesaid community.
(Code 1997, § 4-80; Code 2002, § 110.084; Ord. 1-1950, passed 9-13-50)

PARADES

§ 110.100 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CRUISING. The repeated operation of two or more vehicles in a continuous or nearly continuous flow through a parking lot.

PARADE. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or on any street, sidewalk, park or other public place in the municipality, or CRUISING as defined herein.

PARADE PERMIT. A permit required by this subchapter.

PARKING LOT. Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers.
(Code 1997, § 4-85; Code 2002, § 110.100)

§ 110.101 PERMIT REQUIRED.

(A) No person or persons shall engage in, participate in, aid, form or start any parade unless a parade permit has been obtained from the Town Marshal.

(B) This subchapter shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities, providing the conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.
(Code 1997, § 4-86; Code 2002, § 110.101)

§ 110.102 APPLICATION FOR PERMIT; APPLICATION FEE.

(A) A person seeking issuance of a parade permit shall file an application with the Town Marshal on forms provided by such officer.

(B) An application for a parade permit shall be filed with the Town Marshal not less than five days or not more than 60 days before the date on which it is proposed to conduct the parade.

(C) The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

(3) The name, address and telephone number of the person who will be the Parade Chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons, animals and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the street, sidewalk, park or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for the permit shall file with the Town Marshal a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf;

(13) Any additional information which the Town Marshal shall find reasonably necessary to a fair determination as to whether a permit should issue.

(D) There shall be paid at the time of filing an application for a parade permit a fee of $3.50.
(Code 1997, § 4-87; Code 2002, § 110.102)

§ 110.103 STANDARDS FOR ISSUANCE OF PERMIT.

The Clerk-Treasurer shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the municipality to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the municipality;

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the municipality other than that to be occupied by the proposed line of march and areas contiguous thereto;

(D) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designated to be held purely for private profit;

(H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.
(Code 1997, § 4-88; Code 2002, § 110.103)

§ 110.104 NOTICE OF REJECTION OF PERMIT.

The Clerk-Treasurer shall act on the application for a parade and upon receiving a written report and recommendation for the Town Marshal within three days, Saturdays, Sundays and holidays excepted, after filing thereof. If he or she disapproves the application, he or she shall mail to the applicant within the three days, Saturdays, Sundays and holidays excepted, after the date on which the application was filed, a notice of his or her action stating the reasons for his or her denial of the permit.
(Code 1997, § 4-89; Code 2002, § 110.104)

§ 110.105 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the legislative body. The appeal shall be taken within 30 days after notice. The legislative body shall act on the appeal within 30 days after its receipt.
(Code 1997, § 4-90; Code 2002, § 110.105)

§ 110.106 ALTERNATIVE PERMIT.

The Town Clerk-Treasurer, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the Town Clerk-Treasurer, file a written notice of his or her acceptance with the Town Clerk-Treasurer and Town Marshal. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this subchapter.
(Code 1997, § 4-91; Code 2002, § 110.106)

§ 110.107 NOTICE TO TOWN AND OTHER OFFICIALS WHEN PERMIT ISSUED.

Immediately on the issuance of a parade permit, the Town Clerk-Treasurer shall send a copy thereof to the following persons:

(A) The executive;

(B) The attorney for the municipality;

(C) The Fire Chief;

(D) The general manager or responsible head of each public utility, the regular routes of whose vehicles will be affected by the route of the proposed parade; and

(E) The Town Marshal.
(Code 1997, § 4-92; Code 2002, § 110.107)

§ 110.108 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Such other information as the Town Marshal shall find necessary to the enforcement of this subchapter.
(Code 1997, § 4-93; Code 2002, § 110.108)

§ 110.109 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The Parade Chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade.
(Code 1997, § 4-94; Code 2002, § 110.109)

§ 110.110 PUBLIC CONDUCT DURING PARADES.

(A) Interference. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) Driving through parades. No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) Parking on parade route. The Town Marshal shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. The Town Marshal shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unposted in violation of this subchapter.
(Code 1997, § 4-95; Code 2002, § 110.110)

§ 110.111 REVOCATION OF PERMIT.

The town shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.
(Code 1997, § 4-96; Code 2002, § 110.111)

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever and includes, but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the municipality and who, in the furtherance of such business, uses any building, structure, vehicle or any place within the municipality.

PEDDLER. This term includes the following:

(1) Any person who travels from place to place by any means carrying goods for sale, making sales or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the municipality.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.
(Code 1997, § 4-38; Code 2002, § 111.01)

§ 111.02 LICENSE REQUIREMENTS; FEES.

(A) It shall be unlawful for any person to carry on the business of hawking or peddling within the town limits, at wholesale or retail, by carrying, exposing or crying for sale within any street, avenue, alley or public place of the town or otherwise any article of commerce or merchandise without first obtaining a license from the town for that purpose; providing, however, that this section shall not apply to the sale of produce, provisions or fruits of the peddler's own raising.

(B) (1) Licenses to hawkers and peddlers shall be issued by the President of the Town Council and countersigned, registered and delivered to the applicant by the Clerk-Treasurer on payment of the following fees:

(a) For carrying goods by hand: $5 per day;

(b) For carrying goods by hand: $10 per week;

(c) For carrying goods by hand: $15 per month;

(d) For carrying goods by hand: $20 per year;

(e) For selling from any kind of vehicle: $7.50 per day;

(f) For selling from any kind of vehicle: $12.50 per week;

(g) For selling from any kind of vehicle: $17.50 per month; and

(h) For selling from any kind of vehicle: $22.50 per year.

(2) The Clerk-Treasurer, for such services, shall receive $.50 for each license issued, to be paid by the applicant.
(Code 1997, § 4-39; Code 2002, § 111.02; Ord. 2-1957, passed 7-10-57)
Penalty, see § 10.99

Statutory reference: Regulation of transient merchants by local governments, see I.C. 25-37-1-1 et seq.

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this subchapter shall file a written, sworn application with the Clerk-Treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the Clerk-Treasurer. The application shall state:

(1) The name and address of the applicant;

(2) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the municipality, plus:

(a) The local address of the individual;

(b) The permanent address of the individual;

(c) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) The nature, character and quality of the goods or services to be offered for sale or delivered, plus:

(a) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(b) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application.

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant or the individual identified in subsection (2) or the person identified in subsection (3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) All applications for peddler or solicitor licenses shall state, in addition to statements required by division (A) of this section:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this subchapter shall attach to their application the following:

(1) Two letters of recommendation from any person residing or doing business in the municipality certifying the applicant's good moral character and business responsibility or, in lieu of such letters, other evidence which may be used by the Clerk-Treasurer to satisfy his or her duties under § 111.04;

(2) If required by the Clerk-Treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business;

(3) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to attachments required under division (C) of this section, a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of any contagious or communicable disease that would, because of the applicant's handling or selling of food, pose a substantial risk to the health or safety of the public.

(E) Upon receipt of the application, the Clerk-Treasurer shall cause a set of applicant's fingerprints to be taken and attached to the application; he or she shall also cause a picture of the applicant to be taken and to be attached to the application.
(Code 1997, § 4-40; Code 2002, § 111.03)

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, the Clerk-Treasurer shall cause an investigation of the applicant's business reputation and moral character to be made.

(B) The Clerk-Treasurer shall approve the application unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant has committed any of the following will constitute valid reasons for disapproval of an application:

(1) Has been convicted of a crime of moral turpitude;

(2) Has made willful misstatements in the application;

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;

(4) Has committed prior fraudulent acts; or

(5) Has an unsatisfactory, moral character.
(Code 1997, § 4-41; Code 2002, § 111.04)

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this subchapter may be revoked by the Clerk-Treasurer after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. The notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.
(Code 1997, § 4-42; Code 2002, § 111.05)

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this subchapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;

(C) Any violation of this subchapter;

(D) Conviction of the licensee of any felony or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.
(Code 1997, § 4-43; Code 2002, § 111.06)

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision made pursuant to §§ 111.04 and 110.06 shall have the right to appeal to the legislature body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 111.05.

(B) The order of the legislative body after the hearing shall be final.
(Code 1997, § 4-44; Code 2002, § 111.07)

§ 111.08 SERVICE OF PROCESS.

(A) Requirements of successful applicant.

(1) Upon receipt of notice of approval of his or her application, the applicant shall file with the Clerk-Treasurer an instrument appointing the Clerk-Treasurer as his or her true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant in respect to any matter arising under this subchapter.

(2) Forms for the required statement are available at the Clerk-Treasurer's office. The form or instrument shall contain recitals to the effect that the applicant consents and agrees that service of any notice or process may be made upon this agent, and when so made, shall be taken and held to be as valid as if personally signed upon the applicant, according to the law of this or any other state and waiving all claim or right of error by reason of the acknowledgment.

(B) Duty of Clerk-Treasurer. Immediately upon service of any process upon the Clerk-Treasurer under this subchapter, the Clerk-Treasurer shall send, by registered mail, a copy of the process to the licensee at his or her last known address.
(Code 1997, § 4-45; Code 2002, § 111.08)

§ 111.09 EXHIBITION OF LICENSES AND BADGES.

(A) Any license issued to an itinerant merchant under this subchapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the municipality shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk-Treasurer shall issue a badge to each peddler or solicitor licensed under this subchapter. The badge shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license and the number of the license. The badge shall be worn conspicuously by the licensee during such time as he or she is engaged in the business licensed.

(C) Peddlers or solicitors shall exhibit their license at the request of any citizen.
(Code 1997, § 4-46; Code 2002, § 111.09)

§ 111.10 TRANSFER OF LICENSE.

No license issued under this subchapter shall be transferable, nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalties prescribed by this subchapter except the licensee named in the license.
(Code 1997, § 4-47; Code 2002, § 111.10; Ord. 2-1957, passed 7-10-57)

CHAPTER 112: TAXICABS

§ 112.01 DEFINITION.

For purposes of this chapter, TAXICAB shall mean and include any vehicle used to carry passengers for hire but not operating on a fixed route.
(Code 1997, § 4-62; Code 2002, § 112.01)

§ 112.02 TAXICAB; LICENSE FEE.

(A) No person, firm or corporation shall operate or cause to be operated a taxicab or proffer the services of any vehicle as a taxicab unless the owner of the vehicle has obtained a taxicab license covering the vehicle.

(B) Every such taxicab license shall expire on December 31 for the year in which issued. Licenses issued on or after July 1 of any year shall be issued at one-half the annual license fee herein provided.

(C) The annual license fee for each taxicab shall be $25.
(Code 1997, § 4-63; Code 2002, § 112.02)

Statutory reference: Authority to regulate vehicles for hire, see I.C. 36-9-2-4

§ 112.03 APPLICATION FOR LICENSE.

In addition to the information required by § 110.046, each applicant for a taxicab license shall present and file with the Clerk-Treasurer his or her signed application setting forth the trade name under which he or she intends to do business; the number of vehicles and a general description of each vehicle for which a license is desired; the marking or lettering to be used thereon; and any other information required by the Clerk-Treasurer pertinent to the issuance of the license.
(Code 1997, § 4-64; Code 2002, § 112.03)

§ 112.04 ISSUANCE OF LICENSE.

(A) The executive or other chief administrative officer shall investigate and hold a hearing upon each application for a license. If the executive or other chief administrative officer finds upon the investigation and hearing that the public convenience and necessity do not justify the operation of the vehicle for which license is desired, he or she shall forthwith notify the applicant of his or her findings. If he or she finds from the investigation and hearing that the public convenience and necessity do justify the operation of the vehicle or vehicles for which the license is desired, he or she shall forthwith notify the applicant. Within 60 days thereafter, the applicant shall furnish and

file with the Clerk-Treasurer the following:

(1) A full transcript of the information appearing on the certificate of title of each vehicle for which license is desired and the state license number of each such vehicle;

(2) A certification that each vehicle for which a license is desired has been inspected and tested and that each such vehicle is roadworthy and safe for operation as a taxicab;

(3) The name of each person who will operate the taxicab with the driver's license number of each such person; and

(4) Insurance or bond:

(a) A policy or policies of liability insurance issued for the life of the license applied for or longer, by a responsible insurance company, approved as to sufficiency and as to legality by the municipality providing indemnity for or protection to the applicant against loss resulting from the operation of each such taxicab on account of injury or death of more than one person in any one accident and for property damage caused in any one accident;

(b) In lieu of the policies of insurance above described, the applicant may furnish a bond binding the principal and sureties to liability for the payment of a judgment or judgments as above set forth, with at least two approved persons as sureties or one approved corporate surety approved as to sufficiency and as to legality by the municipality.

(B) Thereupon, the executive or other chief administrative officer shall examine the supporting information and documents and being satisfied that the applicant is the owner of any such vehicle, that the same is a safe and fit conveyance and that satisfactory insurance or bond has been issued and is in force thereupon, he or she shall, upon payment of the prescribed license fee, issue a license to the applicant.

(C) A certified copy of the license shall be exhibited in a prominent place in each taxicab at all times.
(Code 1997, § 4-65; Code 2002, § 112.04)

§ 112.05 TAXICAB STANDS.

At the time of issuing the license, the executive or other chief administrative officer shall designate a regular parking space for the taxicab or taxicabs, and he or she may prescribe rules for usage of this stand suitable to applicant's business and agreeable with the public convenience and welfare.
(Code 1997, § 4-66; Code 2002, § 112.05)

§ 112.06 DISPLAYING RATES; EXCESSIVE CHARGES.

Every taxicab shall display at all times a printed list of the fares and rates to be charged passengers for transportation, and it shall be unlawful for any owner or driver to charge any amount in excess of such printed rates unless by mutual agreement between passenger and driver entered into before leaving the point of departure.

(Code 1997, § 4-67; Code 2002, § 112.06)

§ 112.07 ALL DRIVERS TO BE LICENSED.

No person under 21 years of age and no person other than a driver duly licensed under the laws of the state shall operate a taxicab on any street or alley of the municipality.
(Code 1997, § 4-68; Code 2002, § 112.07)

§ 112.08 SUSPENSION OR REVOCATION OF LICENSE.

Whenever a licensee shall for a period of 60 days fail to make a reasonable or consistent effort to operate any such taxicab or taxicabs the executive or other chief administrative officer may either suspend or revoke the license pursuant to the provisions of § 110.051. This power to suspend or revoke shall not limit the powers granted to the executive or other chief administrative officer elsewhere in this code.
(Code 1997, § 4-69; Code 2002, § 112.08)

§ 112.09 RENEWAL OF LICENSE.

All owners of taxicabs licensed, at the completion of the year for which such license was issued, shall be entitled to a renewal for each succeeding year without a finding of convenience or necessity providing all other requirements of this code have been complied with.
(Code 1997, § 4-70; Code 2002, § 112.09)

§ 112.10 VEHICLE INSPECTION; REQUIREMENTS.

(A) It shall be unlawful for the owner or other person having possession or control of any taxicab to operate it upon the streets unless the vehicle has been duly inspected and found safe and roadworthy within the preceding six months.

(B) If any such taxicab is damaged by reason of a collision, or from any other cause, it shall be unlawful for the owner or other person having possession or control thereof to operate it upon the streets unless the vehicle has been tested and approved within 24 hours after the vehicle has been returned to service.

