

Timber Operations Ordinance

TIMBER OPERATIONS ORDINANCE
AN ORDINANCE OF THE COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, GEORGIA FOR THE
PURPOSE OF ESTABLISHING PROCEDURES, RULES AND REGULATIONS

COVERING PERSONS, FIRMS, AND CORPORATIONS ENGAGED IN TIMBER OPERATIONS IN MONTGOMERY
COUNTY; TO PROVIDE FOR PERMITS FOR TIMBER OPERATORS; TO PROVIDE FOR PENALTIES FOR
VIOLATIONS OF THIS ORDINANCE AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners deems it necessary to adopt procedures, rules, and regulations governing
persons, firms, and corporations engaged in timber operations in Montgomery County, Georgia;

NOW THEREFORE, BE IT ORDAINED and it is hereby Ordained by the County Commissioners of Montgomery County,
by virtue of the authority vested in them by law, as follows:

SECTION I. TITLE.

This ordinance shall be known as the "Montgomery County Timber Operations Ordinance";

SECTION II. DEFINITIONS.

As used in this ordinance, the term:

- a) Commissioners: Means County Commissioners of Montgomery County or their successors in office, being the governing authority of Montgomery County.
- b) County: Means Montgomery County, Georgia.
- c) Timber: Means pine, cypress and hardwood trees and trees of every size, species and description. Also, for purposes of this ordinance, "timber" includes such trees after harvesting and while being transported as logs or in shorter lengths.
- d) Timber Operations: Means cutting and harvesting timber in Montgomery County; or transporting such timber from the site at which it was cut; or the moving of equipment to and from the site of such cutting.
- e) Timber Operator: Means any person, firm, or corporation engaged in commercial timber operations, whether engaged in one or all of said activities described in subparagraph (d) above. It shall not include persons cutting or transporting timber solely for non-commercial personal use or for firewood.

SECTION III. NOTICE AND BOND REQUIREMENT.

(a) Requirement of Notice. No timber operator shall engage in timber operations in the County without first giving notice of such operations, as provided herein; provided, however, employees of a timber operator shall not be required to give separate notice for activities within the scope of such employment if their employer has given valid notice of such activities; and provided further that an independent contractor transporting timber for another timber operation shall not be required to give separate notice if the timber operator for whom he is transporting has given valid notice for such timber operations at the same location.

(b) Place of Filing. Notice of timber operations shall be filed with the Office of the Tax Appraiser for Montgomery County and forms shall be available in such office. The Tax Appraiser shall approve the application and issue permission if all required information is provided.

(c) Application for Timber Operations. The application for timber operations shall be in the form prescribed by the

Commissioners and shall agree with the form prescribed by the Director (Georgia Forestry Commission Form 12-6-24) and contain the following information:

- (1) The name, address and phone number of the Timber Operator.
 - (2) The name, address and phone number of the owner of the property on which the timber operator will engage in timber operations.
 - (3) The location of the property on which the timber operator will engage in timber operations with an attached map showing the main point of ingress from a public road and the main point of egress to a public road if different. All points of ingress and egress are subject to the approval of the Montgomery County Roads Superintendent or County Code Enforcement Official.
 - (4) The roads in Montgomery County upon which motor vehicles will travel in transacting such timber and in transporting the equipment to be used in the timber operations.
 - (5) The date cutting operations are expected to commence and end.
 - (6) If the timber operator is engaged only in transporting timber, the name, address, and phone number of the timber operator for whom he will be transporting timber.
- (d) Surety Bond or Letter of Credit Required. Notice shall not be valid for timber harvesting operations unless the person or firm giving notice delivers to the office of the Montgomery County Commissioners a surety bond executed by a surety company licensed to do business within the State of Georgia or an irrevocable letter of credit issued by a bank or savings and loan association in the amount of \$5,000.00. (1) Such bond shall protect Montgomery County against any damage caused by such person or firm, tendering the surety bond or letter of credit, or any agent, employee or contractor of said person or firm and will be used to reimburse Montgomery County for any cost incurred to repair the county right of way, to re-ditch or repair existing ditch structure or for the removal of any harvesting residue to include, but not limited to, tree tops, debris, logs, pulpwood and other materials placed in or around said right of ways. Said bond shall also be used to offset any cost to maintain or repair county roads damaged by ingress or egress of trucks engaged in harvesting operations. The Road Superintendent or County Code Enforcement Official and County Administrator shall be responsible for determining all damages. (2) For the purposes of this section, any surety bond or letter of credit shall be valid for all harvesting operations being conducted by said person or firm within the unincorporated areas of Montgomery County unless held, forfeited or reduced by claim and shall be valid only for the calendar year in which it was delivered. (3) The Surety Bond or Letter of Credit shall be released by the County upon notice of completed timber harvesting operations and inspection by the Road Superintendent or Code Enforcement Official of the harvesting site, points of ingress and egress, and any other County rights of way or roads affected by the harvesting operations.

SECTION IV. PROTECTION OF COUNTY ROADS AND RIGHT OF WAYS (a) Driveway
 harvesting operation needs to cross ditches or shoulders of roads to have ingress or egress to a harvesting site and where in the judgment of the County Roads Superintendent a temporary driveway is required to protect county owned right of way, ditches, drainage pipes or other fixtures, such driveway shall be installed before harvesting operations can commence. It shall be the option of the harvester to either install the driveway and any drainage pipes of appropriate specifications as determined by the Roads Superintendent or request the County to install said driveway at the expense of the harvester. (b) Authority to Regulate County Roads. The County shall reserve the right granted it under O.C.G.A. 32-4-42 to regulate the access of vehicles engaged in timber harvesting operations and other commercial vehicles and to limit such access at times when damages to County roads or right of ways may occur.

SECTION V. VIOLATIONS; PENALTIES

Any timber operator who shall willfully fail to comply with this ordinance shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Montgomery County and, upon conviction, shall be punished by fine not to exceed \$500.00. Each day the violation continues shall constitute a separate offense.

SECTION VI. REPEALER

All ordinances inconsistent herewith are hereby repealed.

