

MONTGOMERY COUNTY

recess, etc., in the shore of a river.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND That Section 79-31, title "Section 131.0 of Chapter 79, of the Montgomery County Code 1965, as amended, is hereby repealed and re-enacted, with amendments, to read as follows:

131.0 Building Within Flood Plain Areas and On Unsafe Land.

No building permit shall be issued for any structure or alteration of existing structure (1) on land which lies within the fifty year flood plain of any stream or drainage course, or on land which has been found by the building inspector to be unsafe for development use by reason of its being subject to flooding, erosive, unstabilized slope or fill, or otherwise located in a situation so as to cause unsafe building conditions, or (2) in violation of a residential building restriction line placed on a recorded subdivision plat under the provision of the subdivision ordinance; provided, however, that this section shall not be construed to prohibit the issuance of building permits for the reconstruction or repair of single family dwellings existing on September 1, 1971, and located within any fifty year flood plain which abuts a creek or other recess, cove, bay or inlet in the shore of a river; and further, provided, however, that a building permit may be issued for fences, public utilities, recreation and agricultural uses.

A "fifty-year" flood plain is defined as that area which would be inundated by storm water runoff equivalent to that which would occur with the rainfall of fifty year frequency after total development of the watershed.

No part of any individual sewerage disposal system or plan shall be located within a flood plain area as defined above; nor shall any such individual sewerage disposal system be located within 200 feet of the fifty-year highwater mark of any river, creek, stream, drainage or other watercourse within the county.

When a fifty-year flood plain area has not been designated by the county planning board, by the