(C) A violation of this section shall constitute grounds for revocation of a taxicab license.
(Code 1997, § 4-71; Code 2002, § 112.10)
Penalty, see § 10.99

TITLE XIII

GENERAL OFFENSES

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CHAPTER 130: GENERAL OFFENSES

GENERAL PROVISIONS

§ 130.01 OFFENSES AGAINST PUBLIC HEALTH, ORDER AND DECENCY.

All offenses against public health, order or decency not addressed by this code shall be governed by applicable state statute.
(Code 1997, § 6-7; Code 2002, § 130.01)

§ 130.02 RESISTING OFFICIAL ACTION.

It shall be unlawful for any person or persons to knowingly or intentionally interfere or attempt to impede or interfere with any town official or employee in the performance of their official duties.
(Code 1997, § 6-8; Code 2002, § 130.02)
Penalty, see § 10.99

WEAPONS

§ 130.20 DEFINITIONS.

For the purpose of this subchapter, a FIREARM is defined as a weapon that is loaded with

gunpowder and bullets or shot, an air rifle or a BB gun.
(Code 1997, § 6-42; Code 2002, § 130.20; Ord. 3-1957, passed 7-10-57)
Penalty, see § 10.99

§ 130.21 SHOOTING OF FIREARMS PROHIBITED.

Except under the provision of § 130.22, it shall be unlawful for any person or persons to shoot or fire off any firearms within the town.
(Code 1997, § 6-43; Code 2002, § 130.21; Ord. 3-1957, passed 7-10-57)
Penalty, see § 10.99

§ 130.22 EXCEPTIONS.

For the purpose of pest control and the eradication thereof, any person or persons desiring to eradicate pests on property within the town by any use of firearms shall, before doing so, be required to obtain a written authorization from the President of the Town Council, signed by the officer and attested by the Clerk-Treasurer of the town.
(Code 1997, § 6-44; Code 2002, § 130.22; Ord. 3-1957, passed 7-10-57)

CURFEW

§ 130.30 CHILDREN 15 THROUGH 17 YEARS OF AGE.

(A) It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:

(1) Between 1:00 a.m. and 5:00 a.m. on Saturday or Sunday;

(2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(3) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

(B) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

(1) The child has violated this section; and

(2) There is no legal defense to the violation.
(Code 2002, § 130.30; Ord. 12-20-07, passed 12-20-07)

§ 130.31 CHILD LESS THAN 15 YEARS OF AGE.

(A) It is a curfew violation for a child less than 15 years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

(B) A law enforcement officer may not detain a child or take a child into custody based on a violation of this section unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

(1) The child has violated this section; and

(2) There is no legal defense to the violation.
(Code 2002, § 130.31; Ord. 12-20-07, passed 12-20-07)

§ 130.32 PARENTAL RESPONSIBILITY.

It shall be unlawful for a parent, grandparent, or legal guardian (hereafter referred to as "parent") having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to be in any public place within the town under circumstances not constituting an exception to, or otherwise beyond the scope of, the chapter. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
(Code 2002, § 130.32 Ord. 12-20-07, passed 12-20-07)

§ 130.33 ESTABLISHMENT OPERATOR RESPONSIBILITY.

It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of, the chapter. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's position should have known that the patron was a juvenile in violation of the chapter.
(Code 2002, § 130.33; Ord. 12-20-07, passed 12-20-07)

§ 130.34 DEFENSES.

(A) It is a defense to a violation under this chapter that the child was emancipated:

(1) Under I.C. 31-37-19-27 or I.C. 31-6-4-15.7 (before its repeal);

(2) By virtue of having married; or

(3) In accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.

(B) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

(1) Accompanied by the child's parent, guardian, or custodian;

(2) Accompanied by an adult specified by the child's parent, guardian, or custodian;

(3) Participating in, going to, or returning from:

(a) Lawful employment;

(b) A school sanctioned activity;

(c) A religious event;

(d) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(e) An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or

(f) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.

(4) Participating in an activity undertaken at the prior written direction of the child's parent, guardian, or custodian; or

(5) Engaged in interstate or international travel from a location outside the state to another location outside the state.
(Code 2002, § 130.; Ord. 12-20-07, passed 12-20-07)

§ 130.99 PENALTY.

(A) The violation of §§ 130.31, 130.32 shall be considered a chapter violation, the fine for which shall be $50 for the first violation and $100 for any subsequent violation during the same calendar year.

(B) The violation of §§ 130.33, 130.34 shall be considered a chapter violation, the fine for which shall be $100 for the first violation and $200 for any subsequent violation during the same calendar year.
(Code 2002, § 130.99; Ord. 12-20-07, passed 12-20-07)

TITLE XV

LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

§ 150.01 BUILDING CODE ADOPTED BY REFERENCE.

The town adopts the Building Code of Elkhart County, Indiana as the Building Code of the town and grants all power and authority necessary to enforce that code in the town.
(Code 1997, § 7-10; Code 2002, § 150.01)

§ 150.02 UPDATING BUILDING REGULATIONS.

The Building Code of Elkhart County shall include any and all amendments to the Building Code as they have occurred in the past and as they occur in the future.
(Code 1997, § 7-11; Code 2002, § 150.02)

§ 150.03 LOCATION OF BUILDING CODE.

Copies of the Building Code are available for public inspection in the office of the Elkhart County Building Department - Dunlap, 4230 Elkhart Road, Goshen, Indiana 46526 and are available for public inspection during regular business hours.
(Code 1997, § 7-12; Code 2002, § 150.03)

§ 150.04 UNIFORM ADDRESS NUMBERING SYSTEM ESTABLISHED.

A uniform permanent digit address numbering system be established for all residential, commercial and industrial units within the incorporated boundaries of the town.
(Code 1997, § 7-20; Code 2002, § 150.04; Ord. 10-12-78, passed 10-12-78)

§ 150.05 ROLE OF CLERK-TREASURER AND TOWN BOARD.

(A) The Clerk-Treasurer of the town shall advise the United States Postal Service of the assignment of the digit address numbers for all existing units and the United States Postal Service shall notify the unit. Thereafter, the Clerk-Treasurer of the town shall assign the digit address numbers and notify the unit. From the date of assignment and notification the numbers shall be the official address of each such unit.

(B) Until otherwise changed as provided herein, all units existing in the town requiring a post office address shall have a three- or four-digit address assigned to them. The four-digit number assigned to each will be determined and assigned by the Clerk-Treasurer of the town and notice of the assignment will be provided as described in division (A) above.

(C) This section shall become effective immediately upon passage. Address changes shall occur on or before May 15, 2003. Hereafter, any property annexed into the town which has a five- or more digit number in its address shall be reduced to a four-digit number within six (6) months after annexation.

(Code 1997, § 7-21; Code 2002, § 150.05; Ord. 1-16-03, passed 1-16-03)

CHAPTER 151 FLOOD DAMAGE PREVENTION

§ 151.01 BUILDING COMMISSIONER TO REVIEW PERMITS.

The Building Commissioner shall review all permits for construction in flood plain areas and require:

(A) Anchoring of buildings and mobile homes to prevent flotation and lateral movement;

(B) Use of flood resistant materials and utility equipment; and

(C) Construct on methods which minimize flood damage.
(Code 1997, § 7-58; Code 2002, § 151.01; Ord. 4-12-79(B), passed 4-12-79)

§ 151.02 REQUIREMENTS FOR MOBILE HOME PARKS AND SUBDIVISIONS.

In all flood prone areas for new or substantially improved mobile home parks or subdivisions and for placement of mobile homes on individual lots:

(A) Stands, pads and/or foundations are elevated at least two feet above flood elevation;

(B) Adequate access and drainage is required; and

(C) If pilings are used that construction standards for such pilings are used.
(Code 1997, § 7-59; Code 2002, § 151.02; Ord. 4-12-79(B), passed 4-12-79)

§ 151.03 BASIS OF ELEVATORS.

In the absence of Federal Insurance Administration (F.I.A.) flood data, other available data approved by the Department of Natural Resources shall be used as a basis for elevating residential structures above flood levels and floodproofing or elevating nonresidential structures.
(Code 1997, § 7-60; Code 2002, § 151.03; Ord. 4-12-79(B), passed 4-12-79)

§ 151.04 NOTIFICATION TO DNR REQUESTED.

Prior to any alteration of an existing watercourse, adjacent communities and the Indiana Department of Natural Resources must be notified and evidence of such notification shall be submitted to the F.I.A. and further that the carrying capacity of any altered watercourse will be maintained.
(Code 1997, § 7-61; Code 2002, § 151.04; Ord. 4-12-79(B), passed 4-12-79)

§ 151.05 OTHER PERMIT REQUIRED.

The provisions of this chapter shall not waive the requirement for obtaining all other local, state or federal permits.

(Code 1997, § 7-62; Code 2002, § 151.05; Ord. 4-12-79(B), passed 4-12-79)

§ 151.06 UTILITY.

All new or replacement water mains, valves and other appurtenances and all new or replacement sewers, manholes and other appurtenances constructed or reconstructed in a Flood Hazard Area as defined elsewhere by ordinance shall be designed and constructed as to minimize or eliminate infiltration of floodwaters into these systems.
(Code 1997, § 7-63; Code 2002, § 151.06; Ord. 4-12-79(C), passed 4-12-79)

CHAPTER 152: SIGN AND BILLBOARD REGULATIONS

GENERAL PROVISIONS

§ 152.01 PURPOSE.

Outdoor advertising displays and signs (hereinafter referred to as "displays") are regulated in the interest of promoting traffic safety, safeguarding public health and preventing adverse community appearance and the over-crowding of land and protecting the character of the area in which they are located. The regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. It is recognized that, unlike on premises signs which are in actuality a part of a business, outdoor advertising can be a separate and distinct business. Both, however, can affect the character of the area where they are located and the appearance of the community and both are the subject of this chapter. In general, it is intended that displays on premises or otherwise are to be located away from residential areas, and that displays be regulated to permit standard sizes to protect the character of an area wherein displays are located and to conserve property values. Signs physically attached and supported by buildings located on business premises in areas zoned B-1, M-1 and M-2 are not intended to be regulated by this chapter.
(Code 1997, § 7-38; Code 2002, § 152.01; Ord. 1-10-91, passed 1-10-91)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall not limit the exemptions contained in the exemption section of this statute.

BUILDING INSPECTOR. The Town Maintenance Superintendent.

ON PREMISES SIGNS. Signs and outdoor advertising displays located on real estate upon which a business is located advertising the products or services sold or distributed by the business on the real estate.

SIGNS and OUTDOOR ADVERTISING DISPLAYS. Any identification, description, display or illustration which is affixed to or painted or represented directly or indirectly on an outdoor object, surface or parcel of land and which directs attention to an object, product, place, activity, business, person, service or interest.
(Code 1997, § 7-53; Code 2002, § 152.02; Ord. 1-10-91, passed 1-10-91)

§ 152.03 EXEMPTIONS.

The following displays are exempt from the requirements of this chapter:

(A) Signs not exceeding one square foot in area bearing only property numbers, address numbers, names of occupants of the premises and their business or profession;

(B) Temporary signs in connection with special events, provided temporary signs may not be used for a period to exceed 30 days in any one calendar year on any real estate;

(C) Real estate signs advertising the sale of real estate upon which they are located;

(D) Signs physically and permanently attached to and supported by a building advertising the business, products or services provided by the business contained in the building, as long as the building is located on real estate zoned B-1, M-1 or M-2 as established by the Elkhart County Board of Zoning, provided the display does not interfere or endanger pedestrian traffic.

(E) Notwithstanding the exemption provided under division (B) of this section for temporary signs, any user, displayer, organization, entity or individual intending to use or display any temporary sign shall first complete and file with the Clerk-Treasurer a "temporary sign permit form." Blank forms shall be obtained from the Clerk-Treasurer.
(Code 1997, § 7-52; Code 2002, § 152.03; Ord. 1-10-91, passed 1-10-91; Am. Ord. 4-20-00, passed 4-20-00)

§ 152.04 PERMIT PROCEDURES.

(A) Permits. After the effective date of this chapter, and except as otherwise provided, no person shall erect any display without first obtaining a permit therefor from the Clerk-Treasurer.

(B) Fees. Fees are set forth in § 110.003 of this code.

(C) Written application. Application for sign permits shall be made in writing in duplicate and shall contain the following information:

(1) Name, address and telephone number of applicant;

(2) Location of building structure or land to which the display is to be erected;

(3) A detailed drawing or blueprint showing a description of the construction details of the display and showing the lettering composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any land; and its position in relation to nearby buildings or structures and to any private or public street or roadway;

(4) Written consent of the owner of the land to which or on which the display is to be erected in the event the applicant is not the owner thereof.
(Code 1997, § 7-49; Code 2002, § 152.04; Ord. 1-10-91, passed 1-10-91)

§ 152.05 OUTDOOR SIGN OR ADVERTISING APPLICATION.

The permit required in § 152.04 shall be issued upon the satisfactory completion of the application set forth in the Appendix to this chapter.
(Code 1997, § 7-54(part); Code 2002, § 152.05; Ord. 1-10-91, passed 1-10-91)

REGULATIONS

§ 152.20 LOCATION.

Displays which advertise products or businesses shall be permitted only on property which is zoned B-1, M-1 and M-2 as established by Elkhart County zoning ordinances.
(Code 1997, § 7-39; Code 2002, § 152.20; Ord. 1-10-91, passed 1-10-91)

§ 152.21 SIZE.

The maximum size per face of a display shall not exceed 120 square feet, excluding structural supports and trim. The faces of display structures constructed in the form of a "V" shall not exceed an angle of 45°. Displays may be placed back-to-back or in a V-type construction. Not more than one face is allowed on each side of the display.
(Code 1997, § 7-40; Code 2002, § 152.21; Ord. 1-10-91, passed 1-10-91)

§ 152.22 HEIGHT RESTRICTIONS.

The maximum height of a display shall not exceed 12 feet measured from either the grade at its base or from the adjacent roadway grade, whichever is lower, to the top of the display.
(Code 1997, § 7-41; Code 2002, § 152.22; Ord. 1-10-91, passed 1-10-91)

§ 152.23 SPECIFICATIONS.

Where the structural support is visible from the road from which its in intended to be viewed, the display shall be constructed on a single steel pole. When a structure is constructed so as to have copy material facing in a single direction, the exposed rear of the display and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign.
(Code 1997, § 7-42; Code 2002, § 152.23; Ord. 1-10-91, passed 1-10-91)

§ 152.24 SPACING.

(A) Distance between displays. No display may be closer to any other display on the same side of the street or highway facing traffic heading in the same direction than:

(1) One-hundred feet on any city street; and

(2) Three-hundred feet on any state highway; however, this provision does not prevent erecting back-to-back or V-type displays with a maximum of one display per facing.

(B) On premises signs for businesses having frontage less than 300 or 100 feet. In the

event a property owner's property upon which a display needs to be erected has less than 100 feet frontage on a city street, or less than 300 feet frontage on a highway, and in the event the real property owner or his or her licensee operates a business on the premises and has no interest in adjoining real estate, he or she may erect a display on the real estate. Provided, however, the display may be no closer to other displays on the same side of the street or highway facing traffic heading in the same direction than a distance equal to one-half the measurement in feet of his or her real property frontage on the street or highway.

