

# CITY OF PORT ALBERNI

## BYLAW NO. 4288

A BYLAW TO DESIGNATE FLOODPLAINS, SET LEVELS FOR CONSTRUCTION AND DEVELOPMENT ON FLOODPLAINS AND TO REGULATE LAND SUBJECT TO FLOOD HAZARDS.

### WHEREAS:

- A. The Council may pursuant to S. 969 of the Municipal Act, R.S.B.C. 1979, c. 290, designate floodplains within the City and set levels for development on such floodplains;
- B. The Council may regulate the development of land situate in areas designated as floodplain;
- C. Council considers it desirable to regulate development on a floodplain to reduce risk of injury to person and damage to property.

### 1. Title

This Bylaw may be cited as "Floodplain Bylaw".

### 2. Interpretation

In this Bylaw:

- (A) "Building Inspector" means the Building Inspector for the City of Port Alberni".
- (B) "Existing Building or Structure" means a building or structure existing as of the date of the adoption of this Bylaw;
- (C) "Flood Construction Level" means the minimum elevation expressed in metres determined by reference to the G.S.C., below which no underside of any floor system, nor the top of any pad, supporting a Habitable Area shall be placed, constructed or located;
- (D) "ft" means foot or feet;
- (E) "G.S.C." means Geodetic Survey of Canada;

- (F) "Habitable Area" means any room in a building or structure (including a manufactured building) designed, intended or used for dwelling, living, sleeping, eating or food preparation, or for the display or storage of goods and things susceptible to flood damage including display or storage as aforesaid for commercial, industrial or any other purposes;
- (G) "m" means metre(s).

3. Building Restrictions in the Floodplain Area

- 3.1 This Bylaw shall apply to all lands bounded on the south by the Somass River, on the east by Kitsuksis Creek Floodway and Gertrude Street north thereof, on the north by Compton Road, Golden Street and Georgia Road and on the west by the City boundary.
- 3.2
  - a) No building other than a garage, carport or accessory building shall be erected, constructed or located at a flood construction level lower than elevation 3.65m (12.0 ft) G.S.C..
  - b) In addition to the foregoing:
    - (i) unless the building is situated on lands the natural elevation of which is 3.65m (12 ft) G.S.C. or greater, any basement, cellar or crawl space shall not exceed 1.2m (4 ft) in height to the underside of the floor joists;
    - (ii) such cellar, basement or crawl space shall not be used for the storage of goods or containment of a heating unit; and
    - (iii) on ground above elevation 2.75m (9.0 ft) G.S.C. any fill placed within the area covered by the building shall not extend more than 6.1m (20 ft) from the building periphery, nor so as to impair the drainage of any adjoining parcel or public allowance.
- 3.3 On any land described in this Bylaw no excavation for a basement, cellar or crawl space shall be permitted which provides for a finished floor level of the basement, cellar or crawl space below elevation 3.65m (12.0 ft) G.S.C..


- 3.4 If any existing building erected on the lands herein described which is now in contravention of Section 3.2 hereof is destroyed or damaged to the extent of 75% or more of its value above foundations as determined by the Building Inspector, it shall be lawful for the owner thereof to rebuild or replace the said building, provided that when constructed, the building shall conform to the provisions of Section 3.2.

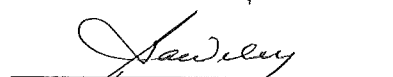
**READ A FIRST TIME THIS 27TH DAY OF MAY, 1996.**

**READ A SECOND TIME THIS 12TH DAY OF AUGUST 1996.**

**READ A THIRD TIME THIS 12TH DAY OF AUGUST 1996.**

**FINALLY ADOPTED THIS 26TH DAY OF AUGUST 1996.**

  
MAYOR

  
CLERK

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August 26, 1996