

RESOLUTION NO. 483

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AMENDING DISTRICT CODE TO
CONSOLIDATE THE LOCATION OF ALL DISTRICT
FEES AND CHARGES WITHIN THE DISTRICT CODE

WHEREAS, the Board of Commissioners ("Board") of the Birch Bay Water & Sewer District ("District") is responsible for setting fair and equitable fees and charges consistent with State law for the services and products it provides; and

WHEREAS, some of said fees and charges are intended to be revised; and

WHEREAS, the District wishes to consolidate the location of all of its fees and charges to a single location in the District Code; 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: The following sections of the Birch Bay Water and Sewer District Code are hereby amended to read as follows:

- A. Section 2.12.070 Copying of public records.
No fee shall be charged for the inspection of public records. The district shall charge a fee, as set forth in Chapter 13.01 of the District Code, for providing copies of public records and for use of the district's copy equipment. This charge is necessary to reimburse the district for its actual costs incident to such copies.
- B. Section 3.20.010 Charges for returned payments.
A charge shall be added to each customer's account for payments returned to the district. Such payments may be marked "Not Sufficient Funds" or "Closed Account." The charge for each shall be as set forth in Chapter 13.01 of the District Code.
- C. Section 3.24.010 Late charges for unpaid bills.
A late charge, as set forth in Chapter 13.01 of the District Code, shall be added to each customer's account that is not paid in full by the due date printed on each customer's bill.

- D. Section 3.28.010.B. Acceptable legal tender for payment of all fees and charges.
- B. Due to the fact that the district accepts only U.S. currency, it shall be a policy not to accept rolled coins in any amount for payment of any and all amounts owed. Further, due to the fact that it would take extra handling time, it shall be policy not to accept loose coinage in an amount exceeding five dollars. Where such payment is made in loose coinage exceeding five dollars, there shall be assessed a fee as set forth in Chapter 13.01 of the District Code.
- E. Section 5.08.010 Designated-Additional costs-Owner responsibility.
- The minimum charge for segregations shall be the actual cost of the segregation and as set forth in Chapter 13.01 of the District Code, and shall be paid to the district at the time the segregation request is made. In addition, the property owner requesting segregation shall pay such costs incurred for engineering services in performing the segregation before receiving the segregation for filing, as set forth in Chapter 13.01 of the District Code. It shall be the responsibility of the property owner requesting segregation to notify the proper county authority of the segregation. No segregation shall be issued unless all delinquent assessments are brought current.
- F. Section 7.04.070 Service Connection charge – Meter only charge.
- A. A service connection charge or meter-only charge must be paid to the district before water service will be made available to the premises. A service connection charge shall be a fee determined by the cost for installing a service connection to the property line, including meter and all necessary fittings. The meter-only charge shall be a fee determined by the cost for installing a meter only on an existing service line. Such charges for a primary service connection shall be as set forth in Chapter 13.01 of the District Code.
- B. As set forth in Chapter 13.01 of the District Code, a charge per account shall be made when there is a change of ownership after the initial application for service. This amount is to be paid at the time of notification of ownership change or with the first billing for service.
- G. Section 7.04.080 Regional Connection Charge.
- Any application for water service shall be subject to a regional connection charge (“RCC”) for each equivalent living unit (“ELU”) to be connected to the District’s water system. The RCC shall be imposed and collected as defined by and in accordance with the First Amendment To Agreement For Wholesale Water Supply (“First Amended Agreement”) entered into on May 27, 2008, between the District and the City of Blaine, and as hereafter amended. The RCC per ELU to be connected to the District water system shall be as set forth in Chapter 13.01 of the District Code.

The RCC shall be in addition to a general facilities charge and any other applicable charges and shall be imposed on all new connections or increases in service demand as of the effective date of this resolution, regardless of the date of application.