(C) From residential, park or school. The minimum distance from property zoned "R" for residential uses, a park or a school shall conform to building setback requirements, or in the absence thereof a distance of 50 feet.

(D) Visual barriers or obstructions. The above spacing does not apply to displays separated by buildings or other visual barriers or obstructions, natural or man-made.
(Code 1997, § 7-43; Code 2002, § 152.24; Ord. 1-10-91, passed 1-10-91)

§ 152.25 SETBACK REQUIREMENTS.

Each display shall be set back beyond the road or street right-of-way, measured from the closest edge of the display.
(Code 1997, § 7-44; Code 2002, § 152.25; Ord. 1-10-91, passed 1-10-91)

§ 152.26 MAINTENANCE.

All displays shall be maintained in a state of good repair. The backs and supporting structures of all outdoor advertising displays shall be kept painted in a neutral color to blend with the natural environment. The Building Inspector or his or her designated agent is authorized to inspect every display at least once annually to determine that it meets the requirements set forth in this section. Whenever it shall appear to the Building Inspector that any display has been constructed or is being maintained in violation of this section, the display shall be made to conform with all regulations herein or shall be removed at the expense of the owner within ten days after written notification thereof by the Building Inspector.
(Code 1997, § 7-46; Code 2002, § 152.26; Ord. 1-10-91, passed 1-10-91)

§ 152.27 NONCONFORMING DISPLAYS.

(A) It shall be unlawful for any person to erect or place any display which does not conform to the requirements of this chapter. However, any displays existing at the time of the enactment of this chapter and not conforming to its provisions, but which did conform when erected shall be regarded as legal, nonconforming displays and may be continued if properly repaired and maintained in accordance with the provisions of this chapter.

(B) A nonconforming display shall not be replaced by another nonconforming display except that the substitution or interchange of poster panels, painted panels or demountable material on nonconforming displays shall be permitted.

(C) Repairs and maintenance of nonconforming displays shall be permitted. However,

no changes in the size or construction of the display shall be permitted except to make the display comply with the requirements of this chapter.
(Code 1997, § 7-47; Code 2002, § 152.27; Ord. 1-10-91, passed 1-10-91)

§ 152.28 LIGHTING.

Displays may be illuminated, subject to the following conditions:

(A) Displays which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited;

(B) Displays which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the public street or roadway and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited; and

(C) No display shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
(Code 1997, § 7-48; Code 2002, § 152.28; Ord. 1-10-91, passed 1-10-91)

§ 152.29 PERMISSION REQUIRED.

No display shall be placed on private or public property without the written consent of the owner or agent thereof.
(Code 1997, § 7-50; Code 2002, § 152.29; Ord. 1-10-91, passed 1-10-91)

§ 152.30 VARIANCE.

A variance to these provisions may be sought according to state statute governing variances.
(Code 1997, § 7-45; Code 2002, § 152.30; Ord. 1-10-91, passed 1-10-91)

APPENDIX: OUTDOOR SIGN OR ADVERTISING APPLICATION AND PERMIT

Name Phone # Address

1. (a) Applicant or Sign

Owner

1. (b) Person or Company

in Charge of Sign

Maintenance

1. (c) Building or Land

Owner Where Sign

to be Located

2. (a) Measurement (dimensions of sign face or faces if double-sided).

2. (b) Maximum height of sign measured from finish grade of land around sign or adjacent roadway grade, whichever is highest, to the top of the sign.

Note: a drawing or blueprint showing above dimensions and location plan is required by ordinance and must be submitted with application.

2. (c) Distance from closest roadway measured from street right-of-way to closest edge of sign.

2. (d) If sign is "V" type, construction degree of angle between sign faces.

3. Zoning of land for building of proposed sign location.

Terms of Issuance (a) Fee shall be $1/sq. ft. of sign face. Total fee for this application is $ (b) Applicant and/or property owner state that they have reviewed Bristol Town Ordinance No. 8-14-86 and any amendments thereto, and represent the sign or advertisement to be constructed will comply therewith. The issuance of this permit does not evidence approval or compliance. Responsibility for compliance with any state or federal law, or any Town Ordinance shall remain the responsibility of the sign and property owner. The permit and application are for record keeping purposes only.

(Applicant)

(Signature of Land or Building Owner
Evidencing Consent)

Fee and Permit Issued the day of , 20 .

Clerk-Treasurer
(Code 1997, § 7-54(part); Code 2002, ch. 152, app.; Ord. 1-10-91, passed 1-10-91)

CHAPTER 153: [RESERVED]

[text continues on p. 25]

CHAPTER 154: COMPREHENSIVE PLAN

§ 154.01 OVERALL OBJECTIVES AND POLICIES.

(A) Objectives for future development.

(1) To encourage the development and maintenance of land use patterns which recognize the needs of farming, industry and business and which will encourage the development of healthy surroundings for family life in residential neighborhoods.

(2) To provide for the orderly and efficient growth of the community in the development of land, transportation and public and private services and facilities within the community.

(B) Policies for land use development.

(1) To promote, preserve and protect residential neighborhoods.

(2) To develop zoning and subdivision ordinances which provide for the orderly growth and development of the community.

(3) To ensure that adequate amounts of land will be available to meet future needs in a pattern that combines compatibility of use with logical physical design.

(4) To maintain and promote an atmosphere of continued physical and economic growth.

(C) Policies for the development of public ways, public places, public lands, public structures and public utilities.

(1) To provide public facilities designed and distributed to give maximum service with a reasonable capitol outlay.

(2) To provide a full range of programs, recreational facilities and open spaces which service the citizens and improve the environment.

(3) To achieve a system of transportation which maximizes safe and affordable movement of goods and people.

(4) To work with public and private utilities in providing basic services to the citizens of the town.
(Code 1997, § 10-5; Code 2002, § 154.01; Res. 5-14-78(K), passed 5-14-87)

Statutory reference:

Requirements for comprehensive plan, see I.C. 36-7-4-501 et seq.

§ 154.02 PRIOR PLAN, REPORTS AND STUDIES.

In addition to the policies and objectives set forth in § 154.01, the following plans, reports and studies are included in the Bristol, Indiana, Comprehensive Plan.

(A) Elkhart County Comprehensive Plan.

(1) Report One: Land Use Study (March 1969).

(2) Report Two: Population Study (August 1968).

(3) Report Three: Study of Economy (October 1968).

(4) Report Four: Community Facilities Study (May 1969).

(5) Report Five: Physical Study (June 1969).

(6) Resort Six: Transportation Study (March 1970).

(7) Report Seven: Goals, Objectives & Discussion Plans (January 1970).

(8) Report Eight: Plan Elements (April 1970).

(9) Report Nine: Park and Recreation Plan (June 1970).

(10) Final Report (July 1970).

(B) Technical Report Series (April 1981).

(1) Overview.

(2) Finance.

(3) Natural Environment.

(4) Culture.

(5) Agriculture.

(6) Mass Media.

(7) Transportation.

(8) Industrial Sites/Nappanee.

(9) Energy.

(10) Industrial Sites/Goshen.

(11) Water and Sewer.

(12) Labor Force.

(13) Fire Protection.

(14) Housing.

(15) Health Care.

(C) The reports shall include any and all amendments as they have occurred in the past and as they occur in the future.

(D) Copies of the plans and reports are available for public inspection in the office of the Elkhart County Building Department, Dunlap, 4230 Elkhart Road, Goshen, Indiana 46536 and are available for public inspection during regular business hours.
(Code 1997, § 10-6; Code 2002, § 154.02; Res. 5-14-87(K), passed 5-14-87)

CHAPTER 155: SUBDIVISION AND ZONING CODE

§ 155.01 AUTHORITY FOR ZONING REGULATIONS.

I.C. 36-7-4-600 series permits communities to regulate in the zoning and planning area.
(Code 1997, § 10-1; Code 2002, § 155.01)

§ 155.02 AUTHORITY FOR SUBDIVISION REGULATIONS.

I.C. 36-7-4-700 series permits communities to regulate in the subdivision control area.
(Code 1997, § 10-2; Code 2002, § 155.02)

§ 155.03 ADOPTION OF COUNTY ORDINANCES.

As permitted by I.C. 36-1-5-4, the Elkhart County Zoning Ordinance and the Elkhart County Subdivision Ordinance, as the ordinances were in force and effect on January 1, 1985, are adopted and incorporated by reference herein as ordinances of the town; as required by I.C. 36-1-5-4, two copies of the ordinances are now and shall remain on file in the office of the Clerk-Treasurer for public inspection at all reasonable times. All prior ordinances of the town dealing with the same subject matter or in conflict therewith in any way, including but not necessarily limited to Ord. 5-8-80, Ord. 10-1882 and Ord. 12-8-84(A), are superseded and/or repealed by this chapter.
(Code 1997, § 10-10; Code 2002, § 155.03; Ord. 4-11-85(B), passed 4-11-85)

§ 155.04 DESIGNATION OF COUNTY PLAN COMMISSION AS MUNICIPAL PLAN COMMISSION.

Pursuant to I.C. 36-7-4-410(a), the Elkhart County Plan Commission is designated as the Municipal Plan Commission for the town; except as otherwise hereinafter specifically provided, all procedures, programs and policies now or hereafter adopted and in force and effect by the Elkhart County Plan Commission are made binding upon the town, its citizens and all real estate situated in the town.
(Code 1997, § 10-11; Code 2002, § 155.04; Ord. 4-11-85(B), passed 4-11-85)

§ 155.05 LEGISLATIVE FUNCTIONS RESERVED TO TOWN.

The function of dividing the town into zoning districts, as contemplated by I.C. 36-7-4-601(d)(2), is reserved to and shall be carried out by the Town Council consistent with rules and regulations adopted by the Elkhart County Plan Commission; all such districts previously designated by the Town Council shall remain the same until amended or abolished by action of the Council.
(Code 1997, § 10-12; Code 2002, § 155.05; Ord. 4-11-85(B), passed 4-11-85)

§ 155.06 PROCEDURES FOR PLATTING OF SUBDIVISIONS.

The Town Council reserves the right, ability and authority to establish and promulgate rules, regulations and/or standards for the platting and/or subdividing of real estate within the town, to include rules, regulations and/or standards pertaining to streets, curbs, water, sewer and other utility and municipal services; the rules, regulations and/or standards, upon promulgation, shall be forwarded to the Elkhart County Plan Commission for incorporation with other rules, regulations and/or standards as to plats and subdivisions established by or enforced by the Commission; no plat and/or subdivision of real estate situated partly or wholly within the corporate limits of the town shall be effective until it has been approved by Town Council.
(Code 1997, § 10-13; Code 2002, § 155.06; Ord. 4-11-85(B), passed 4-11-85)

§ 155.07 LAYING OUT CONSTRUCTION, OPENING OF STREETS IN SUBDIVISIONS.

(A) In platting any new addition to the town, it shall be unlawful and in violation of the provisions of this section for the right-of-way of any street, inclusive of parking space and sidewalks, laid out in such addition or subdivision to be less than a uniform width of 60 feet; the right-of-way shall be measured from the inside edge of the sidewalks abutting the street.

(B) On any street there shall be placed 18 feet of gravel road bed, to be laid in a uniform manner, and nine feet on each side of the center line of the street.

(C) Any street hereafter laid out shall have adjacent thereto space for the parking of vehicular and sundry traffic; the space shall not be less than 11 feet on each side of the outside edge of the gravel road bed heretofore described.

(D) Persons laying out any subdivision of lots or lands within the limits of the town shall before having the plat recorded in the office of the County Recorder submit the plat to the Town Council for their approval, and they may after an examination thereof either approve or disapprove such plat if it does not conform with the provisions of this section.
(Code 1997, § 10-20; Code 2002, § 155.07; Ord. 12-1956, passed 6-13-56)
Penalty, see § 10.99

ORDINANCE NO 5-19 -22

AN ORDINANCE OF THE TOWN OF BRISTOL, INDIANA ADOPTING THE CONSTRUCTION & DEVELOPMENT STANDARDS

WHEREAS Indiana Code Sections 36-1-3 et seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its town or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-emptied by any other law, or is not expressly granted by any other law to another government entity;

WHEREAS the Town Council of the Town of Bristol, Indiana is the Town executive and legislative body and is by law authorized to adopt ordinances and resolutions for the public health, safety, and general welfare of its residents; and

WHEREAS the Town Council of the Town of Bristol has reviewed and developed proposed and updated Construction & Development Standards, a copy of which is attached hereto, and recommended their adoption at the first reading of this Ordinance on May 19, 2022 and has subsequently approved and adopted said standards by resolution 6-16-22, and

WHEREAS the Town Council of the Town of Bristol, Indiana deems it reasonable and appropriate to revise and modify this ordinance as approved at first reading to provide for only the repeal of certain town ordinances referred to herein effective upon approval of the Ordinance and further recognizes the need to repeal and eliminate prior street standard which are inconsistent with the new Standards as contained the current Town ordinances, specifically TItle IX General Regulations, Chapter 97 Streets and Sidewalks, sub chapters 97.01 Width and Content; 97.02 Curbs and Gutters; 97.03 Standards; 97.04 Sidewalks, Disability accessibility requirements; 97.20 Opening Permit required; 97.21 Application and Cash deposit.

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

1. Those chapters of current Town Ordinances which conflict with the new Construction & Development Standards, specifically Title IX, General Regulations, Chapter 97 Streets and Sidewalks, sub chapters 97.01; 97.02; 97.03; 97.04; 97.20 and 97.21 are repealed upon approval of this ordinance.
2. This Ordinance is effective upon its date of adoption.
3. The wording as contained herein super cedes, amends and replaces entirely the wording of Ordinances 5-19-22 as adopted and approved at first reading May 19th, 2022.

Ordained and ADOPTED BY THE TOWN COUNCIL OF BRISTOL, INDIANA THIS 16th **DAY OF** June **, 2022.**

BRISTOL TOWN COUNCIL,

TOWN OF BRISTOL, INDIANA

— absent —

Floyd Lynch

Delbert Schrock

Delbert Schrock

Whitney Pierle

Cathy Burke

Cathy Burke

Jeff Beachy

ATTEST:

Cathy Antonelli, Clerk Treasurer

RESOLUTION NO 6-16-22

A RESOLUTION OF THE TOWN OF BRISTOL, INDIANA ADOPTING CONSTRUCTION & DEVELOPMENT STANDARDS

WHEREAS Indiana Code Sections 36-1-3 et seq. permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its town or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-emptied by any other law, or is not expressly granted by any other law to another government entity;

WHEREAS the Town Council of the Town of Bristol, Indiana is the Town executive and legislative body and is by law authorized to adopt resolutions for the public health, safety, and general welfare of its residents; and

WHEREAS the Town Council of the Town of Bristol has reviewed and developed proposed and updated Construction & Development Standards and recommends their adoption effective upon approval of this Resolution, and

WHEREAS THE Town Council of the Town of Bristol, Indiana deems it reasonable and appropriate to revise and update the Construction & Development Standards effective upon approval of this Resolution and further recognizes the need to repeal and eliminate prior standards which are inconsistent with the new proposed standards as contained in the current Town ordinances and intends by repealing ordinances to be hereafter adopted to eliminate those inconsistencies.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED by the Town Council of the Town of Bristol, Indiana as follows:

1. That the Construction & Development Standards attached hereto are hereby incorporated herein by reference and approved and adopted effective upon approval of this Resolution.
2. The Standards approved by this resolution are effective upon its date of adoption and shall hereafter be used as the Town Construction & Development Standards.
3. The Standards are not intended to replace, eliminate, or deviate compliance with Elkhart County or Indiana State Law, standards, codes or building regulations established by Elkhart County or State of Indiana and their agencies (E.g., IDEM, INDOT, State Fire Marshall) except to the extent deviation is allowed by State Law.

