

DISTRICT OF SALMON ARM

BYLAW NO. 2352

A bylaw to declare the existence of an emergency  
and to exercise special powers necessary to deal with the emergency.

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WHEREAS Section 290 of the Municipal Act, Chapter 290, R.S.B.C. provides that Council may, in circumstances where normal powers are inadequate to deal with an emergency that is not an emergency within the meaning of the Emergency Program Act, by bylaw adopted by a vote of at least two-thirds of the Council Members, declare that an emergency exists and exercise power necessary to deal effectively with the emergency;

AND WHEREAS areas of the municipality with steep topography have experienced up to three successive heavy rainfalls within a twelve day period each causing flash flooding and serious erosion to private and publicly owned properties due to excessive runoff waters pursuing unconventional courses;

AND WHEREAS the erosion caused by the flash flooding is not an emergency that qualifies for assistance under the Emergency Program Act;

AND WHEREAS Council is desirous of assisting those property owners affected by the erosion with the restoration of their properties;

NOW THEREFORE the Council of the District of Salmon Arm, in open meeting assembled, enacts as follows:

1. Erosion adjacent to the footings, foundations, hard surfaced driveways, sidewalks, patios, decks of residential buildings or buildings accessory to residential buildings and deposit of sand, gravel, soil, rock and debris on privately owned lands within the District of Salmon Arm caused by flash flooding is declared by Council to be an emergency under Section 290 of the Municipal Act.
2. The District of Salmon Arm, by its workmen, employees and contractors, is empowered to enter on private property for the purpose of assessing and carrying out the restoration of erosion damage caused by flash flooding.
3. The works referenced in Clause 2. above shall be limited, to filling to grade of excavations, caused by flooding, which are adjacent to footings, foundations, hard surfaced driveways, sidewalks, patios and decks of residential buildings or buildings accessory to residential buildings on privately owned lands within the

District of Salmon Arm, with pit run gravel and shall include rough grading of same, and the removal of significant accumulations of sand, gravel, soil, rock and debris deposited by flood waters; but shall exclude application of top soil and restoration of landscaping.

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4. Funds necessary to offset the costs of the works authorized pursuant to this bylaw may be obtained through short term borrowing; said funds being repayable prior to December 31, 1995.
5. In the taxation year 1995, over and above such amounts necessary to meet the normal operations, debt obligations and capital requirements of the municipality, a rate shall be levied on the assessed value of all lands and improvements taxable for general municipal purposes sufficient to repay, in full, the outstanding amount as at December 31, 1994, together with interest, on monies borrowed pursuant to Clause 4 above; said repayment to be concluded by December 31, 1995.
6. This bylaw shall come into full force and effect upon adoption hereof.
7. This bylaw may be cited for all purposes as "Emergency Powers Authorization Bylaw No. 2352, 1994".

READ A FIRST TIME THIS 17th DAY OF  
August 1994.

READ A SECOND TIME THIS 17th DAY OF  
August 1994.

READ A THIRD TIME THIS 17th DAY OF  
August 1994.

RECONSIDERED, FINALLY PASSED AND ADOPTED by an affirmative vote of two-thirds of all the Members of Council on the 19th DAY OF August 1994.

"IAN D. WICKETT"

MAYOR

"G. WAYNE BUCHANAN"

CLERK