

RESOLUTION NO. 591

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, AMENDING  
RESOLUTION NOS. 576, 539, 469, 502 AND 433  
REGARDING WATER USE CHARGES

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

Section 1: Section 1 of Resolution No. 496, Section 1 of Resolution Nos. 576, 539 and 502, and Section 7.04.120 of the Birch Bay Water & Sewer Code shall be amended to add and read as follows:

- C. Stock-watering Use Charge.
1. Stock-watering Use Within the District: For pre-existing stock watering uses only, in addition to the above monthly charges, customers shall not be charged for water use as described in subparagraph B herein, but rather shall be charged ONE AND 60/100 DOLLARS (\$1.60) for each one hundred (100) cubic feet of water used by them, with no maximum; provided that, to be charged at this rate, a separate  $\frac{3}{4}$  inch meter must be installed and used exclusively for stock-watering purposes.
  2. Stock-watering Use Outside the District: For pre-existing stock watering uses only, in addition to the above to the minimum monthly charges, customers shall not be charged for water use as described in subparagraph B herein, but rather shall be charged TWO AND 40/100 DOLLARS (\$2.40) for each one hundred (100) cubic feet of water used by them, with no maximum; provided that, to be charged at this rate, a separate  $\frac{3}{4}$  inch meter must be installed and used exclusively for stock-watering purposes.
  3. No additional connection charge. No additional connection charge will be imposed for qualifying pre-existing stock watering uses under this subsection.
  4. Definition: For the purposes of this section "pre-existing stock watering" means the use of water, as of the date of this resolution, for the raising and maintenance of domestic livestock for commercial purposes, as a primary business, including but not limited to cattle, swine, chickens, sheep, horses, goats and turkeys. Stock watering shall not include irrigation uses.

5. The district shall review all stock watering services to evaluate the degree of hazard, if any, and the type of protection needed to comply with requirements of the Department of Social and Health Services (DSHS). Where potential or actual cross-connections exist the district shall notify the water customer of the type of backflow-prevention device(s) that must be installed to provide adequate protection to the district's potable water system.

Section 2: The remainder of Resolution Nos. 576, 496 and 502, with the exception of those sections amended by other resolutions, shall remain unchanged.

Section 3: 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 4: 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 Board 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 5: This Resolution shall be effective with the meter reading scheduled for the week of January 4, 1999, which billing will have a "DUE IN OFFICE" date of January 28, 1999, and thereafter.

PASSED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 28<sup>th</sup> day of January, 1999.

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 591 of Birch Bay Water & Sewer, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on January 28, 1999.

  
\_\_\_\_\_  
SECRETARY