Ordained and ADOPTED BY THE TOWN COUNCIL OF BRISTOL, INDIANA THIS _____ DAY OF _____, 2022

BRISTOL TOWN COUNCIL,

TOWN OF BRISTOL, INDIANA

_____

Floyd Lynch

_____

Delbert Schrock

_____

Whitney Pierie

_____

Cathy Burke

_____

Jeff Beachy

ATTEST:

_____

Cathy Antonelli, Clerk Treasurer

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 __15__ DAY OF _____June_____, 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 or 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.)

ORDINANCE NO. 8-3-2023-18

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTER 92 OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES

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 has not transferred the power to govern cemeteries to a board pursuant to Indiana Code 23-14-65, et seq., and, therefore, the Council is empowered to govern cemeteries within the Town; and

WHEREAS, pursuant to Indiana Code, burial rights in a town cemetery must be represented by a Certificate of Burial Rights issued by the town; and

WHEREAS, the Council desires for any and all Certificates of Burial Rights and related cemetery lot transfer documents (collectively "Certificates") issued by the Town to be executed and delivered by the Town Clerk-Treasurer or the Clerk-Treasurer's designee (collectively the "Clerk"), and that the Clerk shall be designated as signor of the Certificates and delegated such authority by the Council to execute and deliver such Certificates.

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, Title IX, Chapter 92, Section 92.07 of the Code shall be amended and replaced in accordance with Exhibit A attached hereto and incorporated herein.

Section 3. The remaining portions of Chapter 92 of the Code are not affected by this Ordinance and shall remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only.

Section 5. The Clerk is hereby authorized and directed to issue, execute, and deliver all Certificates of Burial Rights for Town cemeteries for and on behalf of the Town, and any such instruments or documents heretofore executed and delivered, and any such actions heretofore taken, by the Clerk shall be, and hereby are, ratified and approved.

Section 6. Any deeds or Certificates of Burial bearing the name of the Bristol Cemetery Board of the County of Elkhart, State of Indiana (the "Cemetery Board"), and issued or executed by the Clerk after the dissolution of the Cemetery Board, shall be, and hereby are, recognized, ratified, and approved as if issued by the Town according to this Ordinance.

Section 7. 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 8. This Ordinance shall be in full force and effect in accordance with Indiana Law, 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.

* * * * *

ADOPTED THIS ___3_ DAY OF _____August_____, 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

92.07 DEEDS, TRANSFER OF INTEREST, AND TERMINATION OF UNUSED BURIAL SPACES

(A) All deeds to spaces of the cemetery shall be executed by the Town Clerk or the Town Clerk's designee and issued by the Town Clerk to the party vested upon the payment to the Town Clerk of the purchase price covering the space. All deeds/certificates/or instruments transferring interest in any space shall be in writing and signature of transfer notarized or by probate of will.

(B) Any space owner desiring to sell or otherwise transfer a space must do so through the cemetery in order to keep records correct. If transfer is by owners last will and testament, a copy of the probated will and proof of probate shall be supplied to the Town Clerk. In transferring a space, when no provision has been made for perpetual care, such provision must be made when the space is transferred. A fee of $25 will be charged by the Town Clerk for transferring all deeds to defray the cost of materials and handling involved. Proof of purchase must be obtained from the Town Clerk. In addition, if the transfer is from an owner who is a town resident to an owner who is not at the time of death a resident of the Town, there will be an additional charge of $100.00.

(C) If multiple adjoining spaces (two or more) are purchased, they together may be designed as a "lot" in which case each burial space shall be identified sequentially (e.g., Lot 53, space "A" "B" "C").

(D) If for a period of fifty (50) or more years from date of original sale or last transfer recorded by the Town Clerk, a burial space remains unused, the rights and ownership interest of the owner may be terminated in accordance with the Indiana Code.

[For codification reference: (>97 Code, ' 5-50) (Ord. 10-15-13, ' 18, passed 10-15-13; Am. Ord. 8-16-01(A), passed - -01; Am. Ord. 11--22; passed 12-20-22; Am. Ord. 6-15-2023-_____; passed 6-15-23.)]

ORDINANCE NO. 9-21-2023-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA ESTABLISHING A VOLUNTARY ANNEXATION FEE AND AMENDING CHAPTER 110 OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES

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 is experiencing significant residential and commercial development and is anticipating continued residential and commercial growth into the foreseeable future; and

WHEREAS, the growth of the Town is due in large part to voluntary annexations of previously unincorporated lands adjacent to the Town's corporate boundaries; and

WHEREAS, the receipt, processing, and adjudication of a petition for voluntary annexation by the Council, in accordance with Indiana Code § 36-4-3-1, *et seq.*, causes the Town to incur substantial administrative costs, which are not paid for or otherwise subsidized by the landowner(s) petitioning for voluntary annexation into the Town; and

WHEREAS, the Code of Ordinances for the Town (the "Code"), Chapter 110, Section 100.005 provides for a schedule of Town Fees to be charged by the Town for certain regulated activities (the "Fee Schedule"); and

WHEREAS, the Council believes it is in the best interest of the Town to amend the Town's Fee Schedule to provide for reasonable fees to be paid by the landowner(s) seeking voluntary annexation into the Town, and to update and harmonize the Fee Schedule consistent with other previous changes to the Code.

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 incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Chapter 98. Voluntary Annexation shall be added as a new chapter to Title IX of the Code and Chapter 100, Section 110.005 of Title XI of the Code shall be amended and replaced, each in accordance with Exhibit A attached hereto and incorporated herein.

Section 3. The remaining portions of Title IX and Title XI of the Code are not affected by this Ordinance and shall remain in full force and effect.

Section 4. 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 5. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

Section 6. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ___21_ DAY OF _____Sept._____, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

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Jeff Beachy, President

_____
Cathy Burke

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Andrew Medford

_____
Gregg Tuholski

_____
Doug DeSmith

ATTEST:

_____
Cathy-Antonelli, Clerk-Treasurer

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EXHIBIT A

Title IX: General Regulations

CHAPTER 98. VOLUNTARY ANNEXATION

§ 98.01. Voluntary Annexation.

The Town Council may by annexation ordinance, and subject to Indiana law, annex property into the corporate limits of the Town. Voluntary annexation to the Town may be initiated by petition of one hundred percent (100%) of the owners of land within the territory that is proposed to be annexed, in accordance with Indiana Code §36-4-3-5.1, and on the form prescribed by the Town.

[For codification reference: (Ordinance No. _____, passed _____.]

§ 98.02. Voluntary Annexation Fee.

There is established an annexation fee in the amount of $500 per annexation petition, which is a charge to be assessed against all unincorporated property to be annexed to the Town. Such annexation fee will be paid in full upon filing the application for voluntary annexation into the Town.

[For codification reference: (Ordinance No. _____, passed _____.]

CHAPTER 110: GENERAL LICENSING AND REGULATIONS

§ 110.005 TOWN FEES.

(A) The following fee schedule sets forth fees charged by the Town and shall be amended only by action of the Town Council.

(B) Until all applicable fees have been paid in full, no action shall be taken on any petition or application. No part of any fee paid pursuant to this Section shall be refundable.

(C) Schedule of Fees:

Activity Regulated	***Fee***	***Code Section***
Accident report	$5	110.030
Amusement centers Renewal of license Transfer of license	$100 $20 $50	110.047 110.050 110.050
Annexation – Consensual or Voluntary	$500	98.02
Building fees		Chapter 150

Activity Regulated	*Fee*	*Code Section*
Burial sites	$250 to $500	92.02
Business and trades	$5	110.047
Copying public documents	$.50 to $1	110.002
Fingerprints	$5	
Outdoor advertising displays	$1 per sq. ft.	110.101
Outdoor theaters, carnivals, or street fairs	$25	110.080
Park bandstand rental	$50	91.06
Park pavilion rental	$125 to $175 plus tax	91.06
Precious metal dealers	$25	110.065
Returned check (NSF)	$15	110.001
Taxicabs	$25	112.01
Vehicle inspections	$5	110.031
Zoning fees		Chapter 155

[For codification reference: (‘97 Code, § 4-102); Am. Ord. _____, passed _____.]

ORDINANCE NO. 11-02-2023-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTER 51 OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES TO AUTHORIZE A NEW WATER UTILITY RATE FOR CERTAIN SPRINKLER SYSTEM SERVICES

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 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 such service within four (4) miles of the Town's corporate boundaries; 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

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

WHEREAS, by Ordinance No. 6-15-2023-12, the Town Council has established rates and charges for the Water Utility for customers connected to the Town's municipal water system; and

WHEREAS, pursuant to Indiana Code, the Council may modify or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, it has been determined by the Council that to meet the demands of increasing economic growth in the Town, a rate for building sprinkler systems serviced by ten (10) inch diameter water service lines should be established, at such rate as advised by Baker Tilly Municipal Advisors, LLC following a recent rate study; 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 November 2, 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 Water Utility, determines it is necessary to make changes and amend the 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 51.06 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 A hereto and incorporated herein.

Section 3. 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 4. 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 5. The rates and charges herein set forth shall be in full force and effect for all billings of Water 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 __02__ DAY OF _____November_____, 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

§ 51.06 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
10 inch	$1,450.37	$1,655.13

[1] Represents a 14% increase from Inside Town rates.

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

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 Town[1]	Inside Town	Outside Town[1]
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

[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; 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

[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 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 or 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.)

ORDINANCE NO. 06-06-2024-14

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA DECLARING PORTIONS OF PONDEROSA DRIVE AND BLOOMINGDALE DRIVE IN THE TOWN OF BRISTOL, INDIANA TO BE WIDE LOAD ROUTES

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 is a "local authority" as the term is defined in Indiana Code § 9-13-2-94 and as used in Indiana Code § 9-20, et seq.; and

WHEREAS, pursuant to Indiana Code § 9-20-1-3(c), the Town, with respect to highways under its jurisdiction, except highways in the state highway system and state-maintained routes through the Town, may by ordinance prohibit the operation of trucks or other commercial vehicles and impose limitations as to the weight, size, or use of those vehicles on designated highways, provided appropriate signage along such highways is also installed; and

WHEREAS, pursuant to Indiana Code § 9-20-6, et seq., vehicles that exceed certain height, weight, length, and other requirements must obtain a special permit from the Indiana Department of Transportation to operate upon Indiana highways; and

WHEREAS, State Road 120 (locally known as Vistula Street) ("IN-120") and State Road 15 (locally known as Division Street) ("IN-15") are highways in the state highway system that permit travel through the Town and are designated by the Indiana Department of Transportation as permitted routes for holders of valid permits issued under Indiana Code § 9-20-6, et seq. ("Permittees") to transport heavy vehicles and loads or other objects not conforming to Article 9 of the Indiana Code (the "Wide Load Route"); and

WHEREAS, the Council finds that the intersection of IN-120 and IN-15 in the Town is often congested by commercial truck traffic, and that such congestion makes navigating the intersection difficult and dangerous to Permittees; and

WHEREAS, to alleviate congestion at the intersection of IN-120 and IN-15, the Council desires to designate highways within the Town's jurisdiction for use by Permittees as alternate routes to the Wide Load Route to be known as the "Alternate Wide Load Route"; and

WHEREAS, the Town will erect appropriate signage to inform Permittees and other users of the Town's highways of the permitted use of Alternate Wide Load Route.

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. The Council declares that the following highways within the Town and under the jurisdiction of the Town, as depicted in Exhibit A attached hereto and incorporated herein, are permitted to be used by Permittees for transporting heavy vehicles and loads or other objects not conforming to Article 9 of the Indiana Code:

Ponderosa Drive: From its intersection with IN-120/East Vistula Street south to the intersection with Bloomingdale Drive.

Bloomingdale Drive: From its intersection with Ponderosa Drive to its intersection with IN-15/South Division Street.

Section 3. The route described and depicted in Section 2 and Exhibit A shall be known as the "Alternate Wide Load Route".

Section 4. The appropriate authority of the Town shall erect signage at the beginnings of and along the Alternate Wide Load Route to inform Permittees and other users of the permissible use of such route.

Section 5. Use of the Alternate Wide Load Route by any Permittee shall not relieve or excuse any such Permittee from otherwise complying with any permit issued under Indiana Code § 9-20-6, et seq. or any other provision of Indiana law.

Section 6. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only.

Section 7. 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 8. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

Section 9. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS __6__ DAY OF _____June_____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

_____
Jeff Beachy, President

_____
Cathy Burke

_____
Dean Rentfrow

_____
Gregg Tuholski

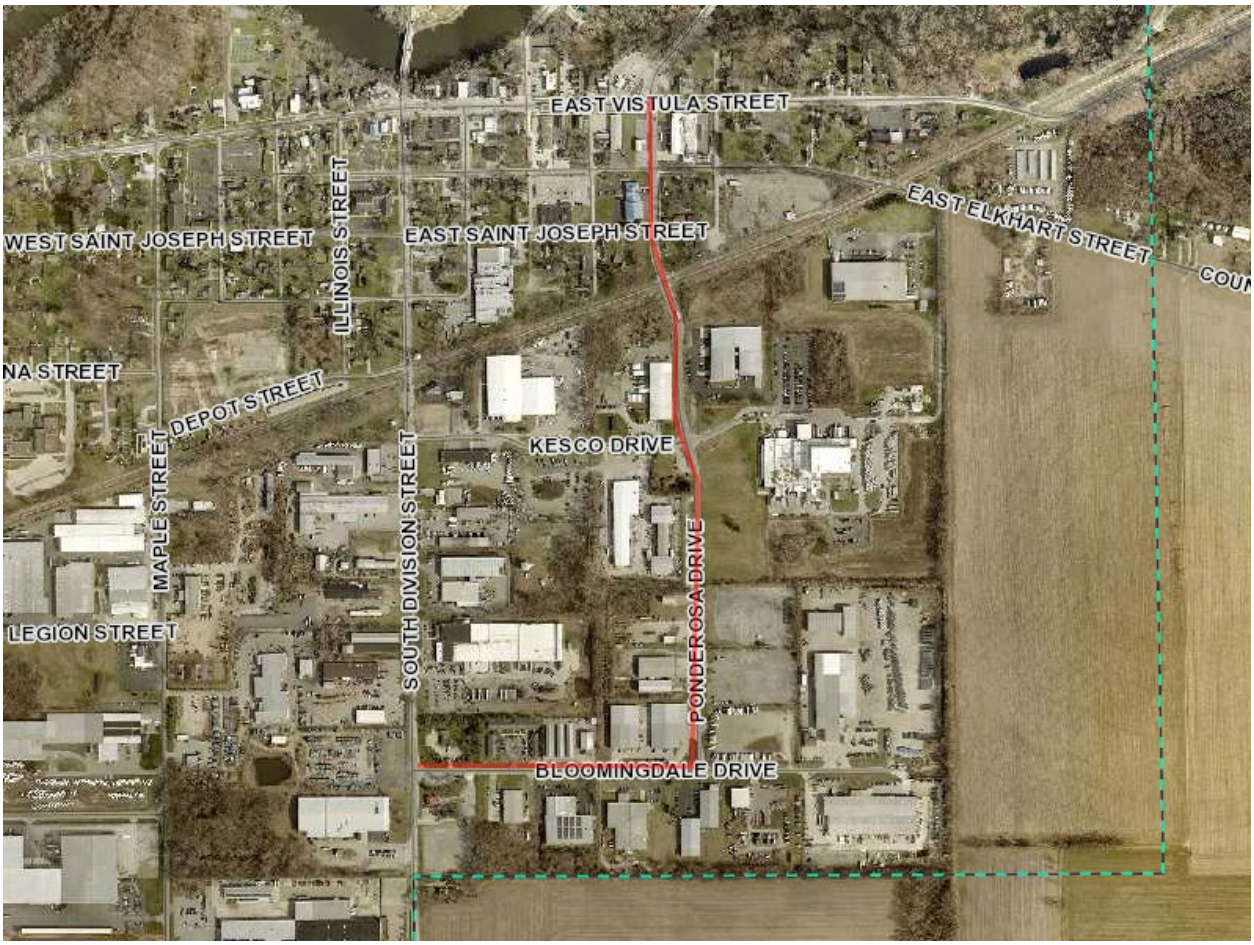
_____
Doug DeSmith

ATTEST:

