

Adopted April 4, 2017

TIMBER HARVESTING AND ROAD PROTECTION ORDINANCE

WHEREAS, the Board of Commissioners of Evans County desires to adopt a notification procedure requiring all persons or firms harvesting timber in unincorporated areas of Evans County to notify the County of such activity pursuant to the requirements of Section 12-6-24 of the Official Code of Georgia Annotated and of this ordinance;

WHEREAS, the Board of Commissioners of Evans County desires to require all persons or firms harvesting in unincorporated areas of Evans County to deliver a bond or letter of credit protecting the County against any damage caused by such person or firm in the amount of \$5,000.00 or, at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association; and

WHEREAS, the Board of Commissioners of Evans County desires to provide regulations governing use of public roads by persons or firms engaged in timber operations in the county and establish procedures for the conduct of such operations in order to assure the public safety and to protect the county and state roadways and environment against damages arising due to timber operations;

NOW, THEREFORE, BE IT RESOLVED, that the following rules and regulations are hereby adopted. These regulations shall apply to all unincorporated land located within the boundaries of Evans County, Georgia.

ARTICLE 1. TITLE

This Ordinance shall be known as and may be cited as the “Evans County Timber Harvesting and Road Protection Ordinance.”

ARTICLE 2. PURPOSE

The purpose of this Ordinance are as follows:

- (a) To adopt a notification procedure requiring all persons or firms harvesting timber in unincorporated areas of Evans County to notify the county road department of such activity pursuant to the requirements of section 12-6-24 of the Official Code of Georgia Annotated and of this ordinance; and

- (b) To require all persons or firms harvesting timber in unincorporated areas of Evans County to deliver a bond or letter of credit protecting the county against any damage caused by such person or firm in the amount of \$5,000.00 or, at the option of person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association; and
- (c) To provide regulations governing use of public roads by persons or firms engaged in timber operations in the county and establish procedures for the conduct of such operations in order to assure the public safety and to ensure the protection of the county and state roadways and environment against damages due to timber harvesting activities.

ARTICLE 3. TIMBER HARVESTING NOTIFICATION

Section 1. Notification Required.

All persons or firms harvesting standing timber in any unincorporated area of Evans County for delivery as pulpwood, logs, poles, posts or wood chips to any yard or processing plant located inside or outside the state shall provide notice of such harvesting operations to the County Road Department prior to cutting any such timber.

Section 2. Forms and Content of Notice.

The required notice of harvesting such timber shall describe each separate tract to be harvested, shall be on such form as provided by the Georgia Forestry Commission, shall be delivered to the County Road Department prior to the inception of harvesting and shall consist of:

- (a) A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road;
- (b) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purpose of ad valorem taxation under section 48-5-7.5 of the Official Code of Georgia;

- (c) The name, address, and daytime telephone number, cell phone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

Section 3. Delivery of Notice.

Notice may be submitted in person, by transmission of an electronic record via facsimile or such other means as approved by the County Road Department, or by mail to the County Road Department.

Section 4. Bond or Letter of Credit Required.

The Board of Commissioners of Evans County requires persons or firms subject to the notice requirement to deliver a bond or letter of credit as provided by this Section and notice shall not be or remain effective for such harvesting operations unless and until the person or firm providing such notice has delivered to the County Administrator a valid surety bond, executed by a surety corporation authorized to transact business in Georgia protecting the County against any damage caused by such person or firm in the amount of \$5,000.00 or, at the option of the person or firm harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in section 7-1-4 of the Official Code of Georgia Annotated, in the amount of and in lieu of such bond. A valid surety bond or letter of credit shall be in place at all times.

Section 5. Duration of Notice.

Notice shall be effective for such harvesting operation on such tract within the County upon receipt of the same by the County Road Department and compliance with the requirements of Section 4 hereof and until such time as the person or firm giving such notice has completed in the facts required to be provided for purposes of such notice shall be reported to the County Road Department within three business days after such change.

ARTICLE 4. TIMBER OPERATIONS ROAD USE REGULATIONS

Section 1. Road protection certification required.

In addition to the required notice under Article 3 above, any person or firm, prior to engaging in the harvesting of any timber, either logs or pulpwood, in the county, is required to notify the road superintendent, or his/her designee, in person or by telephone on or before the date that equipment is moved on to the site and provide the following information:

(1) Affirmation that the harvesting entity is in compliance with the culvert requirements of Section 2 below.

(2) Affirmation that the harvesting entity is in compliance with the route requirements of Section 3 below.

