(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

DEPARTMENT OF STATE

XCHANINX		.*		FILED
XXXXX of		HOWARD	*	OCT - 9 1979
Town	,			Car Jalum
-, 0	Law No	1		of the year 19 79

for Flood Plain Management

Be it enacted by the _____ Town Board (Name of Lagislative Body)

CXXXX Town YNKOZXX -

TOWN OF HOWARD

STEUBEN COUNTY, NEW YORK

LOCAL LAW NO. 1 of the YEAR 1979,

ARTICLE I PREAMBLE

A LOCAL LAW REQUIRING DEVELOPMENT PERMITS FOR ANY DEVELOPMENT ACTIVITY INVOLVING ANY MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING BUT NOT LIMITED TO BUILDINGS OR OTHER STRUCTURES, DREDGING, FILLING, GRADING, PAVING, EXCATATIONS AND DRILLING, WITHIN THE AREAS DESIGNATED AS SPECIAL FLOOD HAZARD AREAS WITHIN THE TOWN OF HOWARD.

WHEREAS, recognizing that certain areas of the Town of Howard are subject to periodic flooding, causing severe damage to real property and improvements thereon; and,

WHEREAS, in recognition of the need to make residents and property owners eligible for purchase of Federally subsidized flood insurance authorized by the National Flood Insurance Act of 1968, as amended; and,

WHEREAS, to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having special Flood hazards; and,

WHEREAS, to adopt measures for control of development and structures within the Special Flood Hazard Area defined by the Federal Insurance Administration in order to reduce future flood losses; and,

WHEREAS, to promote the public health, safety and welfare of the people within the Special Flood Hazard Area; _

(If additional space is needed, please attach sheets of the same size as this and number each)

WHEREAS, to comply with the regulatory measures specified in the Federal Insurance Administration Rules and Regulations adopted pursuant to the National Flood Insurance Act of 1968, as amended, specifically Section 1910.13 (b), (c), and (d) thereof, as they become applicable and as they may be amended.

NOW, THEREFORE, for the aforementioned purposes, the.

Town Board hereby enacts this Local Law, pursuant
to Section 10, Municipal Home Rule Law and/or
Section 130, Town Law.

ARTICLE II - GENERAL STANDARDS

- Short Title

This Local Law shall be known and cited as the "Flood Plain Management Law" of the Town of Howard.

Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes based on all available knowledge of past floods. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the delineated flood hazard areas or that land uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town of Hward or any officer or-employee thereof, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

Effect on Other Laws

The provisions of this Law shall take precedence over any other law, ordinance, and codes in effect in the Town of Howard to the extent that the provisions of this Local Law are more stringent than other laws, ordinances or codes.

Separability

Should any section or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of the Law as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

Penalties

5.

The violation of any of the provisions of this law is an offense for which the violator may be fined Fifty Bollars (\$50.00) or imprisoned for fifteen (15) days. Each day of continued violation shall constitute asseparate offense.

Effective Pate
This Local Law shall take effect immediately upon adoption
and filing as required by the laws of the State of New York.

Application

There shall be submitted with all applications for permits, two copies of a layout or plot plan showing the actual dimensions of the lot to be developed, the exact size and location on the lot of any structure to be erected, and such other and armation as may be necessary to determine and provide for the enforcement of this regulation.

Plan and Certification

Where floodproofing is utilized to comply with any provision of these regulations, a registered professional engineer or architect shall certify that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood.

Such certificate indicating the specific elevation (in relation to mean sea level) to which the structures are floodproofed, shall be submitted with the permit-application.

Notice of Denial

If application is denied, the applicant is to be given notice in writing, together with the reasons for said denial.

The applicant, within 30 days after service of notice of denial by mail, may apply for a hearing before the Town Board which must be granted and held within 20 days of request for hearing.

10. Application Fees

A fee of \$5.00 shall be paid to the Town Clerk for each development permit prior to issuance.

ARTICLE TIL - GENERAL PROVISIONS AND REQUIREMENTS

SECTION A - (EMERGENCY PROGRAM)

ESTABLISHMENT OF MAP

The special flood hazard area as referred to herein is shown and bounded on the Flood Hazard Boundary map, issued by the Federal Insurance Administration, Map #FHBM, dated December 27, 1974, attached hereto, which map together with all explanatory matter thereon, is hereby adopted and declared to be a part of these regulations.

GENERAL PROVISIONS

Where uncertainty exists with respect to the boundary of the Special Flood Hazard Area, the Town Board shall rule on such questions after having reviewed the matter in light of available information pertinent thereto.

PROCEDURES

Permits Required No person, firm or corporation shall engage in any development

activity as defined herein in the designated flood hazard or mudslide area, without first obtaining a separate development. permit for each such development activity, structure, or mobile home, from the Town Board.