_____
Cathy Antonelli, Clerk-Treasurer

EXHIBIT 1

Depiction of Alternate Wide Load Route



ORDINANCE NO. 7-18-2024- 15

AN ORDINANCE OF THE TOWN OF BRISTOL, INDIANA, APPROVING THE PLANNING AND ZONING ORDINACES OF THE COUNTY OF ELKHART, INDIANA

WHEREAS Indiana Code Chapter 36-1-3 permits any unit in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its governmental or internal affairs, which is not prohibited by the Constitution of the United States or 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 Town Council of the Town of Bristol, Indiana, is the municipal legislative body and authorized by law to adopt ordinances and resolutions governing the administration of planning and zoning within the Town of Bristol, Indiana;

WHEREAS the County of Elkhart, Indiana, has an advisory plan commission and board of zoning appeals;

WHEREAS pursuant to Indiana Code Section 36-7-4-410, the legislative body of any municipality located in a county having an advisory plan commission may, by ordinance, designate the county plan commission as the municipal plan commission and also provide that the county board of zoning appeals has jurisdiction within the corporate boundaries of the municipality;

WHEREAS the Town of Bristol, Indiana, has previously delegated and consented to the exercise of municipal authority and jurisdiction to administer local planning and zoning under Indiana Code Chapter 36-7-4 by the County of Elkhart, Indiana, pursuant to Ordinance No. 12-1-2022(2);

WHEREAS, the County of Elkhart has changed its planning and zoning ordinances since the adoption of Ordinance No. 12-1-2022(2), and Ordinance No. 12-1-2022(2) expressly provides that any such changes will be binding upon the Town of Bristol, Indiana, upon approval of the Town of Bristol, Indiana;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, DETERMINED, AND ORDAINED by the Town of Bristol, Indiana, as follows:

1. Pursuant to Ordinance No. 12-1-2022(2) Sec. 1(c) and Indiana Code Section 36-7-4-410, the Town of Bristol, Indiana, approves Elkhart County Commissioner Ordinance No. PC-2024-04, otherwise known as the Elkhart County Development Ordinance.

2. The Town of Bristol, Indiana, revokes its prior approval for the previous Elkhart County Zoning Ordinance, Ordinance No. PC 2014-20, as amended, and the previous Elkhart County

Subdivision Ordinance, Ordinance No. 2009-67, as amended, both of which were repealed by the Elkhart County Development Ordinance.

3. This Ordinance does not modify Ordinance No. 12-1-2022(2) in any other aspect.

ORDAINED AND ADOPTED this __18_ day of _____July_____, 2024.

Town Council of the Town of Bristol, INDIANA

By: _____

Printed Name: _____

Title: _____

By: _____

Printed Name: _____

Title: _____

By: _____

Printed Name: _____

Title: _____

By: _____

Printed Name: _____

Title: _____

By: _____

Printed Name: _____

Title: _____

ATTEST:

By: _____

Printed Name: _____
Title: Town Clerk-Treasurer

ACCEPTANCE

The Board of Commissioners of the County of Elkhart, Indiana, does hereby accept the above-referenced Ordinance on behalf of the Town of Bristol, Indiana, with respect to the planning and zoning laws this ____ day of _____, 2024.

BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA

By: _____
Bradley D. Rogers, President

ATTEST:
By: _____
Patricia A. Pickens, Auditor

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.

* * * * *

ADOPTED THIS __15__ DAY OF _____August_____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

_____
Jeff Beachy, President

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Cathy Burke

_____
Dean Rentfrow

_____
Gregg Tuholski

_____
Doug DeSmith

ATTEST:

_____
Cathy Antonelli, Clerk-Treasurer

ORDINANCE NO. 10-17-2024-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING SECTIONS OF CHAPTER 95 OF TITLE IX 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 pursuant to Indiana Code § 36-8-2-8 may regulate the introduction of any substance or odor into the air, or any generation of sound; and

WHEREAS, the Town pursuant to Indiana's Home Rule statutes, Indiana Code § 36-1-3-1, et seq., the Town may exercise any power or perform any function necessary to the public interest in the context of its municipal or internal affairs, which is not prohibited by the Constitution of the United States or 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; and

WHEREAS, the Council has determined that the creation of excessive noise and sound within the corporate limits of Town is a detriment to the public health, safety and welfare and the quality of life of the citizens of the Town; and

WHEREAS, it is the policy of the Town to prevent excessive noise and sound in order to preserve, protect and promote the health, safety and welfare and the quality of life of its citizens; and

WHEREAS, Chapter 95 of Title IX of the Code of Ordinances for the Town (the "Code") concerns the regulation of loud and unnecessary noises in the Town; and

WHEREAS, the Council has seen fit to amend certain provisions of the Code relating to loud and unnecessary noises for the benefit of the residents and industries of the Town; and

WHEREAS, pursuant to Sec. 95.51(C) of the Code, the Town has advertised the proposed revisions to the Code provided for in this Ordinance for more than one (1) month prior to adoption.

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 95.50 of the Code, entitled "Sound Pressure Level or Noise Measurement", is hereby deleted and replaced in its entirety by new Section 95.50 entitled "Definitions" as set forth on Exhibit A attached hereto and incorporated herein.

Section 3. As of the effective date of this Ordinance, Section 95.51 of the Code, entitled "Sound Pressure Level Limits in Db(A) For Single Noise or Sound Sources in Residential, Business, and Manufacturing Zones", is hereby deleted and replaced in its entirety by new Section 95.51 entitled "Sound Levels by Receiving Land Use" as set forth on Exhibit B attached hereto and incorporated herein.

Section 4. As of the effective date of this Ordinance, Section 95.52 of the Code, entitled "Noises Prohibited", is hereby deleted and replaced in its entirety by new Section 95.52 entitled "Prohibited Noises; Noise Level Standards for Sound Amplification Systems and Motor Vehicles; Other Prohibited Noises" as set forth on Exhibit C attached hereto and incorporated herein.

Section 5. As of the effective date of this Ordinance, Section 95.53 of the Code, entitled "Exemptions", is hereby amended, and replaced in its entirety by new Section 95.53 as set forth on Exhibit D attached hereto and incorporated herein.

Section 6. As of the effective date of this Ordinance, Section 95.56 of the Code, entitled "Noise Enforcement", is hereby amended, and replaced in its entirety by new Section 95.53 as set forth on Exhibit E attached hereto and incorporated herein.

Section 7. As of the effective date of this Ordinance, Section 95.55 of the Code, entitled "Other Noises Prohibited: Standards for Unnecessary Noises", is hereby deleted in its entirety.

Section 8. 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 9. 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 10. 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.

* * * * *

ADOPTED THIS __17__ DAY OF _____October_____, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

_____
Jeff Beachy, President

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Cathy Burke

_____
Dean Rentfrow

_____
Gregg Tuholski

_____
Doug DeSmith

ATTEST:

_____
Cathy Antonelli, Clerk-Treasurer

EXHIBIT A

95.50 DEFINITIONS

95.50 DEFINITIONS

A. For the purposes of this ordinance, the following words, terms and phrases shall have the meanings set forth:

(1) "Commercial Area" shall mean any parcel of land zoned as B-1, B-2, or B-3 under the Zoning Ordinance.

(2) "dB(A)" shall mean the intensity of a sound expressed in decibels read from a calibrated sound level meter using the A-level weighting scale and the slow meter response, as specified by the American National Standards Institute (or its successor).

(3) "Decibel" shall mean a unit measure of sound level. The symbol is dB.

(4) "Domestic power equipment" shall mean any equipment or device rated at 20 horsepower or less and used for home or building repairs and grounds maintenance.

(5) "Emergency work" shall mean any activities performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by existing or imminent peril.

(6) "Industrial Area" shall mean any parcel of land zoned as M-1 or M-2 under the Zoning Ordinance.

(7) "Motor Vehicle" shall mean a vehicle that is self-propelled.

(8) "Person" shall mean any individual, association, partnership or corporation.

(9) "Premises" shall mean a tract of land including its buildings and structures.

(10) "Property line" shall mean the real or imaginary line and its vertical extension which separates the real property owned, leased or occupied by any person from contiguous real property owned, leased or occupied by any other person.

(11) "Public property" shall mean all real property which is owned or controlled by a governmental entity, and shall include any public rights-of-way, public buildings, parks and waterways.

(12) "Public right-of-way" shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity.

(13) “Residential area” shall mean any parcel of land zoned as R-1, R-2, R-3, or A-1 under the Zoning Ordinance.

(14) “Sound amplification system” shall mean any apparatus used for the amplification of sounds from any radio, tape player, cassette player, compact disc player, loudspeaker, sound amplifier, alarm or other sound-generating device, including any apparatus for the amplification of the human voice.

(15) “Unreasonable Noise” shall mean a sound that is of a volume, frequency or pattern that prevents, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the corporate boundaries of the Town, given the time of day or environment in which the sound is made.

(16) “Zoning Ordinance” shall mean the Elkhart County Development Ordinance as adopted by the Town Council and may be amended from time to time.

EXHIBIT B

95.51 SOUND LEVELS BY RECEIVING LAND USE

95.51 SOUND LEVELS BY RECEIVING LAND USE.

A. No person shall create cause to be created, permit to be created, or otherwise generate any source of sound in a manner that creates a sound level which exceeds the following limits for the receiving land use category when measured at the property line of the receiving land use as set forth in the following table:

SOUND LEVEL LIMITS BY RECEIVING LAND USE		
Receiving Land Use Category	**Time**	**Sound Level Limit**
Residential Area	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	70 dB(A)
Commercial Area	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	70 dB(A)
Industrial Area	All Times	80 dB(A)

B. The Town Council is empowered to review and adjust these levels.

C. This section does not apply to motor vehicles or sound amplification systems operated on public property.

EXHIBIT C

95.52 PROHIBITED NOISES; NOISE LEVEL STANDARDS FOR SOUND AMPLIFICATION SYSTEMS AND MOTOR VEHICLES; OTHER PROHIBITED NOISES

95.52 PROHIBITED NOISES; NOISE LEVEL STANDARDS FOR SOUND AMPLIFICATION SYSTEMS AND MOTOR VEHICLES; OTHER PROHIBITED NOISES.

A. Except as otherwise provided in this ordinance, it shall be unlawful for any person to cause or make any unreasonable noise or to allow any unreasonable noise to be caused or made in or on any real property or personal property within the Town limits occupied or controlled by that person.

B. Sound Amplification Systems.

(1) No person shall play, use, operate or permit to be played, used or operated any sound amplification system if it is located in or on any public property or any motor vehicle on a public street, alley, highway, park or other public property, if the sound generated is plainly audible to any other person measured at a distance at least 100 feet from the sound amplification system.

C. Motor Vehicle Noises.

(1) No person shall operate any motor vehicle on a public street, alley, highway, park or other public property in which the engine, muffler, exhaust and/or other noise control equipment have been altered, removed or maintained in such disrepair as to generate a sound plainly audible to any other person measured at a distance at least 100 feet from the motor vehicle.

(2) No Person shall operate or use any motor vehicle in such a manner to create unreasonable noise from squealing of tires or grating, grinding, rattling or other noises from disrepair.

(3) No person operating a motor vehicle containing a jake brake shall apply the jake brake within the Town limits.

(4) Except as used for warning purposes, no person shall use, operate or sound any horn or other signaling device on any motor vehicle on a public street, road, alley, highway, park or other public property for any unreasonable period of time.

(5) No person shall play, use, or operate or allow to be played, used, or operated in or on any motor vehicle any sound amplification system at a volume that is louder than necessary for the convenient hearing of persons who are inside the motor vehicle within which such device is played, used or operated.

D. Noises from Premises.

(1) No person shall play, use, or operate or allow to be played, used, or operated on a premises any sound amplification system in such a manner that the sound produced causes unreasonable noise heard beyond the boundaries of the premises by a person with normal hearing.

(2) No person shall keep any animal, including but not limited to dogs and birds, on a premises that causes unreasonable noise clearly audible to a person from any place other than the premises from which the animal is located.

E. No person shall create any unnecessary, loud, disturbing, or offensive noise on any street, sidewalk, or public place adjacent to any school, an institution of learning, library, or church while any of the same is in use.

F. Except as may otherwise be provided, measurement of the audible sound under this section shall be by the auditory senses and based upon direct line of sight.

EXHIBIT D

95.53 EXEMPTIONS

95.53 EXEMPTIONS.

A. The sound levels in Sections 95.51 and 95.52 shall not apply to sounds emitted from:

(1) Authorized emergency vehicles, public safety vehicles or from public safety officials acting in the scope of their authority.

(2) Vehicle horns, sirens or other devices used as a warning of danger or an emergency.

(3) Passing trains; provided, however, that excessive use of railroad train signaling devices will be considered violations of this Code section.

(4) Properly operating building alarms or vehicle alarms.

(5) Stationary emergency signaling devices, such as severe weather sirens.

(6) Any emergency work.

(7) Communication of any message in any public forum between the hours of 8:00 a.m. and 8:00 p.m.

(8) Any activity authorized by the Town Council or any other governmental body having jurisdiction and control over the property, including parades, festivals, sporting events, concerts or firework displays.

(9) Any recreational and educational activity including, but not limited to, school bands and neighborhood ball games; however, any recreational or educational activity taking place between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(10) Any construction equipment operated during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment shall be equipped with a properly installed muffler in good working order. Construction equipment operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(11) Any detonation of explosives used to fragment rock for mining, quarrying, excavation and construction.

