

RESOLUTION NO. 656

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AMENDING DISTRICT CODE
SECTIONS ON LOCAL FACILITY CHARGES

WHEREAS, the District has determined that traditional front footage charges for water and sewer extensions, except as otherwise authorized by this ordinance, should be eliminated; and

WHEREAS, the District intends to recapture more costs through general facilities charges and rates; and

WHEREAS, certain amendments to the District Code are necessary to reduce reliance on traditional front footage charges as a means of recapturing costs; 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Section 1: District Code Section 7.04.090 is hereby repealed in its entirety.

Section 2: District Code Section 8.04.040 is hereby repealed in its entirety.

Section 3: District Code Section 9.12.040 is hereby repealed in its entirety.

Section 4: District Code Section 9.02.020 is hereby repealed in its entirety and replaced with a new Section 9.02.020 which shall read as follows:

9.02.020 Local Facilities Charge – Types.

Local facilities charges may be collected from a developer or individual property owners in the following contexts:

- A. Assessment as part of a Utility Local Improvement District (“ULID”).
- B. Charges as part of a District Initiated Sewer Facilities Extension pursuant to District Resolution No. 640.
- C. Reimbursement Connection Fee established pursuant to District Code Chapter 9.12.

Section 5: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.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 6: 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 7: This Resolution shall be effective retroactive to June 9, 2005.


ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 26 day of January, 2006.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 656 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on January 26, 2006.


SECRETARY