

Amendment to Timber Harvesting
Hart County Code of Ordinances
Chapter 66, Article II, Sections 66-31 through Section 66-35

The purpose of this Ordinance is to provide for protection of public roads keeping the same clear of mud and debris arising from logging and pedestrians, to provide for notice and bond, and other purposes.

NOW THEREFORE, the Board of Commissioners hereby amends said Ordinance by striking and replacing Chapter 66 Article II, Sections 66-31 through Section 66-35, by repealing the existing ordinance regarding timber harvesting in its entirety, and replacing the same as follows:

“Sec. 66-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“County-maintained road” means any road which is used for U.S. Postal delivery or school bus routes and is maintained on a regular basis by the county whether or not such road is officially a county road.

“County road” means any road which is shown on the most current state department of transportation maps as a county road of Hart County, Georgia.

“Letter of credit” means a valid irrevocable letter of credit issued by a bank or other financial institution.

“Person” means any individual or corporation transporting logs for commercial purposes in the county.

“Property owner” means the person or persons who own the property from which the transported timber is harvested.

“Public roads” mean roads generally used by the travelling public, but shall not be limited to County maintained roads.

“Surety bond” means either a cash bond or a bond posted by a licensed bonding or insurance company.

“Timber” means pulpwood or logs, poles, posts, or woodchips.

Sec. 66-32. - County permit and surety bond or letter of credit.

(a) Prior written notice shall be required of any person or firm harvesting timber for each separate tract proposed for harvesting. The application form shall be maintained in the permitting office of Hart County and shall conform to the following: 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;

(2) A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation;

(3) The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and

(4) The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber;

(b) Notice may be submitted in person, by transmission of an electronic record via fax, email, or such other means as approved by the governing authority, or by mail;

(c) Persons or firms subject to such notice requirement shall be required to deliver a bond or letter of credit as provided by this paragraph, in which case 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 governing authority a valid surety bond, executed by a surety corporation authorized to transact business in this state, 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 financial institution, in the amount of and in lieu of such bond. Hart County shall require no more than one bond from each person or firm harvesting timber regardless of the number of tracts harvested in unincorporated Hart County by each such person or firm so long as the bond remains in effect. Otherwise, a valid replacement bond must be obtained and delivered to the governing authority no later than the close of business on the fifth business day following the day that Notice was first delivered to Hart County. Upon filing a claim, Hart County shall immediately provide notice thereof, including the date such claim was filed, to the person or firm causing the damage. Such notice may be given in person, by transmission of an electronic record via fax, or by email. For purposes of this paragraph, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered;

(d) Notice shall be effective for harvesting operations on tracts within the unincorporated area of the County upon receipt of the same by the governing authority and until such time as the person or firm giving such notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the governing authority within three business days after such change.

(e) Hart County shall not require a fee for receiving a notification of timber harvesting.

Sec. 66-33. - Liability for damages; violations.

(a) The timber harvester/transporter and/or the property owner shall be liable to the County for damage to County or County maintained roads caused by the transport of timber in an amount necessary to return such roads to their normal and usual condition, and to clear and clean such roads of mud, dirt, wood, or debris of any type, together with all court costs in the event this issue is litigated in any manner.

(b) The violation of the notice requirements of this section shall be punishable by a fine not exceeding \$500.00.

Sec. 66-34. - Safety regulations.

Any person harvesting or transporting timber in the county shall adhere to the following safety regulations:

(1) No equipment, trucks, trailers or machinery shall be allowed to park on the County road or its right-of-way.

(2) Any logging operation in the County, or within 1,000 feet of the County line if outside the county but utilizing a county road for access to the property, shall post at least two signs in both directions of the truck road entrance as follows: one sign 500 feet from such entrance stating "SLOW, TRUCK ENTERING HIGHWAY" and one sign 1,000 feet from such entrance stating "WARNING LOGGING OPERATION AHEAD." Each of the four signs shall be 42 inches x 42 inches, orange in color, and posted at least three feet from the travel surface of such road. Such signs shall be maintained in such a manner so as to be easily visible by approaching traffic.

(3) Each logging operation shall furnish their own signs, which must be in substantial compliance with the regulations stated in this section.

(4) Each logging operation must examine the County road impacted by the operation, and shall remove and properly dispose of all mud, limbs or any other debris from the County right-of-way on a daily basis.

(5) Each logging operation shall be responsible for restoring any ditches damaged by its trucks to the original condition.

(6) Each logging operation shall be responsible for payment of any repairs to the public roads arising from its logging operation.

Sec. 66-35. - Reserved."

This Amendment shall be effective immediately.

All other parts of said Ordinance, as amended, shall remain in full force and effect.

SO RESOLVED, in open and public meetings on the dates set forth below.

JOEY DORSEY, Chairman

ATTEST:

Lawana Kahn, County Clerk

1st Reading: May 26, 2020

2nd Reading: June 9, 2020

3rd Reading: June 23, 2020

Adopted on June 23, 2020 by vote of ____ to ____.