- H. Section 7.04.081 General Facilities Charge.
Any application for water service shall be subject to a general facilities charge per equivalent living unit to be connected to the District's water system, as set forth in Chapter 13.01 of the District Code. Said general facilities charge shall be in addition to any connection, permit or inspection fees otherwise applicable.
- I. Section 7.04.110.A Dispatch/turn-off and turn-on charge.
A. Charges for dispatching to turn off a service for nonpayment of delinquent charges, charges to turn back on a service after the payment of all charges, and charges for meter service or lock damages caused by the customer shall be as set forth in Chapter 13.01 of the District Code.
- J. Section 7.04.120 Water Rates.
A. Minimum Monthly Charge. The minimum monthly water availability charge for each equivalent living unit shall be as set forth in Chapter 13.01 of the District Code.

B. Water Use Charges.
1. Water Use Within the District: In addition to the above monthly charges set forth in Section 7.04.120.A, customers using water inside the district shall be charged as set forth in Chapter 13.01 of the District Code.

2. Water Use Outside the District. In addition to the above monthly charges set forth in Section 7.04.120.A, customers using water outside the district shall be charged as set forth in Chapter 13.01 of the District Code.
- K. Section 7.04.150 Billing and Handling Charge.
In addition to all other charges set forth herein, each billing unit shall be charged a billing and handling charge as set forth in Chapter 13.01 of the District Code.
- L. Section 7.20.010 Charges.
Temporary or emergency water service other than through an established water meter shall be allowed on a metered basis for charges as set forth in Chapter 13.01 of the District Code.
- M. Section 8.04.340.C Grafts to public sewers.
C. Payment for Grafts. The district shall allow a payment as set forth in Chapter 13.01 of the District Code, for any graft required where a wye or tee is not found in accordance with this section.

- N. Section 8.04.400 Failure to connect – Charges.
Any property owner within the district located within an area served by the district’s sewer system shall be subject to the charges mentioned in this section for their failure to connect their existing private drain and sewer systems with the district system within thirty days of the issuance of a notice by the district to so connect. For every month during which the property owner has not connected pursuant to the notice, the property owner shall pay a charge as set forth in Chapter 13.01 of the District Code.
- O. Section 8.08.020 Single family dwellings.
Permit fees for single-family dwellings shall be as set forth in Chapter 13.01 of the District Code.
- P. Section 8.08.030 Multiple dwellings
Permit fees for multiple dwellings shall be as set forth in Chapter 13.01 of the District Code.
- Q. Section 8.08.040 All other structures.
Permit fees for all structures other than those provided for in Section 8.08.020 and 8.08.030 shall be as set forth in Chapter 13.01 of the District Code.
- R. Section 8.08.050 General Facilities Charge.
Any application for sewer service shall be subject to a general facilities charge as set forth in Chapter 13.01 of the District Code. This charge to be connected to the District’s sewer system shall be in addition to any connection, permit or inspection fees otherwise applicable.
- S. Section 8.12.020 Sewage Service Rates and Charges.
The rates and charges for furnishing sewage disposal services to property within the District, where available, whether or not a connection to the sewage system of the District has been made, within the classification of users are fixed and shall be paid as set forth in Chapter 13.01 of the District Code.
- A. Commercial Rates shall apply to Public Retail and Non-residential, including Water Parks. Any Commercial account water which the owner can show does not enter the sewer system will be deducted from the sewer usage amount set forth in Chapter 13.01 of the District Code.
- T. Section 8.12.030 Billing and Handling Charge.
In addition to all other charges set forth herein, each billing unit shall be charged a billing and handling charge as set forth in Chapter 13.01 of the District Code.

U. Section 10.04.020 Permit-Issuance-Fee-Conformance to stated condition. Upon the approval of the application and the payment of a fee as set forth in Chapter 13.01 of the District Code, the district shall issue a fire hydrant permit to the applicant. The permit shall be authorization to the applicant to proceed with the installation in accordance with the permit. If the applicant proceeds with the installation in any manner other than as authorized, the district may require the applicant to redo any work that is not in accordance with the permit.

