

# Suggested Provisions

Meeting the Minimum Requirements of  
THE NATIONAL FLOOD INSURANCE PROGRAM

and the

PENNSYLVANIA FLOOD PLAIN  
MANAGEMENT ACT (1978-166)  
**SECTION 60.3 (a)**

July 2011

> ready > set > succeed



TABLE OF CONTENTS

	<u>PAGE</u>
EXPLANATORY NOTE	i
ARTICLE I                    STATUTORY AUTHORIZATION & PURPOSE	1
ARTICLE II                   GENERAL PROVISIONS	1
ARTICLE III                   ADMINISTRATION	3
ARTICLE IV                   PROVISIONS FOR HAZARD REDUCTION	4
ARTICLE V                   HIGH RISK LAND USES	6
ARTICLE VI                   DEFINITIONS	6

## EXPLANATORY NOTE:

This suggested ordinance has been prepared to help municipalities meet the requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (Act 166-1978). More specifically, this ordinance is meant to serve as a guide to the provisions necessary to comply with the requirements of Section 60.3 (a) of the National Flood Insurance Program as well as the requirements of Act 1978-166 and the regulations adopted by the Department of Community and Economic Development pursuant to that Act.

In using these suggested provisions, certain things must be understood and kept in mind:

1. A municipality may take one of two basic approaches in enacting its floodplain management regulations. It can adopt a single purpose ordinance, which contains all the necessary provisions, or it can enact whatever provisions may be necessary by amending other existing codes and ordinances such as a zoning ordinance, building code, etc. This suggested ordinance can be used as a guide by municipalities that do not have other codes or ordinances which could be amended, or that simply prefer to enact a single purpose ordinance for whatever reason.
2. These provisions cannot be adopted verbatim. Every municipality making use of these provisions will have to make some choices and modifications, depending upon the kind of flood hazard areas and information contained in the Flood Insurance Study and maps from the Federal government, and their own particular circumstances, objectives, and policies.
3. These provisions are not "model" floodplain management regulations. With few exceptions, they have been prepared only with the intention of meeting the minimum requirements of Section 60.3 (a) of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act. They do not contain everything necessary or desirable for good floodplain management. For any municipality that may be interested, considerably more could be done concerning the regulation of development in flood prone areas. While these regulations are provided to municipalities for compliance with State and Federal floodplain management regulations, this is a technical assistance "tool" and therefore verbatim adoption of this language does not guarantee compliance. The ordinance does still need to be modified to reflect the individual municipality's needs.
4. These provisions are required under PA Act 1978-166 regardless of whether or not a municipality "opts in" or "opts out" of administering the PA Uniform Construction Code (UCC), PA Act 45 of 1999. Article XI of Act 1999-45 stipulates that the provisions of Act 1978-166 are not superseded by the Code. Therefore, it is strongly recommended that at a minimum, a municipality retain its current Flood Plain Management provisions and revise them to include the UCC coordinating references contained herein which refer to specific and appropriate supplemental UCC provisions and International Code References.

5. Prior to the enactment of any ordinance, a municipality should seek the advice of its solicitor regarding its content and enactment. If the solicitor is not involved in the actual preparation of the ordinance, he or she should, at the very least, be given the opportunity to review and comment upon the proposed ordinance prior to its enactment.

The needs, circumstances, and objectives of municipalities are so diverse that the development of a single ordinance for use by all is literally impossible. While use of so called "model" ordinances, suggested provisions, etc., can be of considerable help to a municipality, they are, nevertheless, of value only up to a certain point. No "ready-made" ordinance exists for any municipality. It is for this reason that we caution municipalities with respect to the use of these provisions. As with any other aid to local government, the value to be derived is dependent upon the intelligence with which it is used.

If there are any questions concerning these suggested provisions, the National Flood Insurance Program, or the Pennsylvania Flood Plain Management Act, the Governor's Center for Local Government Services within the Department of Community and Economic Development should be contacted without hesitation.

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF THE (TOWNSHIP, BOROUGH, ETC.) WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL, OR REFUSES TO COMPLY WITH, THE REQUIREMENTS OF THIS ORDINANCE.

BE IT ENACTED and ORDAINED by the ( \_\_\_\_\_ Name of Municipality) \_\_\_\_\_ County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

## ARTICLE I STATUTORY AUTHORIZATION AND PURPOSE

### Section 1.00 Statutory Authorization.

The State Legislature **{ name of state }** has in Government Code Sections **{ state sections }** conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the **{ governing body }** of **{ county or municipality }** does hereby adopt the following floodplain management regulations.

