

**DISTRICT OF HIGHLANDS**  
**BY-LAW NO. 103**

**A BY-LAW TO REGULATE THE SITING OF  
BUILDINGS AND STRUCTURES NEAR WATER FEATURES**

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The Council of the District of Highlands in open meeting assembled enacts as follows:

**SECTION 1**

**DEFINITIONS**

***BUILDING*** means any *structure* used or intended to be used for supporting or sheltering any use, persons, animals or property;

***DWELLING UNIT*** means a set of rooms contained in a single *building* and used or capable of being used as the permanent home or residence of one or more individuals living together as a household, of which not more than one room is equipped, or capable of being equipped, for household activities related to the storage, preparation and consumption of food;

***FINISHED GROUND LEVEL*** means the *height* of a point at the perimeter of the base of a *building* or *structure* and which is vertically within 1.0 metre of the *natural ground level* of the *land* prior to the siting, placement or construction of that *building* or *structure* but excludes a localized depression such as an stairway access to a lower floor;

***FLOOD CONSTRUCTION LEVEL*** means a specified height above a *natural boundary*;

***FLOODPLAIN*** means an area which is susceptible to flooding from a *watercourse*, lake, or other body of water;

***FLOODPLAIN SETBACK*** means the required minimum distance from the *natural boundary* of a *watercourse*, lake, or other body of water to any *building*, *landfill* or structural support required to elevate a floor system or *pad* above the *flood construction level*, so as to maintain a floodway and allow for potential land erosion;

***GROUND FLOOR AREA*** means the total area of the lowest storey of a *building*, a storey of which is predominantly above the *finished ground level* of that building measured to the outer surface of the exterior walls;

***LANDFILL*** means sand, gravel, earth, rock or any combination thereof purposely placed or deposited to raise the level of the ground, but does not include *building* or construction debris;

***MUNICIPALITY*** means the Corporation of the District of Highlands;

**NATURAL BOUNDARY** means the visible high-water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the body of the lake, river, stream, or body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself and also includes the edge of dormant side channels of any lake, river, stream, or other body of water;

**NATURAL GROUND LEVEL** means the visible height of land undisturbed by human actions and formed by the presence and action of natural geologic forces;

**PAD** means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a mobile home or modular housing unit, or a concrete pad to support a *dwelling unit*;

**WATERCOURSE** means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year and having a drainage area of two (2) square kilometres or more upstream of the point of consideration.

**WETLAND** means *land* which is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

## **SECTION 2**                      **ADMINISTRATION AND ENFORCEMENT**

### **2.1 Citation**

- (1) This Bylaw may be cited for all purposes as "Highlands Floodplain Bylaw No. 103, 1998".

### **2.2 Area of Effect**

- (1) This Bylaw applies to all land, including the surface of water, within the boundaries of the District of Highlands.

### **2.3 Regulatory Compliance**

No land, *building, structure*, or any part thereof shall be used, occupied, sited, erected or altered unless in conformity with this Bylaw.

### **2.4 Measurements**

- (1) Metric figures are used in this Bylaw. Imperial figures, which are not a part of

this Bylaw, may be shown for convenience only as approximate equivalents to the metric figures.

## **2.5 Enforcement**

### **(1) Inspection**

The Administrator and any person acting for the Administrator may enter on any property at all reasonable times to ascertain whether the regulations of this Bylaw are being observed.

### **(2) Violation**

(a) No person shall do any act or thing, or suffer or permit any act or thing to be done, in contravention of this Bylaw.

(b) A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable to a fine of not more than ten thousand dollars (\$10 000.00).

(c) A penalty imposed under Section 2.5(2)(b) shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

## **2.6 No Representation**

(1) By the enactment, administration or enforcement of this Bylaw, the *Municipality* does not represent to any person that any *building or structure*, including a mobile home, located, constructed or used in accordance with the regulations of this Bylaw or in accordance with any advice, information, direction or guidance provided by the *Municipality* in the course of the administration of this Bylaw will not be damaged by flooding.

## **2.7 Severability**

(1) If any provision of this Bylaw is for any reason found invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provision of the Bylaw.

## **SECTION 3**

## **REGULATIONS**

### **3.1 Floodplain Designation**

(1) The following land is designated as *floodplain*:

(a) land lower than the *flood construction level* specified in Section 3.2; and

(b) land within the *floodplain setback* specified in Section 3.3.

### **3.2 Flood Construction Level**

- (1) A vertical elevation of 1.5 metres (5 feet) above the *natural boundary* of the sea, a lake, pond or *wetland* is specified as a *flood construction level*.

### **3.3 Floodplain Setback**

- (1) A horizontal distance of 30 metres (100 feet) from the *natural boundary* of any *watercourse*, the sea, a lake or pond is specified as a *floodplain setback*.
- (2) A horizontal distance of 15.0 metres (50 feet) from the *natural boundary* of any *wetland* is specified as a *floodplain setback*.

### **3.4 Application**

- (1) The underside of any floor system, or the top of any *pad* supporting any space or room that is used as part of a *dwelling unit*, for business, or for the storage of goods which are susceptible to damage by floodwater shall not be constructed below the *flood construction level*.
- (2) *Buildings* or *structures* used as part of a *dwelling unit*, for business, or for the storage of goods which are susceptible to damage by floodwater shall not be sited, placed or constructed within the *floodplain*.
- (3) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the *pad* as described in section 3.4(1) above the *flood construction level*. The structural support and compacted landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris. The structural support or compacted landfill shall be installed or placed and compacted under the direction of a professional geotechnical engineer.
- (4) Any compacted landfill required to support a floor system or *pad* shall not be placed within the *floodplain setback*.
- (5) The Administrator and any person acting for the Administrator may require the landowner to provide a survey certificate prepared by a British Columbia Land Surveyor to verify compliance of works with the *flood construction level* and the *floodplain setback*. The cost of the certificate shall be assumed by the landowner.

### **3.5 General Exemptions**

- (1) The Minister of Environment, Lands, and Parks has exempted the following

types of development from the *floodplain setback*:

- (a) An addition or renovation of a *building* or *structure* existing at the date of adoption of this Bylaw, that does not increase the *ground floor area*;
- (b) An addition or renovation to a *building* or *structure* existing at the date of adoption of this Bylaw, to the *ground floor area*, that would increase the size of the building or structure by less than 20% of that *ground floor area*;

**3.6 Site-specific Exemption**

- (1) Upon application by a landowner, the Minister of Environment, Lands, and Parks may approve a site-specific exemption of the *flood construction level* or the *floodplain setback*.

READ A FIRST TIME THIS                      16TH                      DAY OF                      FEBRUARY, 1998.

READ A SECOND TIME THIS                      16TH                      DAY OF                      FEBRUARY, 1998.

READ A THIRD TIME THIS                      16TH                      DAY OF                      FEBRUARY, 1998.

HIGHLANDS FLOODPLAIN BYLAW NO. 103  
IS APPROVED UNDER THE PROVISIONS OF  
SECTION 910 OF THE MUNICIPAL ACT THIS                      12TH DAY OF MARCH, 1998.

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MINISTER OF ENVIRONMENT, LANDS AND PARKS

ADOPTED THIS                      16TH                      DAY OF                      MARCH                      , 1998.

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MAYOR

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CLERK