

RESOLUTION NO. 471

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, REGARDING GENERAL PROVISIONS LANGUAGE

BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: Definitions. The following words or phrases, whenever used in the resolutions of BIRCH BAY WATER & SEWER DISTRICT of Whatcom County, Washington (hereinafter "BBWD"), shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "District" means BBWD or the area within the territorial limits of BBWD such territory outside BBWD over which BBWD has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Board of Commissioners" means the Board of Commissioners of BBWD. "All its members" or "all commissioners" means the total number of commissioners holding office.

C. "County" means the county of Whatcom.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the resolutions of BBWD, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

I. "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curbline and the adjacent property lien intended for the use of pedestrians.

P. "State" means the state of Washington.

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Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in BBWD which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant", applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year.

Section 2. Title of office. Use of the title of any officer, employee, department, board of commission means that officer, employee, department, board of commission of BBWD.

Section 3. Interpretation of Language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 4. Grammatical Interpretation. The following grammatical rules shall apply in the resolutions of BBWD, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Section 5. Acts by Agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

Section 6. Prohibited Acts Include Causing and Permitting. Whenever in the resolution of BBWD, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Section 7. Computation of Time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Section 8. Construction. The provisions of the resolutions of BBWD, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 9. Repeal Shall Not Revive Any Resolutions. The repeal of any resolution shall not repeal the repealing clause of an resolution or revive any resolution which has been repealed thereby.

Section 10: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 11: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 12: This Resolution shall be in full force and effect on October 20, 1989.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 20 day of October, 1989.

Francis A. Lischer
COMMISSIONER

Carl Reichhardt
COMMISSIONER

Peter Lewis
COMMISSIONER

Erwin Kuse
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 471 of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on October 20, 1989.

Erwin Kuse
SECRETARY