V. Section 12.04.110 Fees. No application shall be complete, nor shall any environmental document be final, until all fees imposed by this section have been paid to the district. The following fees shall be required for district activities conducted as a result of these SEPA Rules:

For any environmental review for which the district is the lead agency, including but not limited to environmental checklist review and preparation of Environmental Impact Statements, the applicant shall pay a fee equal to the administrative costs of supervision and costs of preparation of the draft and final Environmental Impact Statements or any amendments thereof, unless otherwise expressly limited by these SEPA Rules. Said fee is collectible by the district prior to incurring such costs.

A. The amount of the fee shall be based upon the actual total costs for services and materials plus reimbursement for out-of pocket expenses (including but not limited to consultant reports) borne by the district in complying with these SEPA Rules. It shall not include costs for obtaining information from consulted agencies or efforts related to pre-draft consultation.

B. The applicant shall make an initial deposit as set forth in Chapter 13.01 of the District Code to the district or post bond in an amount equal to the total projected costs as estimated by the responsible official, whichever is greater.

Section 2: A new Title, enumerated Title 13, is hereby added to the Birch Bay Water and Sewer District Code for purposes of identifying fees and charges. Chapter 13.01 of Title 13 shall read as set forth in Exhibit A to this Resolution, which shall be incorporated herein in full.

Section 3: 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 4: 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 11th day of June, 2009.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 683 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on June 11, 2009.



SECRETARY

EXHIBIT A

Description of charge	Applicable Code Section	Fee/Charge Amount
Copying of public records, when requesting 25 pages or less	2.12.070	\$0.00 per page
Copying of public records, when requesting 26 pages or more	2.12.070	\$0.15 per page
Charges for returned payments such as "Non-Sufficient Funds" or "Account Closed"	3.20.010	\$10.00, plus any bank charge
Late charges for overdue unpaid balance (2% of unpaid amount, minimum \$4.00)	3.24.010	2% / \$4.00 minimum
Payment with loose coinage exceeding \$5.00 (2% of amount over \$5.00, \$2.00 minimum)	3.28.010.B	2% / \$2.00 minimum
Segregation	5.08.010	Actual Cost / \$200.00 minimum charge
Segregation-related engineering costs	5.08.010	Actual cost for that portion over \$100.00
Water service connection, 3/4"x5/8"	7.04.070.A	\$575.00
Water service connection, 1"	7.04.070.A	\$690.00
Water service connection, over 1"	7.04.070.A	Time and materials plus 15% overhead but in no case less than \$1,490.00
Water service connection meter only install	7.04.070.A	\$175.00
Change of ownership after initial application for water service	7.04.070.B	\$35.00
Water Regional Connection Charge, per ELU	7.04.080	\$852.00
Water General Facilities Charge, per ELU	7.04.081	\$2,620.00
Dispatch/turn-off charge (when water turnoff is due to nonpayment of delinquent charges)	7.04.110.A	\$25.00 plus all charges to date
Water turn-on charge (during normal business hours)	7.04.110.A	\$10.00, plus turn-off charge, plus all charges to date
Water turn-on charge (outside of normal business hours)	7.04.110.A	\$110.00, plus turn-off charge, plus all charges to date
Water Monthly Billing and Handling Charge for service within the District boundaries	7.04.150	\$1.79/month
Water Monthly Billing and Handling Charge for service outside the District boundaries	7.04.150	\$2.68/month
Short Term Water Service Administrative fee	7.20.010	\$50.00