(12) Any domestic power equipment operated during the time period between 7:00 a.m. and 10:00 p.m., provided that such equipment does not exceed a sound level of 80 dB(A) when

measured at a minimum of 25 feet from the noise source. Domestic power equipment operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(13) Licensed refuse collection vehicles operated during the time period between 7:00 a.m. and 10:00 p.m. Sounds emitted from licensed refuse collection vehicles operated between the hours of 10:00 p.m. and 7:00 a.m. shall not exceed the maximum sound levels specified in Sections 95.51 and 95.52.

(14) Aircraft.

(15) Noise sources within multi-family dwellings, offices, apartment complexes, condominiums, and similar structures occupied by more than one tenant which impact only those persons within the same dwelling, office, complex or building.

(16) Lawn maintenance and tree service equipment (i.e., chain saws, blowers, mowers) when operated between the hours of 9:00 a.m. and 7:00 p.m.

(17) Legal consumer fireworks properly used during the times allowed by the State of Indiana.

(18) Church or worship center bells sounded in conjunction with a function or service.

(19) Activities of a temporary duration permitted by law and for which a license or permit, has been granted by the Town in accordance with Section 95.54. Regulation of noises emanating from operations under the permit will be according to the conditions and limits stated on the permit or license.

(20) Emergency generators in an Industrial Area during a qualified emergency as declared by any local, state or federal agency with appropriate jurisdiction, or during such time as publicly available utilities are not available due to a declared outage.

EXHIBIT E

95.56 NOISE ENFORCEMENT

95.56 NOISE ENFORCEMENT.

A. This ordinance may be enforced by the authorized agents of the Town Council or by a law enforcement agency.

B. A citation may be issued for a violation under this ordinance, subjecting the violator to a fine up to Five hundred Dollars ($500.00). Each day that a violation occurs is a separate offense.

C. The citation shall be filed with the Clerk-Treasurer or with any court of competent jurisdiction in Elkhart County, Indiana.

D. Upon written notices of a violation by the same person for the same offense three (3) times within a consecutive twelve (12) month period, when such noise is created by the same noise emitter or the same type of noise emitter, the noise creating device may be ordered by the enforcement officer to cease being used or operated until it can be brought into compliance with this Ordinance.

E. For the purposes of this ordinance, the violator shall be the person or persons who created, caused to be created, permitted to be created or otherwise generated any source of sound in a manner that creates a sound level exceeding the limits for the receiving land use category as established by this ordinance; the person or persons in possession of a sound amplification system played, used or operated in violation of this ordinance; or the person in control of a motor vehicle operating in violation of this ordinance.

12/5/2024 1st Reading
12/19/2024 Adoption

ORDINANCE NO. 12-19 -2024-27

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AUTHORIZING OFF-ROAD VEHICLES ON HIGHWAYS UNDER THE JURISDICTION OF THE TOWN OF BRISTOL, INDIANA AND IMPOSING REQUIREMENTS, CONDITIONS, AND RESTRICTIONS FOR SUCH

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 is a "local authority" as the term is defined in Indiana Code § 9-13-2-94; and

WHEREAS, pursuant to Indiana Code § 9-21-8-57, an Off-Road Vehicle may not be operated on a highway under the jurisdiction of the Town, except in accordance with an ordinance adopted under Indiana Code §§ 9-21-1-3(a)(14) and 9-21-1-3.3(a), which authorize the operation of an Off-Road Vehicle on the highway; and

WHEREAS, the Town now wishes to allow the use of Off-Road Vehicles on highways under the jurisdiction of the Town and set minimum requirements for the use thereof.

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. This Ordinance adopts all mandatory provisions of state law relating to Off-Road Vehicles, including those set forth at I.C. § 14-16-1 and I.C. § 9-21-1.

73.11 DEFINITIONS.

A. "Town Road" means any highway, road, street, or other right-of-way open to the public for travel under the jurisdiction of the Town of Bristol except for the following:

(1) Any street posted by order of the Town Council or its designee for non-use for Off-Road Vehicles; and

(2) Sidewalks and other paved or unpaved surfaces of public property on which motor vehicles are not permitted.

B. "Off-Road Vehicle" has the meaning set forth in I.C. § 14-8-2-185. This definition excludes farm vehicles being used for farming. This definition does not include snowmobiles or golf carts.

73.12 OPERATION OF OFF-ROAD VEHICLES PERMITTED.

A. The Town Council hereby designates all Town Roads for the operation of Off-Road Vehicles, subject to the requirements of this Ordinance and applicable law. The operation of Off-Road Vehicles on Town Roads is prohibited unless the Off-Road Vehicle is operated and equipped in full compliance with this Ordinance.

B. This ordinance does not restrict the use of municipally owned Off-Road Vehicles used for maintenance, public safety, or special events.

73.13 REGULATIONS OF OFF-ROAD VEHICLES.

A. When operating an Off-Road Vehicle on a Town Road, an individual shall:

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

(a) Twenty-five thousand dollars ($25,000) for bodily injury to or the death of one (1) individual;

(b) Fifty thousand dollars ($50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident; and

(c) 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 Off-Road Vehicle were a passenger motor vehicle as defined in I.C. § 9-13-2-123;

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

(4) Ensure that all passengers of the Off-Road Vehicle are seated in a factory-installed seat position attached to the vehicle, with seatbelt restraints properly fastened as specified by the manufacturer.

B. When more than one Off-Road Vehicle is present, the Off-Road Vehicle shall travel in a single file except when passing or overtaking another vehicle.

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

D. All occupants within the Off-Road Vehicle less than eighteen (18) years of age must wear a helmet per I.C. § 9-18.1-14-11, except as permitted by state law.

E. To be registered and operated on highways under the jurisdiction of the Town, an Off-Road Vehicles must be equipped with the minimum safety equipment as set forth in I.C. § 14-16-1, as amended from time to time.

F. All safety equipment must be maintained in good operating order. Lights must be used when time of day or weather conditions necessitate such use for the Off-Road Vehicle to be visible from a distance of at least five hundred (500) feet. Failure to equip, maintain, and use such equipment as required herein shall constitute a violation of this Ordinance.

73.14 REGULATION OF OPERATORS.

A. Only individuals sixteen (16) years of age or older, who have been issued a driver's license from a State Bureau of Motor Vehicles, and whose driver's license is valid and is not suspended or revoked, may operate an Off-Road Vehicle on Town Roads.

B. The owner of an Off-Road Vehicle may not cause or knowingly permit an individual to operate the Off-Road Vehicle on Town Roads unless the individual holds a driver's license from a State Bureau of Motor Vehicles that is valid and is not suspended or revoked.

C. Owners and operators must ensure that all State-issued certificates of registration and decals for the Off-Road Vehicle are properly posted and available for inspection upon demand by a police officer. The decals must contain the Off-Road Vehicle's registration number and expiration date and must be attached to the forward half of the Off-Road Vehicle.

73.15 EXISTING STATE LAWS APPLICABLE.

A. Except as otherwise provided, this Ordinance does not affect the rights, responsibilities, or duties of individuals operating or owning an Off-Road Vehicles 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:

(a) 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;

(b) Without proper registration;

(c) 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;

(d) 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;

(e) Without a muffler in good working order and constant operation to prevent excessive or unusual noise and annoying smoke;

(f) Within one hundred (100) feet of another's dwelling between midnight and 6:00 a.m.;

(g) While transporting on or in the vehicle a firearm, except as provided by state law;

(h) Without adequate brakes and lights;

(i) On a public highway or street without a valid motor vehicle driver's license;

(j) Without a helmet if less than eighteen (18) years of age, except as permitted by state law; or

(k) To hunt, pursue, worry, or kill a wild bird or a domestic or wild animal.

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

(m) The requirement that the owner of an Off-Road Vehicle shall have applied for and obtained a valid Off-Road Vehicle registration from the State of Indiana per I.C. § 9-18.1-14.

(3) No Town permit, decal, or inspection shall be required of Off-Road Vehicles registered through the State of Indiana Bureau of Motor Vehicles as prescribed by I.C. § 9-18.1-14.

(4) As prescribed by I.C. § 14-16-1-20(a)(2), the operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.

73.16 VIOLATIONS, ENFORCEMENT, AND PENALITIES.

A. Any person who violates Section 5(a)(i) of this Ordinance while on a Town Road commits 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 Section 5(a)(ii) of this Ordinance while on a Town Road commits 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 Section 5(c) of this Ordinance while on a Town Road commits 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 Ordinance for which a penalty is not otherwise provided commits 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 Off-Road Vehicles, including the provisions of I.C. § 14-16-1.

F. The Town may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed $2,500 for each violation.

G. All fines or civil penalties collected shall be deposited in the general fund of the Town.

Section 9. All ordinances and parts of ordinances inconsistent or in conflict with the terms of this Ordinance are repealed to the extent of the inconsistency or conflict.

Section 10. The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or pm1 of this ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 11. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana.

* * * * *

ADOPTED THIS 19 DAY OF December, 2024.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Cathy Burke

– absent –

Dean Rentfrow

Gregg Tuholski

– absent –

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

ORDINANCE NO. 3-20-2025-6

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTER 53 OF THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES REGARDING STORMWATER MANAGEMENT AND REGULATIONS

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 previously adopted Ordinance 6-15-06A, as amended, to address stormwater management and promote and protect the public health and welfare of the Town; and

WHEREAS, in 2021, the Indiana Department of Environmental Management ("IDEM") formally replaced 327 IAC 15-5 (Rule 5) with a new General Permit known as the Construction Stormwater General Permit No. INRA00000 ("CSGP") and formally replaced 327 IAC 15-13 (Rule 13) with a new Municipal Separate Storm Sewer General Permit No. INR040000 ("MS4 GP") (collectively the "General Permits"); and

WHEREAS regulated Indiana MS4 entities, such as the Town, are required to update existing ordinances, administrative rules, and other regulatory mechanisms to comply with these two (2) new General Permits; and

WHEREAS the Town has an ongoing partnership with the Elkhart County Soil & Water Conservation District (the "County") to cooperatively manage and administer stormwater discharges within the Town's MS4 boundaries, said boundaries situated within the boundaries of the Greater Elkhart County MS4 designated by IDEM; and

WHEREAS the County Commissioners adopted Ordinance No. 2024-09 on March 4, 2024, known as the "Elkhart County Stormwater Management Ordinance" in response to the CSGP and MS4 GP local ordinance requirements published by IDEM in 2021; and

WHEREAS the County Commissioners also adopted Ordinance No. 2024-15 on July 15, 2024, known as "An Ordinance of the County of Elkhart, Indiana Adopting the 2024 Street Standards" to, in part, provide drainage design standards for all proposed land developments in the County; and

WHEREAS, the Town, after giving due consideration to the new General Permits, has determined it necessary to review and update stormwater management under Title V, Chapter 53 of the Town Code of Ordinances (the "Code").

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 incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Chapter 53 of the Code is hereby deleted and replaced in its entirety by new Chapter 53, known and cited as the "Town of Bristol Storm Water Stormwater Management Ordinance," as set forth on Exhibit A attached hereto and incorporated herein.

Section 3. The remaining portions of Chapter 53 of the Code are not affected by this Ordinance and shall remain in full force and effect.

Section 4. 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 5. 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 6. 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.

* * * * *

ADOPTED THIS __3__ DAY OF _____20_____, 2025.

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

This Ordinance shall be known and may be cited as the "Town of Bristol Stormwater Management Ordinance" as follows:

CHAPTER 53: STORM WATER
STORMWATER MANAGEMENT AND REGULATIONS

§ 53.01 STORMWATER UTILITY ADOPTED BY REFERENCE.

Pursuant to I.C. 8-1.5-5-1, the Town does hereby adopt the stormwater utility provisions of I.C. 8- 1.5-5 *et seq.* (Ord. 6-15-06A, passed 6-15-06)

§ 53.02 STORMWATER MANAGEMENT.

(A) Established. Pursuant to I.C. 8-1.5-5-4.5, the Department of Stormwater Management is hereby established.

(B) Board. The Department of Stormwater Management shall be controlled by the Board consisting of three (3) Directors. The Directors shall serve a term of three (3) years. However, the initial terms of the Directors shall be one year for the first Director appointed, two (2) years for the second Director appointed, and three years for the third Director appointed so that the Directors shall serve staggered terms. The President of the Town Council shall appoint the Directors, not more than two of whom may be of the same political party. The Town Council President may remove a Director at any time when, in the judgment of the President, it is for the best interest of the Department of Stormwater Management.

(C) Special taxing district. Pursuant to the I.C. 8-1.5-5-5, a special taxing district including all the territory within the corporate boundaries of the Town is hereby established.

(D) Governing provisions. Pursuant to the I.C. 8-1.5-5 et seq., as amended from time to time, the Department of Stormwater Management shall be governed accordingly.

(E) Financial administration. The Town Clerk-Treasurer is hereby appointed as the fiscal agent for and authorized to administer the funds of the Department of Stormwater Management. (Ord. 6-15-06A, passed 6-15-06)

§ 53.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. Board of the Town Department of Stormwater Management.

COUNTY. The County of Elkhart, Indiana and the Elkhart County Soil & Water Conservation District.

CSGP. The State of Indiana's Construction Stormwater General Permit No. INRA00000 issued on December 9, 2021 and as it may be amended from time to time.

DEPARTMENT. The Department of Stormwater Management.

FACILITY. Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

GREATER ELKHART COUNTY MS4. The area designated by IDEM as a Municipal Separate Stormwater System (MS4) entity which is comprised of the City of Elkhart, City of Goshen, Town of Bristol, and certain unincorporated areas within Elkhart County and any areas that may be designated by IDEM in the future as an MS4 (e.g., City of Nappanee).

HAZARDOUS SUBSTANCES. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to a substantial present or potential hazard to: human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

IDEM. Indiana Department of Environmental Management.

ILLEGAL CONNECTION. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process waste water, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect non-storm water discharge to the MS4, except as exempted in other provisions of this subchapter.

INTERESTED PERSON. The applicant for a stormwater clearance, the MS4 operator, the MS4 entities in the County, or any person adversely affected by stormwater clearance.

MS4. The Town of Bristol Municipal Separate Storm Sewer System.

MS4 PERMIT. The State of Indiana's Municipal Separate Storm Sewer System General Permit No. INR04000 issued on December 9, 2021 and as it may be amended from time to time.

MULTI-LOT RESIDENTIAL DEVELOPMENT. A platted subdivision of land for residential development of multiple lots, together with its construction plans for infrastructure and its stormwater pollution prevention plans (SWP3), forming a residential project.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). A permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the stormwater, storm drainage system, or MS4 that is not composed entirely of stormwater.

NOTICE OF INTENT (NOI). A notice required by the CSGP and containing information required by IDEM as described in the CSGP.

NOTICE OF TERMINATION (NOT). A notice issue by IDEM, informing a CSGP permittee that coverage under the CSGP has been terminated because discharges of stormwater associated with construction activity and land disturbance have ceased.

PERSON. Any individual, association, organization, partnership, firm, company, corporation or other entity recognized by law and acting as either the owner or as the owner's agent~~.~~, whether for-profit or not-for-profit.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinance and accumulations, so that same may cause or contribute to pollution; floatable; (excluding naturally floatables such as leaves or tree limbs); pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

STORMWATER DRAINAGE SYSTEM. All methods, natural or man-made, used for conveying stormwater to, through or from a drainage area to include any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; or pumping stations.