2. The Town Board is hereby designated to review all permit applications in the Zones A or M area on the Flood Hazard Boundary Map and determine whether the proposal complies with the requirements for flood prone or mudslide areas as provided herein. Following examination and review, the Town Board shall issue or deny the permit in accordance with these regulations; provided further that the Town Board shall:

- (a) Review all development permit applications as required herein to determine whether proposed development sites will be reasonable safe from flooding. If a proposed development siet is in a location that has a flood hazard, any proposed development, new construction or substantial improvement (including prefabricated and mobile homes) must be in compliance with this Flood Plain Management Law; and,
- (b) Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonable safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage and are in compliance with this Flood Plain Management Law; and,
- (c) Obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source, until such data has been provided by the Administrator as criteria for requiring compliance with this Flood Plain Management Law; and,
 - (d) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Administrator; and,
 - (e) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and,
 - (f) Adopt a regulatory floodway based on the principle that the area chosen fro the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point; and,
 - (g) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334; and,
 - (h) Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Program.

REQUIREMENTS

All new development and/or substantial improvements, including placement of prefabricated buildings and mobile homes in Zones designated A or M, on the Flood Hazard Boundary Map, shall:

- Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
- 2. Be constructed of materials and utility equipment resistant to flood damage;
- Be constricted by methods and practices that will minimize flood damage.

- 4. All public utilities and facilities such as sewer, gas, electric, and water systems shall be located and constructed to minimize or eliminate flood damage.
- 5. Adequate drainage shall be provided to reduce exposure to flood hazards.
- 6. All new and replacement water supply sustems shall be designed to minimize or eliminate the infiltration of flood waters into the systems.
- 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
- 8. On-site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.
- 9. All subdivision proposals or other new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include specific base flood elevation data in the plans thereof.
- 10. All new construction and substantial improvements of residential structures shall have the lowest floor elevation, including basement, elevated to or above the base flood level;
 - 11. Permit applications for all new or substantially improved structures shall indicate the elevation (above mean sea level) of the lowest habitable floor (including basement) and, if the structure has been floodproofed, indicate the elevations (above mean sea level) to which the structures have been floodproofed.
 - 12. All new construction and substantial improvements
 to non-residential structures shall have the lowest
 floor, including basement, elevated to or floodproofed
 to or above the base flood level.
 - 13. All mobile homes to be placed within the lones A and M, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame 'ties to ground anchors.
 - 14. Over-the-top ties shall be provided at each of the four corners of the mobile home, and two additional ties per side at intermediate locations, except that mobile homes less than 50 feet in length need have only one intermediate tie.
 - 15. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points.
 - 16. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - 17. Any additions to mobile homes shall be similarly anchored.
 - 18. Plans for mobile home parks or mobile home subdivisions shall include an evacuation plan indicating alternate vehicular access and escape routes; said plan to also be filed with appropriate disaster preparedness authorities.

SECTION B - (REGULAR PROGRAM)

ESTABLISHMENT OF MAP

The provisions and requirements set forth under this section shall apply to those special flood hazard areas identified by the Federal Insurance Administration in a report entitled, "The Flood Insurance Study", and bounded on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps contained therein, which maps and any revisions thereto, are declared to be a part of this Local Law.

INTERPRETATION OF MAP

Where uncertainty exists with regard to the precise boundaries of any zone on the Flood Insurance Rate Map, such questions shall be referred to the Town Board who shall rule on wuch questions after reviewing all available information pertinent thereto and/or consulting with State or Federal Officials as may be necessary:

SPECIAL PROVISIONS

The following provisions shall apply to all areas identified as special Mazard areas in the aforementioned Study and delineated on the several maps in said Study:

- 1. Requirements of Section A above shall apply to all Zones Al-30, unnumbered A Zones, AO and A99 Zones, and provided further; that,
- 2. All new construction and substantial improvements of residential structures within Zones Al-30, shall have the lowest floor, including basement, elevated to or above the base flood level; and,
- 3. All new construction or substantial improvements of non-residential structures in Zones A1-30 shall:
 - (a) Have the lowest floor, including basement, elevated to or above the base flood elevation, or
 - (b) Together with attendant utility and sanitary facilities, be designed so that below the base flood level, the structure shall be watertight with walls substantially impermeable to the passage of water and structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- 4. New mobile home parks or mobile home subdivisions, expansions thereto, or repair, reconstruction or improvement of the streets, utilities and pads thereof, equal to or exceeding 50% of the value of same before repair, improvement, or reconstruction, shall comply with the following:
 - (a) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - (b) Adequate surface drainage and access for a hauler shall be provided.
 - (c) When elevating on pilings, lots shall be large enough to permit steps, and piling foundations shall be placed in stable soil, no more than 10 feet apart and reinforcement shall be provided for pilings more than six feet above ground level.

- 5. Mobile homes to be placed in Zones Al-30 other than a mobile home park or mobile home subdivision, shall comply with paragraphs 4a, 4b, and 4c of this section.
- 6. In any AO Zone, all new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the crown of the nearest street to or above the depth number specified on the FIRM.
- In any AO Zone, all new construction or substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor, including basement, elevated above the crown of the nearest street, to or above the depth number specified on the FIRM; or,
- (b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - B. Encroachments, including fill, new construction; substantial improvements and other development, shall be prohibited within the regulatory floodway, if wuch encroachment would result in any increase in flood levels during the occurrence of the base flood discharge.
 - 9. Placement of any mobile home, except in an existing mobile home park or mobile home subdivision, shall be prohibited within the regulatory floodway.