Description of charge	Applicable Code Section	Fee/Charge Amount
Short Term Water Usage Charge	7.20.010	\$5.00 per 100 cubic feet
Graft to public sewer	8.04.340.C	\$75.00 Payment to Customer
Failure to connect existing private drain and sewer system	8.04.400	Amount equal to the sewer monthly use charge which would be due from that property
Sewer connection permit, single family dwelling	8.08.020	\$75.00
Renewal Fee	8.08.020	\$0.00
Modification Fee	8.08.020	\$0.00
Repair Fee	8.08.020	\$0.00
Capping Fee	8.08.020	\$0.00
Sewer connection permit, multiple dwellings	8.08.030	\$75.00
Renewal Fee	8.08.030	\$0.00
Modification Fee	8.08.030	\$0.00
Repair Fee	8.08.030	\$0.00
Capping Fee	8.08.030	\$0.00
Sewer Connection permit, all other structures	8.08.040	\$75.00 (plus square foot charges)
Sewer Connection permit, all other structures, 4,000 – 10,000 square feet, additional charge	8.08.040	\$0.01 per square foot
Sewer Connection permit, all other structures, over 10,000 square feet, additional charge	8.08.040	\$0.005 per square foot
Renewal Fee	8.08.040	\$0.00
Modification Fee	8.08.040	\$0.00
Repair Fee	8.08.040	\$0.00
Capping Fee	8.08.040	\$0.00
Sewer General Facilities Charge per ELU	8.08.050	\$2,935.00
Sewer Monthly Billing and Handling Charge within the District boundaries	8.12.030	\$1.79
Sewer Monthly Billing and Handling Charge outside the District boundaries	8.12.030	\$2.68
Fire hydrant install permit	10.04.020	\$75.00
Environmental Review	12.04.110	\$400.00 deposit; Actual Total Costs*

*“Actual Total Costs” shall be determined as set forth in Section 12.04.110 of the District Code.

Minimum Monthly Charges for Water Availability	Applicable Code Section	Amount
Class 1 - Residential Inside District per ELU	7.04.120.A	\$6.25
Class 2 - Residential Outside District per ELU	7.04.120.A	\$9.38
Class 3 - Commercial Inside District per ELU	7.04.120.A	\$6.25
Class 4 - Commercial Outside District per ELU	7.04.120.A	\$9.38
Class 5 - Industrial (not set yet)	7.04.120.A	-----
Class 6 - Extended Service**	7.04.120.A	\$1.10
Class 7 – Wheeling – Per one hundred (100) c.f. of water	7.04.120.A	\$1.22

** Restrooms and standpipes not part of a residential or commercial building shall be considered *Extended Service Units* unless they are only for use by paying tenants of a recreation vehicle park.

Water Use Charges per two month period***	Applicable Code Section	Amount
Within the District, up to 13ccf of water each two months	7.04.120.B	\$1.68 / 100 c.f.
Within the District, 14ccf-25ccf of water each two months	7.04.120.B	\$2.41 / 100 c.f.
Within the District, 26ccf or more of water each two months	7.04.120.B	\$3.10 / 100 c.f.
Outside the District, up to 13ccf of water each two months	7.04.120.B	\$2.52 / 100 c.f.
Outside the District, 14ccf-25ccf of water each two months	7.04.120.B	\$3.62 / 100 c.f.
Outside the District, 26ccf or more of water each two months	7.04.120.B	\$4.65 / 100 c.f.

Sewer Service Rates and Charges***	Applicable Code Section	Amount
Residential, Within District, per living unit per month (base charge)	8.12.02	\$11.02/month
Residential, Within District, first 20ccf of water each two months	8.12.02	\$1.79 / 100 c.f. of water
Residential, Outside District, per living unit per month	8.12.02	\$16.53/month
Residential, Outside District, first 20ccf of water each two months	8.12.02	\$2.68 / 100 c.f. of water
Commercial, Within District, Per ELU per month	8.12.02	\$11.02/month
Commercial, Within District	8.12.02	\$1.79 / 100 c.f. of water
Commercial, Outside District, per ELU per month	8.12.02	\$16.53/month
Commercial, Outside District	8.12.02	\$2.68 / 100 c.f. of water

*** “ccf” is hundreds of cubic feet, “c.f.” is cubic feet.