

RESOLUTION NO. 739

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, AMENDING DISTRICT CODE 7.04 AND RESOLUTIONS NO. 139, 619,  
683, and 727 REGARDING DELINQUENT WATER ACCOUNTS

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 or added to; 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 7.04.110, 7.04.190, 7.04.200 and District Resolution No. 727 Delinquent Accounts shall be amended to read as follows:

**7.04.110 Dispatch/shut-off and turn-on charge.**

A. Charges for dispatching to shut-off a service for nonpayment of delinquent charges, charges to turn back on a service after the payment of delinquent charges, and charges for meter service or lock damages caused by the customer shall be as set forth in Chapter 13.01 of this code.

B. There shall be no charge for turning off a water service during normal business hours of the district at the customer's request.

**7.04.190 Water bills--When due.** Water service charges shall be billed every two months. The billing will be for the preceding two months for both the usage charge and for the monthly per unit charge. Bi-monthly statements of charges for water service shall be due and payable at such place or places designated by the district on or before the due date as printed on the statement and shall be delinquent thereafter. The statements shall cover service charges for the period shown thereon and shall be issued and forwarded by mail to the customer as soon as practical.

New customers' first billing shall be for the entire two-month period reduced pro-rata by the number of days between the beginning of the billing period and the day the property is deemed connected to the district's system.

**7.04.200 Delinquent Accounts.** The district may, by act of its board of commissioners, shut-off water service to any customer who is delinquent in payment of water charges.

Notice of intent to shut-off for nonpayment shall be mailed to the customer at least one week prior to actual shut-off. The District may impose a late charge for delinquency as set forth in chapter 13.01 of this code. Water service shall not be turned on again until all delinquent charges are paid or a satisfactory arrangement for payment has been made with the district. Any charges of the district to the customer which become delinquent shall constitute a lien against the property being served.

Section 2. 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 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 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 shall be in full force and effect.

Section 4: This Resolution shall be effective immediately.

PASSED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 8th day of January, 2015.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 739 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on January 8, 2015.

  
SECRETARY