ARTICLE IV - VARIANCES

Any person seeking a variance from the strict letter of these regulations may make application therefor, to the Town Board. Upon such application, the Town Board shall, when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations, have authority to vary or modify the application of these regulations according to provisions of this Article, provided further that, the spirit of such regulations shall be observed, public safety and welfare secured, and substantial justice done.

Procedures for the granting of variances are as follows:

- (1) Variances may be issued for the construction, rehabilitation or restoration of structures; listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in this Section;
 - (2) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - (3) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level in conformance with the prodedures of paragrapsh (4), (5), (6) and (7) of this Section;

- (4) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (6) The community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (7) of this Section; and
- (7) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual report submitted to the Administrator.

ARTICLE V DEFINITIONS

BASE FLOOD: The flood having a one percent chance of being equalled or exceeded in any given year.

COMMUNITY: Town of Howard.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, brading, paving excavation or drilling operations, which would lead to increased flood damage, excluding normal maintenance to farm roads.

FLOOD OR FLOODING: (a) A general and temporary condition of partial or complete inundation of normally dry land areas, from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source. (3) Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual, and unforeseeable event which results in flooding as defined in (a) (1) of this section.

FLOOD HAZARD BOUNDARY MAP (FHBM): A map of the community issued and approved by the Federal insurance Administrator on which the boundaries of the flood plain and/or mudslide areas and the risk premium zones have been delineated.

FLOOD INSURANCE RATE MAP (FIRM): The map of the community issued by the Federal Insurance Administrator on which the special hazard areas and the risk premium zones have been delineated.

FLOOD PLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source.

FLOOD PLAIN OVERLAY ZONE: That area of the municipality identified on the Flood Hazard Boundary Map as being subject to flood and/or mudslide hazards, which area is delineated on the Zoning Map, and for which special flood plain management requirements and criteria are enumerated herein.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustment to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

HABITABLE FLOOR: Any floor usable for living purposes, which includes sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not "habitable".

MOBILE HOME: A structure, transportable in one or more sections, which is built on a permanet cassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3828.7(a)).

MOBILE HOME PARK OR MOBILE HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

100-YEAR FLOOD: See "BASE FLOOD."

PERSON: Includes any individual or group of individuals, corporation, partnership, association or any other organized group of persons, including local governments and agencies thereof.

REGULATORY FLOODWAY: The channel of a river or other watercourse and that adjacent land area that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than one foot.

SPECIAL FLOOD HAZARD AREA: The land in the flood plain subject to a one percent or greater chance of flooding in any given year. The area designated as Zone A on the FHBM, and refined into Zones A, AO, A1-99, VO, and VI-30, on the Flood Insurance Map.

STRUCTURE: For Flood Insurance purposes means, a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as mobile homes.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Market (appraised).

WATER SURFACE ELEVATION: The projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the flood plains of coastal or riverine area.

ARTICLE VI- CONSIDERATIONS:

Applications for uses in the special flood hazard areas shall be considered in light of all relevant factors, including but not limited to other sections of these regulations, and the following:

- (1) Effects of the proposed use upon increasing flood heights;
- (2) Extent of flood plain or floodway encroachment;

- (3) The danger to life and property due to increased flood heights or velocities caused by encroachments;
- (4) The danger that material may be swept on to other lands downstream;
- (5) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owners and the community;
- (6) The importance of the services provided by the proposed facility in the community;
- (7) The necessity for the facility to be located in a flood prone area;
- (8). The availability of alternative locations not subject to flooding;
- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program of the community and adjoining municipalities;
 - (10) The safety of access to the property in terms of flood;
 - (11) The expected height, velocity, duration, rate of rise and sediment transport of flood waters expected at the site;
- (12) Acceptable social and economic use of the land in relation to the hazards involved;
- (13) Preservation of the flood prone areas for open space purposes;
- (14) Diversion of development to flood-safe areas in light of the need to prevent flood damages and environmentally incompatible flood plain uses;
- (15) Flood warning and emergency preparedness plans;
- (16) Need for evacuation plans and escape routes;
- (17) Coordination of flood plain management plans with those of adjacent communities;
- (18) Such other factors which are relevant to the purpose of these regulations.

	(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)	æ •
i	(Final adoption by local legislative body only.)	
	I hereby certify that the local law annexed hereto, designated as local law No1 of 199	
	NEXNEEX Of the Town Of the Town Of Magne of Legislative Body) XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	
	on September 7, 1979 in accordance with the applicable provisions of law.	
2.	(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Office	er .*
 	or repassage after disapproval.) I hereby certify that the local law annexed hereto, designated as local law No	
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Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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	19 became operative, *					
6.	(County local law concerning adoption of Charter.					
	I hereby certify that the local law annexed	hereto, designated as Local Law No of 19 of the				
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	I, the undersigned, hereby certify that the proper proceedings have been had or taken for the	foregoing local law contains the correct text and that all the enactment of the local law annexed hereto.				
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