

RESOLUTION NO. 756

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON, AMENDING RESOLUTIONS 650 AND 688 AND CHAPTERS 9.04 AND 9.08 OF THE DISTRICT CODE PERTAINING TO THE DEVELOPER PROJECT MANUAL

WHEREAS, the Board of Commissioners (“Board”) of the Birch Bay Water and Sewer District (“District”) has previously adopted resolutions pertaining to the District’s Developer Project Manual; and

WHEREAS, the District has discovered the need for additional revisions since the last Developer Project Manual was adopted on June 23, 2005; and

WHEREAS, the adoption of the updated Developer Project Manual by this resolution requires amendments to the District administrative code; and

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 Developer Project Manual adopted on June 23, 2005, by Resolution 650, along with any revisions or amendments thereto, is hereby superseded and replaced by the Developer Project Manual dated May 2019 and the standard specifications, conditions, and requirements therein (“2019 Developer Project Manual”).

Section 2:

Section 9.04.010 of the District Code and Section 1 of Resolution 688 shall be amended to read as follows:

The Developer Project Manual for Water System Extensions shall be as adopted by Section 1 of Resolution No. 756. The Developer Extension Agreement for Water System Extensions may be found in the Developer Project Manual adopted pursuant to such resolution. Nothing herein shall preclude modification of a Developer Extension Agreement for Water System Extensions when determined by the Board to be in the best interest of the District.

Section 3:

Section 9.08.010 of the District Code and Section 2 of Resolution 688 shall be amended to read as follows:

The Developer Project Manual for Sewer System Extensions shall be as adopted by Section 1 of Resolution No. 756. The Developer Extension Agreement for Sewer System Extensions may be found in the Developer Project Manual adopted pursuant to such resolution. Nothing herein shall preclude modification of a Developer Extension Agreement for Sewer System Extensions when determined by the Board to be in the best interest of the District.

Section 4:

A new section 7.04.015 shall be added to Chapter 7.04 and read as follows:

7.04.015 Extension of Water System

All extensions of the District water system, including extensions installed at the expense of a property owner, shall conform to the standard specifications of the District as defined in Section 7.04.010, unless otherwise expressly agreed upon by a vote of the board of commissioners. A water main can be installed to serve properties by the formaton of a utility local improvement or by entry of a developer extension agreement with District, all as prescribed by and in accordance with state law and District code.

Section 5:

A new section 8.04.015 shall be added to Chapter 8.04 and read as follows:

8.04.015 Extension of Sewer System

All extensions of the District sewer system, including extensions installed at the expense of a property owner, shall conform to the standard specifications of the District as defined in Section 8.04.010, unless otherwise expressly agreed upon by a vote of the board of commissioners. A sewer main can be installed to serve properties by the formaton of a utility local improvement or by entry of a developer extension agreement with District, all as prescribed by and in accordance with state law and District code.

Section 6:

That portion of Section 7.04.010 of the District Code defining "Standard specifications" shall be amended to read as follows:

"Standard specifications" means those standard specifications, conditions, and requirements for waterworks construction which have been adopted by the board of commissioners of the District. This term includes standard specifications, conditions, and applicable requirements contained in the District's Developer Project Manual, latest edition.

Section 7:

That portion of Section 8.04.010 of the District Code defining "Standard specifications" shall be amended to read as follows:

"Standard specifications" means those standard specifications, conditions, and requirements for sewer system construction which have been adopted by the board of commissioners of the District. This term includes standard specifications, conditions, and applicable requirements contained in the District's Developer Project Manual, latest edition.

Section 8:

Section 7.04.340 shall be deleted in its entirety.

Section 9:

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 10:

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 have 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 11:

This Resolution shall be effective immediately.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 23rd day of

May, 20 19.

COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 756 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on May 23, 20 19.

Jeff Ben
SECRETARY