STORMWATER RUNOFF. The water derived from precipitation falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits. (Ord. 6-15-06B, passed 6-15-06)

TOWN. The Town of Bristol, Indiana.

§ 53.04 PURPOSE AND POLICY.

(A) *Purpose.* This subchapter provides for the regulation of stormwater by regulating the introduction of pollutants into the MS4 in order to comply with the requirements of the NPDES permit process.

(B) *Policy.* The objectives of this subchapter are as follows:

(1) To conserve the natural hydrologic, hydraulic, water quality and other beneficial

functions of watercourses, floodplains and wetlands;

(2) To regulate the contribution of pollutants to the MS4 by users;

(3) To prohibit illicit discharges and illegal connections to the MS4 and other waters; and

(4) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to obtain compliance with this subchapter. (Ord. 6-15-06B, passed 6-15-06)

§ 53.05 CONDUCT REGULATED.

(A) *Improper discharges.* No person shall directly or indirectly discharge, cause to be discharged, or permit to be discharged into the Town MS4 any discharge or materials including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards other than storm water.

(B) *Permitted activities*. Notwithstanding the prohibitions contained in this subchapter, the following activities or conditions are permitted even if such activities or conditions result in any discharge or materials entering the Town MS4:

(1) Water line flushing or other potable water sources;

(2) Landscape irrigation or lawn watering;

(3) Diverted stream flows;

(4) Rising ground water;

(5) Ground water infiltration to storm drains;

(6) Uncontaminated pumped ground water;

(7) Foundation or footing drains (not including active ground water dewatering systems);

(8) Crawl space pumps;

(9) Air conditioning condensation;

(10) Springs;

(11) Noncommercial washing of vehicles;

(12) Natural riparian habitat or wetland flows;

(13) Swimming pools (if dechlorinated);

(14) Firefighting activities;

(15) Discharges specified by the Department as being necessary to protect public health or safety;

(16) Dye testing (verbal notification to the Department is required before test); and

(17) Any discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Indiana Department of Environmental Management.

(C) *Improper connections.* No person shall directly or indirectly connect to any drain or conveyance or allow the continued connection of any drain or conveyance to the Town MS4 which allows any non- stormwater discharge to enter the Town MS4 including but not necessarily limited to any sewage, process waste water, and wash water.

(D) *Suspended access.* No person may reinstate a Town MS4 access if that access has been suspended pursuant to this subchapter until such time as the suspension is lifted by the Department or a court of competent jurisdiction.

(E) *NPDES permits.*

(1) No person subject to an NPDES stormwater discharge permit shall allow or permit any discharge to enter the Town MS4 without complete compliance with the terms and conditions of the NPDES permit.

(2) No person subject to an NPDES stormwater discharge permit shall unreasonably delay the Department's access to a permitted facility.

(F) *Notification of releases*. No person who owns or operates any facility or operation, or who is responsible for the emergency response at any facility or operation, shall fail to notify the Department as soon as practicable of any unpermitted release of materials, discharges, or pollutants into storm water, the stormwater drainage system, the Town MS4, or any watercourse if such person has information that such release may have occurred.

(G) *Response to releases.* No person who owns or operates any facility or operation, or who is responsible for the emergency response at any facility or operation, shall fail to take all reasonable steps to ensure the discovery, containment, and cleanup of any unpermitted release. (Ord. 6-15-06B, passed 6-15-06)

§ 53.06 MONITORING OF DISCHARGES.

(A) *Inspections.* The Department shall be permitted to enter and inspect any facility or

property that directly or indirectly discharges waters or materials into the Town MS4 or into any watercourse within the corporate limits of the Town, even if only occasionally, as often as may be necessary to determine compliance with this subchapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Department.

(B) *Access.* Facility operators and property owners shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of the records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(C) *Equipment.* The Department shall have the right to set up in any facility or on any property that has a permit to discharge into the Town MS4 such devices as are reasonably necessary to conduct monitoring and/or sampling of the stormwater discharge.

(D) *Monitoring.* The Department has the right to require the discharger to install monitoring equipment and to obtain and analyze storm water samples at any commercial or industrial facility or any property containing more than three residential units. The facility's or property's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(E) Removal of obstructions. Any temporary or permanent obstruction to safe and easy access to the facility or property to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department and shall not be replaced if so requested. The costs of clearing such access shall be borne by the operator.

(F) Search warrant. If the Department has been refused access to any part of the premises from which stormwater is discharged, and the Department is able to demonstrate probable cause to believe that there may be a violation of this subchapter, or that there is a need to inspect and/or sample as part of a routine inspection or sampling program designed to verify compliance with this subchapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Department may seek issuance of a search warrant from any court of competent jurisdiction within the county. (Ord. 6-15-06B, passed 6-15-06)

§ 53.07 NOTIFICATION OF SPILLS.

(A) *Notification of illicit discharges.* Any person who owns or operates a facility or operation or who is responsible for the emergency response for a facility or operation shall immediately inform the Department of a known or suspected release of materials which may result in an illicit discharge by contacting the Department if such a release occurs within normal business hours and if not occurring within normal business hours by informing emergency dispatch services.

(B) *Response to illicit discharges.* As soon as any person who owns or operates a facility or operation or who is responsible for the emergency response for a facility or operation has information of a known or suspected release of materials which may result in an illicit discharge, such person shall take all necessary steps to contain and clean up the release.

(C) *Records.* If a discharge results in an illicit discharge, and the discharge emanates from a commercial or industrial establishment, the owner or operator of the establishment shall retain written record of the discharge, action taken to contain and clean up the discharge, and actions taken to ensure that such discharge does not occur again. (Ord. 6-15-06B, passed 6-15-06)

§ 53.08 ENFORCEMENT.

(A) *Notice of violation.*

(1) Whenever the Department finds that a person has committed a prohibited act or failed to meet the requirements of this subchapter, the Department may take one or more of the following actions:

(a) Notify the person who committed the act or failed to meet the requirements of the subchapter by telephone and request compliance or cessation of the prohibited act.

(b) Notify the person who committed the act or failed to meet the requirements of this subchapter in writing and order compliance or cessation of the prohibited act.

(c) Enter into an agreed order with the approval of the Board which order may include payment of a fine by the violator.

(d) File a notice of violation before the Board describing the violation of this subchapter found by the Department.

(e) File a complaint in a court of competent jurisdiction seeking a judicial determination that this subchapter has been violated and requesting the imposition of fines and ordering compliance with the violated provisions of this subchapter.

(2) If the Department takes any authorized action and taking such action does not result in compliance with this subchapter, the Department may take any other authorized action to obtain compliance.

(3) The Department may file a complaint with a court of competent jurisdiction to enforce the terms of an agreed order or an order of the Board.

(B) *Right to enter premises.*

(1) The Department shall have the right to enter any premises for any of the following reasons:

(a) Investigate a suspected spill or discharge into the storm water or Town MS4;

(b) To carry out routine inspections;

(c) To carry out routine sampling; or

(d) To verify compliance with any agreed order, order of the Board, or order of any court of competent jurisdiction.

(e) Entry shall be first attempted by seeking consent of occupant or owner.

(2) If the Department has been refused access to any part of the premises from which stormwater is discharged and the Department is able to reasonably demonstrate to a court of competent jurisdiction that there may be a violation of this subchapter or that there is a need to inspect or sample as part of the Department's routine inspections and sampling program, the court may grant an order allowing Department access to all relevant parts of a premises.

(3) Any written notice of violation shall be issued upon the responsible party by regular U.S. mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.

(C) *Board hearing.*

(1) Before any Board hearing is held, a party alleged to have violated this subchapter shall receive written notice of the violation including the nature of the violation and a summary of the facts that constitute that violation. In the event of an emergency hearing before the Board, this information may be orally presented to the affected party and the affected party may elect to proceed or the affected party may insist on written notice and delay the hearing. The emergency action taken by the Department shall continue until a hearing can be held.

(2) A party alleged to have violated this subchapter has the right to have an attorney present to cross examine witnesses and has the right to present evidence and have witnesses testify.

(3) A party found to have violated this subchapter has a right to appeal the determination of the Board to a court of competent jurisdiction within twenty (20) days of the action of the Board by filing a verified complaint. The court may affirm, modify, or reverse the action taken by the Board. Any such appeal shall be heard *de novo*.

(4) Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction. (Ord. 6-15-06B, passed 6-15-06)

Penalty, see § 53.99

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UNIFORM REQUIREMENTS FOR POST CONSTRUCTION STORM WATER MANAGEMENT

§ 53.20 DEFINITIONS.

(A) *Statutory definitions.* If any term or provision contained in new General Permit known as the Construction Stormwater General Permit No. INRA00000 (CSGP) or new Municipal Separate Storm Sewer General Permit No. INR040000 (MS4 GP) is used herein, then the term or provision shall have the same meaning in this subchapter as set forth in therein.

§ 53.21 GENERAL PROVISIONS.

(A) Applicability. Any and all real estate within the Town subject to a post construction stormwater pollution prevention plan as required by Construction Stormwater General Permit No. INRA00000 (CSGP) at Section 4.1 shall be governed by the terms and provisions of this subchapter unless exempt under this subchapter.

(B) Exempt real estate. The following activities are exempt from the stormwater performance and documentation requirements established by this subchapter:

(1) Agricultural land distributing activities.

(2) Forest harvesting activities.

(3) Construction activities that result in a land disturbance of less than one acre of total land area as determined under Rule Five and are not part of a larger common plan of development or sale.

(4) The following activities provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

(a) Landfills that have been issued a certification of closure under 329 IAC 10;

(b) Coal mining activities permitted under IC 14-34; and

(c) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains the equivalent storm water requirements to those under Rule Five, including expansion of landfill boundaries and construction of new cells
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either within or outside the original solid waste permit boundary.

(5) Repairs to the MS4 deemed necessary by the Department. (Ord. 6-15-06C, passed 6-15-06)

§ 53.22 POST CONSTRUCTION COMPLIANCE REQUIREMENTS.

(A) *Performance requirements*. For any real estate governed by the terms and provisions of this subchapter, the owner or operator of such real estate shall comply with the following requirements:

(1) Implementation of all terms and provisions of the post construction stormwater pollution prevention plan.

(2) Operation, maintenance, and repair of any and all stormwater quality measures and practices identified in the construction plan that were intended to remain in place after construction activities have been completed.

(3) Installation, operation, maintenance, and repair of each post construction stormwater quality measure and practice approved as part of the construction plan or the post construction stormwater pollution prevention plan.

(4) Inspection no less frequently than annually of all stormwater management facilities to document maintenance and repair needs and ensure compliance with the requirements of this subchapter and the accomplishment of its purposes. These needs include removal of silt, litter, and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner.

(5) Implementation of all terms and provision of the landscaping plan.

(6) Implementation of all terms and provisions of the erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management facilities, measures, and practices.

(B) *Documentation requirements*. For any real estate governed by the terms and provisions of this subchapter, the owner or operator of such real estate shall comply with the following requirements:

(1) Provide to the Department a narrative description of the maintenance guidelines for all post construction stormwater quality measures to facilitate their proper long-term function and identify the entity or entities responsible for long-term maintenance. It is an obligation of the project owners and their successors in interest to provide these narrative descriptions to future parties who acquire an interest in any portion of the real estate or who assume responsibility for the operation and maintenance of the post construction

stormwater quality measures.

(2) Execution of an enforceable maintenance agreement that designates the parties responsible for the operation, maintenance, and repair of all stormwater management facilities and all stormwater quality measures and practices as required by this subchapter. As part of the agreement, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The agreement shall also include plans for periodic inspections to ensure proper performance between scheduled cleanouts. The agreement shall include provisions for funding all required maintenance. All maintenance agreements shall be subject to the approval of the Department and recorded with the County Recorder.

(3) Parties who are responsible for installation, operation, maintenance, and repair of stormwater management facilities shall make and maintain records for all installation, maintenance and repairs made to all systems, structures, and measures. These records must be maintained for at least five (5) years and made available to the Department at all reasonable times.

(4) The execution or provision of a drainage easement for access and maintenance purposes in favor of the Town which is recorded and binding on all subsequent owners of the real estate burdened by the easement and those served by the on-site stormwater management facilities and measures.

(5) The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(6) Establishment of a landscaping plan which provides for the maintenance of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(7) The establishment of an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management facilities, measures, and practices. (Ord. 6-15-06C, passed 6-15-06)

§ 53.23 ENFORCEMENT.

(A) *Notice of violation.*

(1) Whenever the Department finds that a person has committed a prohibited act or failed to meet the requirements of this subchapter, the Department may take one or more

of the following actions:

(a) Notify the person who committed the act or failed to meet the requirements of this chapter by telephone and request compliance or cessation of the prohibited act.

(b) Notify the person who committed the act or failed to meet the requirements of this chapter in writing and order compliance or cessation of the prohibited act.

(c) Enter into an agreed order with the approval of the Board which order may include payment of a fine by the violator.

(d) File a notice of violation before the Board describing the violation of this subchapter found by the Department.

(e) File a complaint in a court of competent jurisdiction seeking a judicial determination that this chapter has been violated and requesting the imposition of fines.

(2) If the Department takes any authorized action and taking such action does not result in compliance with this chapter, the Department may take any other authorized action to obtain compliance.

(3) The Department may file a complaint with a court of competent jurisdiction to enforce the terms of an agreed order or an order of the Board.

(B) *Right to enter premises.*

(1) The Department shall have the right to enter any premises for any of the following reasons:

(a) Investigate a suspected spill or discharge into the Town's stormwater or storm drain system;

(b) To carry out routine inspections;

(c) To carry out routine sampling; and

(d) To verify compliance with any agreed order, order of the Board, or order of any court of competent jurisdiction.

(e) Entry shall be first attempted by seeking consent of occupant or owner.

(2) If the Department has been refused access to any part of the premises from which stormwater is discharged and the Department is able to reasonably demonstrate to a

court of competent jurisdiction that there may be a violation of this subchapter, or that there is a need to inspect or sample as part of the Department's routine inspections and sampling program, the Department may seek a court order allowing the Department access to all relevant parts of a premises.

(3) Any written notice of violation shall be issued upon the responsible party by regular U.S. mail or delivered personally to the responsible party unless the applicable ordinance or statute requires different written notice.

(C) *Board hearing.*

(1) Before any Board hearing is held, a party alleged to have violated this chapter shall receive written notice of the violation including the nature of the violation and a summary of the facts that constitute that violation. In the event of an emergency hearing before the Board, this information may be orally presented to the affected party and the affected party may elect to proceed or the affected party may insist on written notice and delay the hearing. The emergency action taken by the Department shall continue until a hearing can be held.

(2) A party alleged to have violated this chapter has the right to have an attorney present to cross examine witnesses, and has the right to present evidence and have witnesses testify.

(3) A party found to have violated this chapter has a right to appeal the determination of the Board to a court of competent jurisdiction within twenty (20) days of the action of the Board by filing a verified complaint. The court may affirm, modify or reverse the action taken by the Board. Any such appeal shall be heard *de novo*.

(4) Filing a notice of violation is not a prerequisite to filing a complaint alleging a violation before a court of competent jurisdiction.

(D) Injunctive relief. If a party has violated this chapter and continues to do so, the Department may petition any court of competent jurisdiction for the issuance of a temporary restraining order or permanent injunction which restrains or requires specific compliance with this chapter.