## ARTICLE II GENERAL PROVISIONS

### Section 2.01 Intent

The intent of this Ordinance is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

## Section 2.02 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the *[Name of Municipality]* unless a Permit has been obtained from the Floodplain Administrator.
- B. A Permit shall not be required for minor repairs to existing buildings or structures.

## Section 2.03 Abrogation and Greater Restrictions

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

## Section 2.04 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

## Section 2.05 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the *[Name of Municipality]* or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

## Section 2.06 Lands to which This Ordinance Applies

.This ordinance shall apply to all areas identified as flood-prone within the jurisdiction of **{county or municipality}**.

## Section 2.07 Basis for Establishing Flood-Prone Areas

The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood data available from other Federal or state agencies or other source to identify flood-prone areas within the jurisdiction of {county or municipality}. This data will be on file at **{address, City Hall, County Administration Building, Department of Planning or Public Works, or other}**.

## Section 2.08 Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the **{governing body}** from taking such lawful action as is necessary to prevent or remedy any violation.

## Section 2.09 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state

## ARTICLE III ADMINISTRATION

### Section 3.01 Establishment of Development Permit.

A development permit shall be obtained for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may be determined whether such construction or other development is within flood-prone areas.

### Section 3.02 Designation of Floodplain Administrator.

The **{City Manager or Director of Planning, Public Works, or Building Inspection, etc.}** is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

### Section 3.03 Duties and Responsibilities of Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

- A. Permit Review. Review all development permit applications to determine:
  - 1. Permit requirements of this ordinance have been satisfied;
  - 2. All other required state and federal permits have been obtained; and

3. The site is reasonably safe from flooding.

B. Review and Use of Any Other Base Flood Data. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood data available from other Federal or state agency or other source.

## ARTICLE IV PROVISIONS FOR FLOOD HAZARD REDUCTION

### Section 4.01 Standards for Construction.

If a proposed building site is in a flood-prone area, all new construction and substantial improvements, including manufactured homes, shall:

A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Be constructed:

1. With materials and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### Section 4.02 Standards for Subdivision or Other Proposed New Development

If a subdivision proposal or other proposed new development, including manufactured home parks or subdivisions, is in a flood-prone area, any such proposals shall be reviewed to assure that:

A. All such proposals are consistent with the need to minimize flood damage within the floodprone area;

B. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

C. Adequate drainage is provided to reduce exposure to flood hazards.

#### Section 4.03 Standards for Utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems, and
2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

#### Section 4.04 Development Which May Endanger Human Life

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;
- shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)

18. Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any identified flood prone area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- C. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

## ARTICLE V HIGH RISK LAND USES

### Section 5.01 General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified flood prone area.

- A. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - 1. hospitals
  - 2. nursing homes
  - 3. jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

## ARTICLE VI DEFINITIONS

### Section 6.01 General

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

## Section 6.02 Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base Flood Discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
8. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Existing structure - means a structure for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing structure” may also be referred to as “existing construction”.
10. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. Flood - a temporary inundation of normally dry land areas.
12. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

13. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
14. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and any area subject to the unusual and rapid accumulation of surface waters from any source.
15. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
16. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
18. Historic structures – any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior or
    - ii. Directly by the Secretary of the Interior in states without approved programs.
19. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

20. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
21. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
23. New construction - structures for which the start of construction commenced on or after the *[effective start date of this floodplain management regulation]* adopted by the community and includes any subsequent improvements to such structures. Any construction started after *[effective date of community's first floodplain management ordinance adopted by the community]* and before *[effective start date of this floodplain management ordinance]* is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
24. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
25. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
26. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated MM/DD/YYYY, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program..
27. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated MM/DD/YYYY, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

28. Recreational vehicle - a vehicle which is:
- a. built on a single chassis;
  - b. not more than 400 square feet, measured at the largest horizontal projections;
  - c. designed to be self-propelled or permanently towable by a light-duty truck; and
  - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory flood elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet.

**NOTE:** The one and one-half (1 ½) foot freeboard is an alternative to the basic NFIP elevation requirement. Municipalities are free to establish freeboard requirements based on existing conditions, historical data, etc.

30. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**NOTE:** Include this definition when optional provisions for repetitive loss (Sections 3.03 C and 7.02 G) are used.

31. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

32. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
33. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
34. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
35. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
36. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
37. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" (or "*repetitive loss*" when a *repetitive loss provision is used*) regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure.

Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

**NOTE:** Communities have the option of using either provision (exclusion from substantial damage/improvement definition OR variance) for addressing the unique needs of “historic structures.” Relying on the variance option gives a community more control over what floodplain safety methods are incorporated into the design.

38. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether *administered by the municipality, a third party or the Department of Labor and Industry*. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
39. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.