

RESOLUTION NO. 639

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AMENDING RESOLUTION NUMBER 616 AND 617
ON EQUIVALENT LIVING UNITS

WHEREAS, additional review of Resolution No. 616 and 617 has been undertaken; and

WHEREAS, certain sections thereof were identified for amendment to promote clarity and consistency with the original intent of said resolutions; and

WHEREAS, the purpose of this Resolution is to effect said changes to Resolution No. 616 and 617; and

WHEREAS, the foregoing recitals and findings are a material part of this Resolution;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: Section 5 at subparagraph 12 of Resolution No. 616 shall be amended to strike the word "facility," and replace it with the word "premises." Subparagraph 12 shall now read as follows:

The minimum number of ELUs for any premises shall be one ELU.

Section 2: Section 5 at subparagraph 12 of Resolution No. 617 shall be amended to strike the word "facility," and replace it with the word "premises." Subparagraph 12 shall now read as follows:

The minimum number of ELUs for any premises shall be one ELU.

Section 3: Section 5 at subparagraph 10 of Resolution No. 616 shall be amended to strike the words "sewer or" and shall now read as follows:

Combined Facilities: For each property which has more than one business or function on one water connection, the number of ELUs will be based on the combined sum of the individual units which are applicable to each business or function involved.

Section 4: Section 5 at subparagraph 11 of Resolution No. 616 shall be amended to strike the words "and quantity and quality of sewage output" and shall now read as follows:

When a customer is not specifically listed above, the General Manager or his designee may determine which category the customer most closely resembles in quantity of water used and classify each customer accordingly; provided that, any residential unit added to a commercial use shall be charged for a minimum of one additional ELU, and the total

number of additional ELUs for such residential unit shall be determined in accordance with 7.04.083(1).

Section 5: Section 5 at subparagraph 1 of Resolution No. 617 shall be amended to add "except that, Single Family Residences served by a meter greater than 5/8th inch in size shall be the greater of one ELU" and shall strike the words at the end of the first sentence "whichever is greater" and shall now read as follows:

Single Family Residence: For each Single Family Residence, one ELU; except that, Single Family Residences served by a meter greater than 5/8th inch in size shall be the greater of one ELU, or the number of ELUs established pursuant to the calculation method for Commercial uses.

Section 6: Section 5 at subparagraph 10 of Resolution No. 617 shall be amended to strike the words "or water" and shall now read as follows:


Combined Facilities: For each premises which has more than one business or function on one sewer connection, the number of ELUs will be based on the combined sum of Fixture Units which are applicable to the entire premises.

Section 7: 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 8: 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 of Commissioners hereby declare 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 9: This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 12 day of August, 2004.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 634 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on August 12, 2004.


SECRETARY