Upon providing said information, the harvesting entity may immediately request from the county road superintendent or his/her designee temporary road protection certification authorizing the harvesting entity to proceed immediately with its harvesting activities.

After initial notification, the county road department shall have up to five (5) working days to verify compliance by the harvesting entity with the road protection certification requirements and to issue permanent road protection certification. The permanent road protection certification shall be valid from the date of issuance until the timber operations are completed or the timber contract under which the timber is being cut expires, whichever occurs first. The Board of Commissioners of Evans County shall set the cost of the road protection certification.

If the timber harvester disagrees with a certification decision of the county road department, the harvesting entity may seek review of the decision from the County Administrator.

If the timber harvester disagrees with a certification decision of the County Administrator, the harvesting entity may seek review of the decision from the Evans County Board of Commissioners.

Section 2. Culvert certification.

The timber harvesting entity shall install a culvert where necessary to prohibit damage to road areas and rights-of-way where points of access to public roads are located. If not certain, the timber harvesting entity may consult with the road superintendent or a designee regarding whether a culvert is required at a point of access to a public road from the operation site. The road superintendent or his/her designee shall inspect the points of access to the public road from the operation site to certify whether a culvert is required and/or to certify its proper installation.

Section 3. Approved transport route certification.

The timber harvester must maximize the use of paved roads and must utilize the shortest reasonable transport route from the harvesting site to state

maintained road. The road superintendent or his/her designee shall review and certify the route.

Section 4. Timber operations.

During the period of operations, the timber operator shall comply with the following:

- (a) The timber operation shall post one sign in each direction from the point of access onto the county road. The signs shall be posted a minimum distance of 1,000 feet for paved roads and 500 feet for dirt roads. The sign shall state "Warning: Logging Operations Ahead." Signs shall be 36" x 36", erected in a diamond shape, painted orange with black legend and posted at least three (3) feet from the travel surface of the roadway. The timber operations may seek review and approval from the road superintendent or his/her designee of permission to use a sign of similar size, shape and quality.
- (b) All harvesting operations shall be conducted on the selected site and off the county roads and rights-of-way. Logging and skidding of logs on county roads and rights-of-way are strictly prohibited. Branches and other logging debris shall be removed from the road rights-of-way as soon as practical during the day. Debris not removed will be removed by the county at the expense of the harvester, landowner, or leaseholder.
- (c) Ditches shall be kept clear of all debris and residue at all times to permit proper drainage.
- (d) There shall be no blockage of county roads at the access site, and roads must remain open at all times.
- (e) No equipment, trucks, or trailers shall be allowed to park on any public road or right-of-way.
- (f) Mud shall not be carried onto paved roads by logging vehicles. Where necessary, a temporary construction exit of gravel shall be maintained by the timber operator to eliminate any hazard to traffic or unsightly conditions on the public right-of-way.
- (g) During periods of rain or inclement weather, logging vehicles shall not be operated over the county's unimproved roads when such travel causes

sufficient damage to the road system that the passage of smaller and lighter vehicles is hampered.

Section 5. Stop work notice.

Upon written notice (except in case of emergency) from the issuing authority, work shall be stopped immediately when in violation of this ordinance. This notice will be given to the person in charge of the operation. If conditions are not in compliance with the ordinance within five (5) working days of the notice, the road department may make repairs and deduct the cost from surety bond.

Section 6. Notification of completion of operations.

Operator shall notify road superintendent of completion of operations. The director will then inspect the site to assure the area has been restored to original conditions. The operator will be notified in writing of deficiencies and given fifteen (15) days to correct them. When the road superintendent determines the road and access site is in proper repair, a written release of liability will be given to the operator.

ARTICLE 5. VIOLATION; PENALTIES

- (a) Any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished by imposition of a fine not to exceed \$500.00 per day for each day the violation is not corrected after the allowance time to correct violations and/or deficiencies has expired.
- (b) No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on a warrant of the court, and required to post a bond for his future appearance.
- (c) Violations of this Ordinance shall be tried either by citation or by accusations. Such proceedings may be tried with or without a prosecuting attorney.
- (d) Violations of this Ordinance shall be tried in the state court or magistrate court of Evans County.

ARTICLE 6. SEVERABILITY

If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby

and each term, requirement or provision of this ordinance shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE 7. REPEAL OF CONFLICTING ORDINANCES

All ordinances or part of ordinances previously adopted by the Board of Commissioners of Evans County, Georgia which are in conflict with this ordinance are hereby repealed to the extent necessary to eliminate such conflict.

ARTICLE 8. EFFECTIVE DATE

This ordinance shall become effective _____, to allow sufficient time to prepare for implementation of the Ordinance.