(E) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Department may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(F) *Access to inspections of stormwater facilities.*

(1) The Department shall be granted at all reasonable terms access to the real estate to inspect any stormwater management facility.

(2) When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer, or combined sewer, the property owner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter to correct a violation of this chapter. (Ord. 6-15-06C, passed 6-15-06) Penalty, see § 53.99

§ 53.24 ADOPTION OF ELKHART COUNTY STORMWATER TECHNICAL MANUAL AND ELKHART COUTY STREET STANDARDS .

The latest version of the *Elkhart County Stormwater Technical Manual* is hereby adopted as the technical manual of reference for the minimum control requirements for erosion and sediment control for the Town.

Additionally, the *Elkhart County Street Standards (2024),* in its current published version, and as it may be amended from time to time, shall provide design rate and volume criteria for controlling stormwater runoff from land developments in the Town.

§ 53.25 RESIDENTIAL DEVELOPMENT.

(A) Individual Building Lots within multi-lot development with CSGP coverage. Activities shall comply with provisions set forth in CSGP at Section 3.8.

(B) Single-Family Residential Lots and ponds that are <u>not</u> within multi-lot development. Activities shall comply with provisions set forth in CSGP at Section 3.9.

STORM WATER USER FEES

§ 53.35 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVISORY BOARD. The Advisory Board for the Greater Elkhart County MS4 as established under the Interlocal Agreement between the County of Elkhart, City of Elkhart, City of Goshen, and Town of Bristol for the implementation of the Phase II Stormwater NPDES Permit Regulations.

EQUIVALENT RESIDENTIAL UNIT (ERU). The number of units, equal to the assumed average amount of impervious area of a single-family residential parcel of real estate within the Town, which is established at 3,600 square feet of impervious area. The unit value, which will be carried out and rounded off to one decimal point, being the equivalent of one-tenth of an ERU, is also the basis for calculating the assessment of stormwater user fees for the Town storm water system.

IMPERVIOUS AREA. Those areas which prevent or impede the infiltration of into the soil as it enters natural conditions prior to development. Common impervious areas include, but are not limited to roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, gravel surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of storm water runoff which existed prior to development.

KEY NUMBER. A number assigned to a tract of land in Elkhart County by the Elkhart County Auditor that identifies the taxing district in which the tract is located, is a number that is not assigned to any other tract in Elkhart County, and is listed in the transfer book or records maintained under I.C. § 6-1.1-5.

NON-RESIDENTIAL REAL ESTATE. All real estate tax parcels which are not described by the definition of **RESIDENTIAL REAL ESTATE** shall be defined as non-residential. Nonresidential real estate will include:

(1) Agricultural real estate;

(2) Commercial real estate;

(3) Industrial real estate;

(4) Institutional real estate;

(5) Church real estate;

(6) School real estate;

(7) Federal, state, and local government real estate;

(8) Utility real estate; and

(9) Any other real estate not mentioned in this list and which is not described by the definition of residential real estate.

RESIDENTIAL REAL ESTATE. A separate tax parcel of real estate which is primarily used for dwelling purposes on which a building is situated which building contains one or more dwelling units which dwelling units are each used or are intended to be used primarily for living, sleeping, cooking, and eating. **RESIDENTIAL REAL ESTATE** shall include all types of dwelling units including single-family homes, duplexes, triplexes, quadplexes, and row type homes. **RESIDENTIAL REAL ESTATE** shall also include condominium dwellings, apartment dwellings, and mobile home parks. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.36 STORMWATER USER FEE.

A storm water user fee shall be imposed on each and every tax parcel of real estate within the incorporated portions of the Town which directly or indirectly contributes to the stormwater system of the Town, which charge shall be assessed against the owner thereof, who shall be considered the user for purposes of this subchapter. This charge is hereby deemed to be reasonable and necessary to pay for the regulation, planning, operation, maintenance, repair, replacement, and improvement of the existing and future Town stormwater system. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.37 STORMWATER RATES.

Until later revised or amended, the storm water user fees shall be at the rate of Fifteen Dollars ($15.00) per year per ERU. This stormwater rate is designed to cover the cost of rendering stormwater service to the users of the Town storm water system and shall be the basis for the assessment of the storm water user fee. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, variations in the requirements for providing such services, as well as future improvements and capital needs. This rate may be evaluated and adjusted, as necessary, with regard to its sufficiency to satisfy the needs of the Department of Stormwater Management; otherwise, this rate shall remain in effect. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.38 RATE STRUCTURE AND CALCULATION.

(A) There is hereby assessed a stormwater user fee to each owner of residential real estate and non-residential real estate located within the incorporated portions of the Town which contain impervious area in an amount based upon the assigned ERU as determined below. Such user fees shall be calculated and assessed each year on a tax parcel basis by key number.

(B) All real estate having impervious area within the incorporated portions of the Town will be assigned an ERU in accordance with the following provisions:

(1) Residential real estate. A residential tax parcel containing only a single-family dwelling unit shall be one ERU. A residential tax parcel containing two or three dwelling units shall also be assigned one ERU. All other residential tax parcels containing more than three dwelling units shall be assigned an ERU based upon the parcel's individually measured impervious area in square feet divided by 3,600 square feet. This division will be calculated and rounded to the first decimal point.

(2) Non-residential real estate. Each tax parcel of non-residential real estate shall be assigned an ERU based upon the parcel's individually measured impervious area in square feet divided by 3,600 square feet. This division will be calculated and rounded to the second decimal place.

(3) The identification of real estate tax parcels and key numbers, the classification

of primary use, the determination of whether a tax parcel contains a dwelling unit, the number of dwelling units a tax parcel contains, the classification of the type of dwelling unit and type of real estate, and the measurement and calculation of the impervious area on a tax parcel shall be based upon the existing data in the Elkhart County computer assisted mass appraisal system database for the respective determination date used for making the stormwater user fee assessments.

(4) For each current year stormwater user fee assessment, the determination date shall be March 1 of the prior year.

(C) Utilizing the provisions of paragraphs (3) and (4) of division (B) above, the assessment for any tax parcel with a calculated stormwater use fee equal to less than $2.25 will be waived.

(D) There shall be no other exceptions or exemptions from the assignment of ERUs and the assessment of stormwater user fees for a particular type or classification of real estate tax parcel within the Town. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.39 COLLECTION OF USER FEES.

(A) The collection of the stormwater user fees authorized by this subchapter shall be effectuated through a charge appearing each year on the property tax statements of the affected property owner. One-half of the stormwater user fees charged each year for a real estate tax parcel shall be billed on each of the spring and fall property tax statements for that parcel. The user fees shall be due and payable at the same time as the property taxes appearing on the spring and fall property tax statements are due and payable. In the event only one property tax statement is billed for a real estate tax parcel, the entire annual stormwater user fees for that parcel authorized by this subchapter shall be billed on that property tax statement which shall be due and payable at the same time as the property taxes appearing on the property tax statement are due and payable.

(B) If user fees are not paid when due, they shall be charged and assessed late payment penalties by the Elkhart County Treasurer in the same way and in the same manner that delinquent property taxes are charged and assessed.

(C) If user fees and penalties are not paid when due, they shall be collected by the Elkhart County Treasurer in the same way that delinquent property taxes are collected. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.40 APPEALS OF ERU DETERMINATION.

(A) If, in the opinion of any user, the ERU assigned to the user's real estate tax parcel is inaccurate in light of the number of dwellings or amount of impervious area on the property, the user shall have the right to contest the ERU determination and thus the stormwater user fees assessed in accordance with the provisions contained in this section.

(B) The user shall obtain and complete a Petition to Appeal Stormwater Assessment Form

which shall be filed with the Elkhart County MS4 operator with verifiable documentation supporting the user's claim. To be timely for any current year stormwater user fee assessment, a Petition to Appeal must be filed no later than the date on which the spring installment of user fees shall be due and payable. The Elkhart County MS4 operator shall refer the petition to the Advisory Board for the Greater Elkhart County MS4.

(C) The Advisory Board shall investigate the user's claim and, upon review thereof, shall render a written determination that either the original ERU determination and assessment should be affirmed or that the user's rate should be adjusted and how much the adjustment should be.

(D) The determination made by the Advisory Board shall be forwarded to the user by certified mail, return receipt requested. The user shall have fifteen (15) days from date of receipt to request reconsideration if dissatisfied with the decision from the Advisory Board. Any additional facts concerning the dispute shall be reduced to writing and submitted, along with a copy of the original petition and supporting documents, to the Elkhart County MS4 Operator. The Elkhart County MS4 Operator shall refer the matter to the Board of the Department of Stormwater Management. The Advisory Board shall submit a written report of the determination in the case, along with any documents used, in denying the user's claim or in recommending an adjustment.

(E) Thereafter, the Board of the Department of Stormwater Management shall review all documentation and conduct an informal hearing to determine and resolve the dispute based upon the documentation submitted and any oral testimony. The Board shall issue a determination which shall be binding upon the Department of Stormwater Management and the user. The hearing shall be recorded and the minutes of the hearing provided upon request at a cost per page as determined by the Secretary for the Board which rate shall be amended from time to time.

(F) Any user aggrieved by the final Board determination shall have the right to judicial review of such determination in accordance with Indiana law.

(G) If a user's storm water assessment is reduced or eliminated by the Advisory Board, the Board of the Department of Stormwater Management, or court of law, the user shall be refunded accordingly for any overpayment made from the earlier of the date the stormwater user fee assessment was paid or was due and payable.

(H) A dispute or appeal of an ERU determination for stormwater assessment shall not be a valid reason for non-payment of the originally assessed stormwater user fee. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11)

§ 53.41 STORMWATER UTILITY FUND.

All stormwater user fees and penalties collected and interest earned thereon shall be deposited in the Town Stormwater Utility Fund. (Ord. 10-19-06(A), passed 10-19-06; Am. Ord. 1-20-11, passed 1-20-11) Cross-reference: Stormwater utility fund, see §§ 35.40, 35.42

§ 53.99 PENALTY.

(A) Any violation of this chapter is subject to a fine of up to $2,500.

(B) The Department may enter upon private property and take any and all measures necessary to abate a violation, if a court of competent jurisdiction has found that a violation of this chapter has occurred and has approved the action to be taken by the Department. The costs of such abatement shall be assessed to the owner of the private property.

(C) The Department may suspend any MS4 discharge access to stop an actual or threatened discharge which presents imminent and substantial danger to the environment, to the health or welfare of any person, to the MS4, or to any waters. This suspension may be without notice if an emergency exists but a hearing will be held at the next Board meeting after the owner of the real estate can be notified to determine the existence of an emergency and that there is a substantial and imminent danger.

(D) The Board or any court may order the owner of the real estate or the responsible party for the operations on the real estate to take any and all actions necessary to comply with this chapter.

(E) The Department may recover reasonable attorney fees, court costs, and other expenses associated with the enforcement of this chapter including sampling and monitoring expenses and the cost of actual damages incurred by the Department.

(F) Each day a violation continues constitutes a new and separate violation.

(G) If a party has violated this chapter and continues to do so, the Department may petition any court of competent jurisdiction for the issuance of a temporary restraining order or permanent injunction which restrains or requires specific compliance with this chapter. (Ord. 6-15-06B, passed 6-15-06)

ORDINANCE NO. 2025-04-17-08

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

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 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 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 (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 §§ 8-1.5-3, et seq. and 36-9-23, et seq., the 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, 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 May 1, 2025;

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," is hereby deleted and replaced in its entirety by new Section 51.01 as set forth on Exhibit A attached hereto and incorporated herein.

Section 3. As of the effective date of this Ordinance, Section 51.02 of the Code, entitled "Minimum Water Charges," is hereby deleted and replaced in its entirety by new Section 51.02 as set forth on Exhibit B attached hereto and incorporated herein.

Section 4. As of the effective date of this Ordinance, Section 51.03 of the Code, entitled "Tapping Fees and Meter Deposit," is hereby deleted and replaced in its entirety by new Section 51.03, entitled "Meter Deposit," as set forth on Exhibit C attached hereto and incorporated herein,

Section 5. As of the effective date of this Ordinance, Section 51.12 of the Code, entitled "Local or Lateral Water Mains or Lines," is hereby deleted and replaced in its entirety by new Section 51.12 as set forth on Exhibit D attached hereto and incorporated herein.

Section 6. As of the effective date of this Ordinance, Section 52.142 of the Code, entitled "Sewage Rates Schedule," is hereby deleted and replaced in its entirety by new Section 51.142 as set forth on Exhibit E attached hereto and incorporated herein.

Section 7. As of the effective date of this Ordinance, Section 51.13, entitled "Water System Development Charge," is hereby deleted and replaced in its entirety by new Section 51.13 as set forth on Exhibit F attached hereto and incorporated herein.

Section 8. As of the effective date of this Ordinance, Section 52.157, entitled "Sewer System Development Charge," is hereby deleted and replaced in its entirety by new Section 51.157 as set forth on Exhibit G attached 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 17th DAY OF APRIL, 2025.

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		**August 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	$7.25	$7.25	$8.27

[1] Represents a 14% increase from Inside Town rates.

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		**August 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.

EXHIBIT C

§ 51.03 WATER SERVICE DEPOSIT.

(A)
Each water utility customer shall pay a $100 **water** service deposit at the time water service is turned on. The **water** deposit charge shall be due from and charged to the party who shall be responsible for payment of the water bill

(B) **Water** service deposits are separate charges from turn-on and shut-off charges.

(C) Upon payment in full of a customer's final water service bill, the customer's water service deposit, less any outstanding amounts or charges due and owing from the customer at the time water service is discontinued, shall be returned to the customer at the customer's last known address or such other address designated by the customer in writing.

EXHIBIT D

§ 51.12 LOCAL OR LATERAL WATER MAINS OR LINES.

A subdivider, developer or other owner or user shall be required to pay for extensions of local and lateral water mains or lines and the local and lateral water mains or lines shall be constructed to the specifications of the town on the streets, rights-of-way or other easements as may be available, and the subdivider, developer or other owner or user shall dedicate the extended local and lateral water mains or lines and appurtenances hereto to the town. **Users located on the north side of Vistula Street between Division Street and Mottville Road shall be required to pay for extensions of lateral water mains from the northside of street curb to the building.**

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		**August 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	$616.00	$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	$2,260.80	$2,987.71

Monthly Metered Flow Rates						
Flow Rate	**Rate per 1,000 gallons effective:**					
	May 1, 2024		**August 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		**August 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

[1]Represents a 14% increase from Inside Town rates.

EXHIBIT F

§ 51.13 WATER SYSTEM DEVELOPMENT CHARGE.

(A) There shall be established a System Development Charge ("Water SDC") for permanent **potable water** connections to the Bristol Municipal Water Utility service, which shall be determined by the Town. **Connections to the Bristol Municipal Water Utility solely for fire suppression are exempt from the Water SDC.**

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

Water System Development Charge per new connection	
Meter Size	**Water System Development Charge**
3/4-inch	**$810.00**
1 inch	**$810.00**
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

EXHIBIT G

§ 52.157 SEWER SYSTEM DEVELOPMENT CHARGE.

(A) There shall be established a System Development Charge ("Sewage SDC") for 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**
3/4-inch	**$2,140.00**
1 inch	**$2,140.00**
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